

# TO APPLY FOR AN ORDER

## Rule 1 (2)

### Step 1

COMPLETE the APPLICATION FOR 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](http://www.gov.bc.ca/court-forms)



### Step 2

FILE the APPLICATION FOR AN ORDER 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 apply for access under s.55, that section lists 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 CHILD(REN)

The names of the child or children 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 children 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)/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](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/533_95)



## INDIGENOUS CHILD(REN)

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



## 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 that box and check the space before the section of the Act, or the Rule. You must also check the space before the section of the Act, or the Rule, that authorizes the court to make the order.



# APPLICATION FOR AN ORDER

## Form 2

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.

### In the matter of the child(ren):

Name

Date of Birth (mm/dd/yyyy)

### THE PARENT(S)/ GUARDIAN(S):

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

### The parent(s)/guardian(s) of the child(ren) 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)

### INDIGENOUS

#### CHILD(REN):

Check one.

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

### COURT DATE:

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

I will apply to this court on \_\_\_\_\_ at \_\_\_\_\_ ☐ am ☐ pm

Date

Time

☐ in person at

☐ by another method of attendance, as specified

court location

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.

### APPLYING FOR:

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

- ☐ an order for access to, information about or examination of a child (s. 17(2))
- ☐ a protective intervention order (s. 28(3))
- ☐ an order for necessary health care (s. 29(3))
- ☐ an order that a person be a party at a hearing (s. 39(4))
- ☐ a supervision order (under \_\_\_\_\_ s. 41(1)(a), \_\_\_\_\_ s. 41(2.1), \_\_\_\_\_ s. 42.2(4)(a) or \_\_\_\_\_ s. 46(3))
- ☐ a temporary custody order placing a child in the custody of a person other than a parent (under \_\_\_\_\_ s. 41(1)(b) or \_\_\_\_\_ s. 42.2(4)(c))
- ☐ a temporary custody order placing a child in custody of the director (under \_\_\_\_\_ s. 41(1)(c) or \_\_\_\_\_ s. 42.2(4)(b))
- ☐ extension of a temporary order (under \_\_\_\_\_ s. 44(3)(a), \_\_\_\_\_ s. 44(3)(b) or \_\_\_\_\_ s. 44.1(3))
- ☐ a continuing custody order (under \_\_\_\_\_ s. 41(1)(d), \_\_\_\_\_ s. 42.2(4)(d), \_\_\_\_\_ s. 49(4), \_\_\_\_\_ s. 49(5) or \_\_\_\_\_ s. 49(10))
- ☐ an order extending the time limit for a temporary custody order (s. 45(1.1))
- ☐ an order permanently transferring custody of a child (\_\_\_\_\_ s. 54.01(5) or \_\_\_\_\_ s. 54.1(3))
- ☐ an order for access to a child (under \_\_\_\_\_ s. 55, \_\_\_\_\_ s. 56, \_\_\_\_\_ s. 57.01 or \_\_\_\_\_ s. 57.1)
- ☐ an order appointing the Public Guardian and Trustee as the child's property guardian (s. 58(3))
- ☐ an order that a police officer take charge of a child (s. 63(1))
- ☐ an order for production of a record (s. 65(1))
- ☐ an order under section 60 with reference to section \_\_\_\_\_

## **ADDRESS FOR SERVICE**

This is the address where the Court 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.



- ☐ an order under section 60 dispensing with required consent
- ☐ an order varying notice requirements (s. 69)
- ☐ a restraining order (under \_\_\_\_ s. 98(1) or \_\_\_\_ s. 98(3))
- ☐ an order permitting use of another service method, as set out below (Rule 6(10))

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 Act or Rule relied upon:

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 |       |      |      |

## 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](https://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.