

TO APPLY TO CHANGE OR CANCEL AN ORDER

Rule 1 (3)

Step 1

COMPLETE the APPLICATION TO CHANGE OR CANCEL AN ORDER form, type or print clearly and firmly as there are 6 copies and 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. You can get one from the Provincial Court Registry.



Step 2

FILE the APPLICATION by taking or mailing it 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 *Child, Family and Community Service Act* lists those who must be served with each application. For example, if you are applying under s. 57 to change access, that section lists the people who must be given a copy of your application. 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 CHILD(REN):

The names of the child or children in the case should appear here in the same way they appear on the order you are asking to change or cancel. These names and the Registry File Number ensure that all documents that belong in the file stay together. Even if the previous order related to several children and your Application relates only to one of them, copy all the names and birthdates as they were on the earlier order.

THE PARENT(S)/GUARDIAN(S)

The parent(s)/guardian(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 Act 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

INDIGENOUS CHILD(REN):

Section 1 of the *Child, Family and Community Service Act* defines an “Indigenous child”.

COURT DATE:

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

APPLYING FOR:

Check the appropriate box. 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 child(ren), explain briefly why it is in the best interest of the child(ren).

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.

APPLICATION TO CHANGE OR CANCEL AN ORDER

Form 3

In the Provincial Court of British Columbia
Under the *Child, Family and Community Service Act*

REGISTRY FILE NUMBER

REGISTRY LOCATION

THE CHILD(REN):

This is the name and birthdate of each child involved.

THE PARENT(S)/ GUARDIAN(S):

This is the name(s) of the parent(s)/ guardian(s) of the child(ren) listed above.

FILED BY:

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

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.

INDIGENOUS CHILD(REN):

Check one.

COURT DATE:

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

APPLYING FOR:

This tells the order that the court will be asked to make.

REASONS:

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

ADDRESS FOR SERVICE:

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

In the matter of the child(ren):

Name

Date of Birth (mm/dd/yyyy)

The parent(s)/guardian(s) of the child(ren) is/are:

Name

This application is filed by:

Name

Address

City

B.C.

Postal Code

Phone

Fax

Email Address

Notice to:

Name

Address (include Tel., Fax #, and email address if applicable)

The child(ren) is/are Indigenous: ☐ Yes ☐ No

I will apply to this court on: _____ at _____ ☐ am ☐ pm

Date

Time

☐ in person at

court location

☐ by another method of attendance, as specified

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 / Address for Service (Form 8), you must contact the registry to obtain the telephone conference or MS Teams conference information.

When remote appearance is included in the "by" field, you may choose to attend in that method

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:

OR

☐ (if the application is under Rule 8(6))

The reason for failing to attend when the order was made is:

The change or cancellation of the order would be in the best interest of the child(ren) because:

I make this application under ☐ s. 28(4) ☐ s. 54(1) ☐ s. 57(1) ☐ s. 98(6.1) ☐ Rule 8(6)

Sign, type or print name

Dated

Address for service if different from Applicant's

Address

City

B.C.

Postal Code

Phone

Fax

Email Address

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 (CFCSA 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.