

Preparing a Request to File an Order

Form 28

Provincial Court Family Rules

Complete this form if you need to file one of the following orders for enforcement in the Provincial Court of British Columbia:

- ☐ a foreign or extraprovincial support order (from a jurisdiction other than British Columbia)
- ☐ an order about parenting arrangements or contact with a child made by the Supreme Court of BC
- ☐ a support order made by the Supreme Court of BC

Once a support order from a foreign or extraprovincial jurisdiction or the Supreme Court is filed in Provincial Court, it can be enforced using the Provincial Court Family Rules under both the *Family Maintenance Enforcement Act* and *Family Law Act* as if it were an order of the Provincial Court.

Once an order made by the Supreme Court of BC about parenting arrangements or contact with a child is filed in Provincial Court, it can be enforced under the *Family Law Act* as if it were an order of the Provincial Court using the [Application About Enforcement Form 29](#).

For more information about your enforcement options, please refer to Part 10 - Enforcement of the [Provincial Court Family Rules](#).

Support orders

If you have a support order from another province or territory in Canada, you can register the order under the *Interjurisdictional Support Orders Act* for enforcement in BC by contacting the designated authority:

Interjurisdictional Support Services

www.isoforms.bc.ca

Vancouver Main Office Boxes

P.O. Box 2074

Vancouver, BC V6B 3S3

Phone: 604-660-2528

Toll-free: 1-866-660-2684

Enforcement of support orders

If you have a child support or spousal support order from Supreme Court or another jurisdiction, you may want to contact the [Family Maintenance Enforcement Program](#) 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.

Extraprovincial order about parenting arrangements, guardianship of a child, or contact with a child

If you have an extraprovincial order (made in Canada but outside of British Columbia) about parenting arrangements, guardianship of a child, or contact with a child, that you need recognized in British Columbia, apply to the court by filing an [Application for Case Management Order Without Notice or Attendance Form 11](#).

Once the order is recognized in BC, you can apply to enforce the order using the [Application About Enforcement Form 29](#).

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](#) 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](#) 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 Order form ☐

This form is available online at www.gov.bc.ca/court-forms or at any [Provincial Court 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](#) or [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.

You also need a certified copy of the order from the other jurisdiction or Supreme Court. A certified copy is a copy of the order made by whoever has the original, that is certified to be a true copy of the original (usually by applying a signature and stamp or seal to the copy). You must contact the court that made the order to get a certified copy.

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 certified copy of the order: 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](#)

Step 2: File the Request to File an Order form and certified copy of the order at the Provincial Court Registry ☐

You must file at the [Provincial Court Registry](#):

- where the existing Provincial Court case with the same parties is filed
- 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 order–

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

An order can be filed in the Provincial Court under the *Interjurisdictional Support Orders Act*, the *Family Law Act*, and the Supreme Court Family Rules:

- a foreign or extraprovincial support order (from a jurisdiction other than British Columbia) can be filed under s. 18 of the *Interjurisdictional Support Orders Act*,
- an order about parenting arrangements or contact with a child made by the Supreme Court of BC can be filed under s. 195 of the *Family Law Act*, and
- a support order made by the Supreme Court of BC can be filed under Rule 15-3 (6) of the Supreme Court Family Rules

Select each option that applies to the order you are making a request to file. If the order is from Supreme Court, more than one option may apply if the order is about parenting arrangements or contact with a child AND child support or spousal support.

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

Request to File an Order

Form 28

Provincial Court Family Rules

Rules 134

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 order 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 copy of the order, certified by the court that made the order, dated _____ between the above parties be filed in the Provincial Court
(mmm/dd/yyyy)

4. I request to file the order for the purpose(s) described in the following provision(s):

Select all options that apply

- ☐ section 18 [registration of extraprovincial or foreign order] of the *Interjurisdictional Support Orders Act*
☐ section 195 [Provincial Court enforcement of Supreme Court orders] of the *Family Law Act*
☐ Rule 15-3 (6) [enforcement in Provincial Court] of the *Supreme Court Family Rules*

For use by the Family Maintenance Enforcement Program or Interjurisdictional Support Services staff only

- ☐ This request is being made and/or filed on behalf of the party by:
☐ Family Maintenance Enforcement Program ☐ Interjurisdictional Support Services

Notes: