

TO APPLY FOR AN ORDER OR TO CHANGE OR CANCEL AN ORDER

Rule 1 (2) or (3)

Step 1

COMPLETE the APPLICATION RESPECTING ORDERS form, type or print clearly, they must be readable. Forms and guides can be found at the Government of BC website www.gov.bc.ca/court-forms. Attach a copy of the order you want changed or cancelled. If you do not have a copy, you can get one from the Provincial Court Registry.



Step 2

FILE the APPLICATION RESPECTING ORDERS by taking or mailing 6 copies to the Provincial Court Registry. There is no fee for filing an Application. If the form is accepted for filing, registry staff will set a date for you to attend before a judge. They keep a copy and give you the copies you need for your records and for serving on the other parties.



Step 3

SERVE everyone who is entitled to notice of your application. The *Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem* [Laws of the Cowichan People for Families and Children] lists those who must be served with each application. For example, if you apply for access under s. 8.33 or to change access, that section refers you to the notice provisions on the people who must be given a copy of your application form. The Rules of Court tell how to serve the form. (See a copy of Rule 6 at the Court Registry.)

AND THEN you must appear in court at the date and time, and by the method of attendance set out in your Application. If anyone who you were required to serve does not show up in court, you will have to prove that you did serve them with your Application. To do this, you will need a Certificate of Service ([Form 9](#)). Then the judge will hear evidence from all parties and decide whether to grant your Application.

THE SMUN'EEM

The names of the Smun'eem in the case should appear here in the same way they appear on the other documents in the same case. If you have a copy of a document that has already been filed, copy the names from that. If not, ask at the Court Registry. These names and the Registry File Number ensure that all documents that belong in the file stay together.



Even if earlier documents related to several Smun'eem and your Application relates only to one of them, copy all the names and birthdates as they were on the earlier documents.

THE PARENT(S)/CARE PROVIDER(S)

The parent(s)/care provider(s) name(s) will appear on the court list posted in the courthouse on the date when the application is heard.



FILED BY

Your name, address and email go here.



NOTICE TO:

List the names, addresses and email addresses of everyone who must be served with a copy of the Application. Look at the section of the *Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem* [Laws of the Cowichan People for Families and Children] that authorizes the application to see who they are. Be sure to use the correct address. There are rules related to service.

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/533_95



COURT DATE

The court will assign a date, time and method of attendance.



APPLYING FOR

If the order you are applying for is one of those listed on the form, check the space before the section of the Law, or the Rule, that authorizes the court to make the order. If you are asking to change an order, explain briefly what change you want. If you are asking to change an order because circumstances have changed, describe the changes. If you are asking to change or cancel an order because you were not in court when it was made, explain the reason for your absence. If change or cancellation of the order would be in the best interest of the Snun'eem, explain briefly why it is in the best interest of the Smun'eem.



APPLICATION RESPECTING ORDERS

Form 2

In the Provincial Court of British Columbia

Under the

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER
REGISTRY LOCATION

THE SMUN'EEM

This is the name and birthdate of each Smun'eem involved.

In the matter of the Smun'eem	
Name	Date(s) of Birth (mm/dd/yyyy)

THE PARENT(S)/ CARE PROVIDER(S)

This is the name(s) of the parent(s)/ care provider(s) of the Smun'eem listed above.

The parent(s)/care provider(s) of the Smun'eem is/are:
Name

FILED BY:

This is the name, address and email address of the one who is making this application.

This application is filed by:			
Name			
Address		City	B.C.
Postal Code	Phone	Fax	
Email Address			

NOTICE TO:

This is the name address (and phone, fax number, and email address if applicable) of everyone who is required to be notified of the application.

Notice to:	
Name	Address (include tel., fax #, and email address if applicable)

COURT DATE:

This is the date, time and place of the hearing of the application.

I will apply to this court on _____ at _____ <input type="checkbox"/> am <input type="checkbox"/> pm	
<small>Date</small> <small>Time</small>	
<input type="checkbox"/> in person at <table border="1"><tr><td><small>court location</small></td></tr></table>	<small>court location</small>
<small>court location</small>	
<input type="checkbox"/> by another method of attendance, as specified	
<small>The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Notice of Address for Service (Form 8), you must contact the registry to obtain the telephone conference or MS Teams conference information.</small>	
<small>When remote appearance is included in the "by" field, you may choose to attend in that method.</small>	
<input type="checkbox"/> an order for access to, information about or examination of a Smun'eem (s. 6.12)	
<input type="checkbox"/> an ordering varying notice requirements (s. 8.8)	
<input type="checkbox"/> a consent order (s. 8.13)	
<input type="checkbox"/> an order dispensing with required consent (s. 8.13)	
<input type="checkbox"/> a protective intervention or restraining order (s. 8.15 or 8.17)	
<input type="checkbox"/> a supervision order (s. 8.21)	
<input type="checkbox"/> an order that a person be a party at a hearing (s. 8.29(g))	
<input type="checkbox"/> to cancel an order made at a presentation hearing (s. 8.31(c))	
<input type="checkbox"/> a temporary custody order placing a Smun'eem in the care, custody and guardianship of a person other than a parent (s. 8.33(b))	
<input type="checkbox"/> a temporary custody order placing a Smun'eem in the care, custody and guardianship of the CEO (s. 8.33(c))	
<input type="checkbox"/> an ongoing custody order placing a Smun'eem in ongoing custody of the CEO (s. 8.33(d))	
<input type="checkbox"/> an order for access to a Smun'eem (s. 8.35)	
<input type="checkbox"/> an extension of an order (s. 8.38)	
<input type="checkbox"/> a change to an order (s. 8.39(a))	
<input type="checkbox"/> a cancellation of an order (s. 8.39(a))	
<input type="checkbox"/> an order that a police officer take charge of a Smun'eem (s. 8.45)	
<input type="checkbox"/> an order permitting use of another service method, as set out below (Rule 8(12))	

APPLYING FOR:

This is the order that the court will be asked to make, and the section of the Laws or Rule that allows it.

IMPORTANT INFORMATION ABOUT YOUR HEARING

What do parties need to know about attending by another method of attendance?

If your notice indicates that you are to attend by another method of attendance, parties, including the judge, will attend using the Microsoft Teams audio- and video-conferencing (video) platform. **Do not attend the courthouse in person.** Parties will receive remote appearance details within 24 hours prior to the appearance, this notification is sent to you by email. If you are unsure if your email address is current contact your local registry or complete and file [Form 8](#), Notice of Address for Service including your most recent information.

Microsoft Teams allows participants to join the conference using video or audio from a desktop, laptop, tablet, or smartphone, or to dial-in to a proceeding from a telephone. **If you are appearing by video**, please ensure that you have downloaded Microsoft Teams or have the latest version of Google Chrome or Microsoft Edge.

If you received this Notice by mail and intend to appear using video or audio from a desktop, laptop, tablet, or smartphone, and you did not provide an email address for service, please file an Notice of Address for Service ([Form 8](#)), with the court registry that includes your email address and the court registry will send you the MS Teams meeting invite within 24 hours prior to your appearance.

The link and dial up information may be shared with your lawyer if you have retained counsel; and with your client if you are counsel.

Please do not forward or share the MS Teams link or dial up information to any unauthorized parties.

Legal Aid BC - Family Law Legal Advice

If you do not have a lawyer for your family law matter, visit legalaid.bc.ca/family-court-notice to find out about **free in person and remote legal advice services** that you may be eligible for that can help you prepare for your court date. Contact the advice services at least three weeks before your court date or as soon as you receive this notice. If you are unable to access the internet, contact the Family Law LINE at 604-408-2172 in Greater Vancouver or 1-866-577-2525 elsewhere in BC.

Interpreter

The court provides interpreters for family proceedings in provincial court. If you require an interpreter, please advise the registry as soon as possible. This link includes all court locations (address and phone numbers): <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations>

Before the scheduled hearing date, please visit the Provincial Court website at <https://www.provincialcourt.bc.ca> and review:

- *Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy* (there is a general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court and there are penalties for breach)
- *NP 21 Remote Attendance in the Provincial Court* (for etiquette and directions on connecting by another method of attendance) (counsel attendance requirements when attending Family matters remotely)
- *NP 24 Form of Address for Parties and Lawyers* (provide the judge or justice with each person's name, title (e.g. "Mr./ Ms./Mx./Counsel Jones") and pronouns to be used in the proceeding)
- eNews - What to expect at a family management conference?

If you are unable to dial-in or are dropped from the appearance immediately call the court registry.

ADDRESS FOR SERVICE

This is the address, email address or fax where the registry and other parties will send any further notices or information to you. It may or may not be the same as your home address. For example, if you live in a rural area, your delivery address may be a postal box. If your address changes, get a Notice of Address for Service ([Form 8](#)) from the court registry, fill it out and file it there.



This is more information about the order asked for, whether or not it is one of the listed orders.

an order as set out below

Details of the order requested and the section of the Law or Rule relied upon:

Where an application is for an ongoing custody order under s. 8.33(d) the following under s. 8.42 are applicable (complete all that apply):

all measures to maintain family unity have been exhausted

the identity or location of a parent of the Smun'eem has not been found after a diligent search and is not likely to be found

the parent is unable or unwilling to resume custody of the Smun'eem

no other family members are able or willing to assume custody of the Smun'eem

due to the nature and extent of the harm suffered by the Smun'eem, or likelihood that the Smun'eem will suffer harm, there is little prospect that it is in the best interests of the Smun'eem to be returned to the parent

Complete this section if you are asking the court to CHANGE or CANCEL AN ORDER

FOR AN ORDER THAT:

the attached order be cancelled; OR

the attached order be changed to do the following:

Since the order was made, circumstances have changed significantly as follows:

REASONS:
This is more information about the reasons why the court should change or cancel the order.

The change or cancellation of the order would be in the best interest of the Smun'eem because:

I make this application under s. 8.31 s. 8.33 s. 8.37 s. 8.38 s. 8.39 Rule 10(5)

Sign, type or print name

Dated _____

ADDRESS FOR SERVICE:
This is the address where documents can be mailed, emailed, or faxed to the person making this application.

Address for service if different from Applicant's:			
Address	City	B.C.	
Postal Code	Phone	Fax	
Email Address			