

Preparing a Request to File an Agreement

Form 26

Provincial Court Family Rules

Complete this form if you need to file a written agreement in Provincial Court.

You don't have to file your written agreement with the court but sometimes people don't follow the agreement. If this happens, the written agreement must be filed with the court before the court can help enforce it. You don't have to wait until you need to enforce the written agreement to file it with the court. You can file your written agreement with the court at any time.

A written agreement that is filed in Provincial Court under the *Family Law Act* is enforceable under the Act as if it were an order of the Provincial Court.

Enforcing written agreements

For more information about your enforcement options, please refer to Part 10 - Enforcement of the Provincial Court Family Rules. There are different enforcement options available depending on what issues the written agreement is about.

If you need to enforce a child support or spousal support order, you may want to contact the [BC Family Maintenance Agency](https://www.bccourts.ca/fmep) first to see if they can help. Visit their website at www.fmep.gov.bc.ca or contact them by telephone at 1-800-663-3455.

Legal Assistance

Understanding the law and making sure you get correct information is important. If you get the wrong information or do not know how the law applies to your situation, it can be harder to resolve your case. Getting advice from a lawyer can help.

Lawyers – To find a lawyer or to have a free consultation with a lawyer for up to 30 minutes, contact the [Lawyer Referral Service](https://www.bccourts.ca/lrs) at 1-800-663-1919

Legal Aid, Duty Counsel and Family Advice Lawyers – To find out if you qualify for free legal advice or representation, contact Legal Aid BC at 1-866-577-2525

Legal Services and Resources – Visit [Clicklaw](https://www.clicklaw.bc.ca/helpmap) at www.clicklaw.bc.ca/helpmap to find other free and low-cost legal services in your community

Step 1: Complete the Request to File an Agreement form ☐

This form is available online at www.gov.bc.ca/court-forms or at any [Provincial Court Registry](https://www.bccourts.ca/registry).

You can complete the form online and print it for filing. You can also complete it by hand. If you complete it by hand, be sure it's readable. Registry staff and staff at any [Justice Access Centre](https://www.bccourts.ca/justice-access-centre) or [Family Justice Centre](https://www.bccourts.ca/family-justice-centre) can help answer questions about the forms but they cannot help complete your forms or give advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask the court registry staff or staff at the Justice Access Centre or Family Justice Centre to refer you to someone who can help.

Follow the instructions in the form and include all the information that is asked for.

To prepare the form for filing:

- print or make copies of the completed form and written agreement: one set for you, one set for the Court, and one set for each other party
- bring all copies to the court registry for filing or send by mail or by fax filing using the [Fax Filing Cover Page Form 52](https://www.bccourts.ca/fax-filing-cover-page-form-52)

Step 2: File the Request to File an Agreement form and written agreement at the Provincial Court Registry ☐

You must file at the [Provincial Court Registry](https://www.bccourts.ca/registry):

- where the existing Provincial Court case with the same parties is filed, or
- nearest to where the child lives most of the time, if the case involves a child-related issue, or
- nearest to where you live, if the case does not involve a child-related issue

The registry clerk will review your package to make sure it is complete before filing it. You will be given a copy for your records.

There are no fees for filing Provincial Court family documents.

Tips for Completing the Form:

Registry location and court file number –

Copy this information from top right corner of the Notice to Resolve a Family Law Matter or other document filed with the court. If you don't have an existing court file, registry staff will give your case a file number when you file this document.

Information about the parties –

Party names: Copy your full name and the full name(s) of each other party from the first document filed in your case with the court. If this is the first document in your case, copy the names from the written agreement you are asking to file.

Contact information: The court needs to know where to send documents to you and the other party and how to reach each of you. If your contact information and/or address for service has changed, you can give updated information here. If this is the first document you are filing, see the instructions for the Application About a Family Law Matter for more information about how to complete this section.

You only need to fill in the contact information you know about the other party. You may leave any part of the contact information blank.

Request to file an agreement –

Indicate the date the written agreement was made in the field provided.

Tell the court which section of the *Family Law Act* your written agreement is being filed under. It may be filed under more than one section if your written agreement is about more than family law matter.

To determine what section applies, look at the terms in the written agreement to see what the written agreement is about. Select the option on the form that applies to each issue that the written agreement is about.

If you need help determining which options apply, you can talk to a family justice counsellor or a lawyer.

Request to File an Agreement

Form 26

Provincial Court Family Rules

Rules 132

Registry Location:

Court File Number:

1. My name is _____ . My date of birth is _____ .
(full name of party) (mmm/dd/yyyy)

My contact information and address for service of court documents are:

Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. The other party to this agreement is: _____ .
(full name of other party)

Their date of birth is: _____ .
(mmm/dd/yyyy)

Their contact information, as I know it, is:

Lawyer (if applicable)		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Additional party (Complete only if applicable. You may leave this section blank)

Full Name:	Date of Birth:	
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

3. ☐ I request the written agreement dated _____ between the above parties be filed in the Provincial Court
(mmm/dd/yyyy)

4. The written agreement is being filed under the following provision(s) of the *Family Law Act*:

Select all options that apply

- ☐ section 15 [when parenting coordinators may assist]
- ☐ section 44(3) [agreements respecting parenting arrangements]
- ☐ section 58(3) [agreements respecting contact]
- ☐ section 92(e), (f) and (g) [agreements respecting property division]
- ☐ section 148(2) [agreements respecting child support]
- ☐ section 163(3) [agreements respecting spousal support]