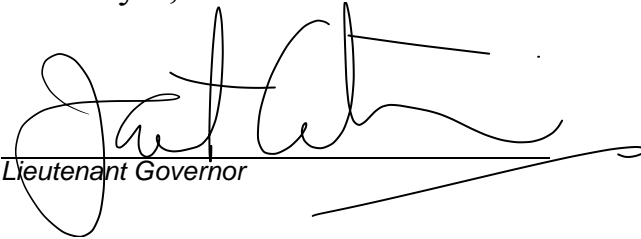


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 051

, Approved and Ordered February 1, 2021



Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) sections 1, 5, 12 and 13 of the *Miscellaneous Statutes Amendment Act, 2020*, S.B.C. 2020, c. 14, are brought into force,
- (b) the Family Law Act Regulation, B.C. Reg. 347/2012, is amended as set out in the attached Appendix 1,
- (c) the Family Maintenance Enforcement Act Regulation, B.C. Reg. 346/88, is amended as set out in the attached Appendix 2,
- (d) the Interjurisdictional Support Orders Regulation, B.C. Reg. 15/2003, is amended as set out in the attached Appendix 3,
- (e) effective March 1, 2021, the Family Law Act Regulation is amended as set out in the attached Appendix 4, and
- (f) effective May 17, 2021,
  - (i) the Family Law Act Regulation is amended as set out in the attached Appendix 5,
  - (ii) the Family Maintenance Enforcement Act Regulation is amended as set out in the attached Appendix 6, and
  - (iii) the Interjurisdictional Support Orders Regulation is amended as set out in the attached Appendix 7.



Attorney General and Minister Responsible for Housing



Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Miscellaneous Statutes Amendment Act, 2020*, S.B.C. 2020, c. 14, s. 74;  
*Family Law Act*, S.B.C. 2011, c. 25, ss. 245 (1), 247 and 248 (2) and (3);  
*Family Maintenance Enforcement Act*, R.S.B.C. 1996, c. 127, s. 51;  
*Interjurisdictional Support Orders Act*, S.B.C. 2002, c. 29, s. 44 (2)

Other: OIC 837/2012; OIC 1573/88; OIC 48/2003

R10474761

## APPENDIX 1

- 1 Section 3 of the Family Law Act Regulation, B.C. Reg. 347/2012, is repealed and the following substituted:

### PART 2.1 – PERMITTED DISCLOSURE OF CONFIDENTIAL INFORMATION

#### Interpretation

- 3 (1) In this Part:

“**confidential information**” means the following:

- (a) information that a family justice counsellor obtains in the course of providing assistance under section 10 (2) of the Act;
- (b) information that a person who assists a family justice counsellor obtains from, or in the course of assisting, a family justice counsellor;

“**person who assists a family justice counsellor**” means a person within a class of persons prescribed for the purposes of sections 11 (1) (b) and 12 (1) (b) of the Act, acting in the course of assisting a family justice counsellor;

“**personal information**” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.

- (2) For greater certainty, nothing in any provision of this Part limits the authority of a family justice counsellor and a person who assists a family justice counsellor to disclose confidential information under any other provision of this Part.

#### Disclosure generally

- 3.1 (1) A family justice counsellor and a person who assists a family justice counsellor may disclose confidential information that has been in existence for at least
- (a) 50 years, if the information is not personal information, or
  - (b) 100 years, if the information is personal information.
- (2) A family justice counsellor and a person who assists a family justice counsellor may disclose confidential information in relation to a civil or administrative proceeding to which the family justice counsellor is a party.

#### Disclosure of particular types of confidential information

- 3.2 A family justice counsellor and a person who assists a family justice counsellor may disclose the following types of confidential information:
- (a) a written agreement to mediate;
  - (b) a written agreement that resolves one or more issues in a family law dispute;
  - (c) information obtained from a child in the course of providing assistance under section 10 (2) of the Act, if
    - (i) the child first indicates that child’s approval to the disclosure, and
    - (ii) the information is disclosed only to the person or persons receiving assistance under section 10 (2) of the Act;

- (d) confirmation that a person met with a family justice counsellor in relation to a matter described under section 10 (2) of the Act, if that person requests the confirmation.

#### **Disclosure for particular purposes**

- 3.3** (1) A family justice counsellor and a person who assists a family justice counsellor may disclose confidential information for any of the following purposes:
- (a) to comply with requirements under the applicable Rules of Court or the *Child, Family and Community Service Act*;
  - (b) to protect a person or property, if the person making the disclosure reasonably believes that there is a risk of imminent and serious harm;
  - (c) to provide evidence for the purposes of an application made to the court to set aside an agreement that
    - (i) was negotiated with the assistance of a family justice counsellor under section 10 (2) of the Act, and
    - (ii) is made in respect of division of property under Part 5 of the Act or the payment of spousal support under Part 7 of the Act;
  - (d) for research purposes, if the confidential information is disclosed in accordance with section 33.1 (1) (s) of the *Freedom of Information and Protection of Privacy Act*.
- (2) A family justice counsellor and a person who assists a family justice counsellor may disclose confidential information to a service provider or agency if both of the following conditions are met:
- (a) the disclosure is made in conjunction with a referral of a person to that service provider or agency;
  - (b) the person being referred has consented to both the referral and the disclosure.

#### **Disclosure for Court Rules purposes**

- 3.4** (1) In this section, “**Appendix B**” means Appendix B [*Early Resolution and Case Management Model*] of the Provincial Court (Family) Rules.
- (2) A family justice counsellor may disclose to the court the following types of confidential information, if that information was obtained in the course of assisting parties to meet the requirements described in section 5 [*early resolution requirements*] of Appendix B:
- (a) if a needs assessment was completed and, if so, the date of completion;
  - (b) if a parenting education program was completed and, if so, the date of completion;
  - (c) if consensual dispute resolution was completed and, if so, the date of completion;
  - (d) if it was determined that consensual dispute resolution was not able to be accessed or was not appropriate;
  - (e) the kinds of family law matters addressed during consensual dispute resolution;

- (f) the kinds of family law matters that are outstanding.
- (3) For the purposes of subsection (2), the words and expressions used in that subsection have the same meanings as they have in Appendix B.

**Disclosure to persons receiving assistance**

- 3.5** (1) This section applies to confidential information obtained from a person who is
- (a) receiving assistance under section 10 (2) of the Act, or
  - (b) relevant to the matter in respect of which assistance is being provided to another person under section 10 (2) of the Act.
- (2) A family justice counsellor and a person who assists a family justice counsellor may disclose confidential information described in subsection (1) to another person receiving assistance in respect of the same matter if both of the following conditions are met:
- (a) the purpose of the disclosure is to provide assistance to the other person;
  - (b) the person from whom the confidential information is obtained has consented to the disclosure.

**2** *Section 21 is repealed and the following substituted:*

**Correction to statement of recalculation**

- 21** A payor or recipient may make a request under section 156 (2) (b) of the Act by telephone, fax or email.

**APPENDIX 2**

**1** *Section 20.1 of the Family Maintenance Enforcement Act Regulation, B.C. Reg. 346/88, is repealed and the following substituted:*

**Notice — pending suspension of licence and number plates**

- 20.1** (1) The notice required under section 29.1 (2.1) of the Act must be given to the debtor by
- (a) delivering a copy to the debtor,
  - (b) mailing a copy by ordinary mail to the most recent address shown for the debtor in the records of the director, or
  - (c) posting a private, secure notice to the debtor on the website operated and maintained by or on behalf of the director.
- (2) A notice given under subsection (1) (b) or (c) is deemed to be received by the debtor 7 days after the date the notice is mailed or posted, as the case may be.

**APPENDIX 3**

**1** *The Interjurisdictional Support Orders Regulation, B.C. Reg. 15/2003, is amended by adding the following section:*

## **Notice of registration of foreign order**

- 2.1** For the purposes of section 19 (1) (a) (ii) of the Act, the British Columbia court must send notice of a registration to the appropriate authority of the reciprocating jurisdiction in which the party who is required to pay support under the order resides.
- 2** *Section 4 is amended by striking out “sets out in detail,” and substituting “sets out in detail”.*

## **APPENDIX 4**

- 1** *Section 8 of the Family Law Act Regulation, B.C. Reg. 347/2012, is amended by striking out “sections 2 (1)” and substituting “sections 2 (1) and (4) (c.1)”.*
- 2** *Section 9 (2) is amended*
- (a) in paragraph (a) by striking out “subsections 15.1(2) and 19(9)” and substituting “subsections 15.1(2), 18.1(12) and 19(10)”,*
- (b) in paragraph (c) by striking out “subsection 19(7)” and substituting “subsections 18.1(15) or 19(13)” and by striking out “that confirm provisional orders made in a jurisdiction outside of British Columbia”,*
- (c) by repealing paragraph (d) and substituting the following:*
- (d) in section 2 (4) (d) of the Federal guidelines to “recalculations of the amount of child support orders under subsection 25.1(1) of the Act” is to be read as a reference to “recalculations under section 154 (2) (b) of the Family Law Act”,*
- (d.1) in section 2 (5) of the Federal guidelines to “calculations or recalculations by a provincial child support service under subsection 25.01(1) or 25.1(1) of the Act” is to be read as a reference to “recalculations under section 154 (2) (b) of the Family Law Act”, ,*
- (d) in paragraph (e) by striking out “a child support order” and substituting “the child support order”,*
- (e) by repealing paragraph (f) and substituting the following:*
- (f) in section 3 (3) (a.1) and (b) of the Federal guidelines to “calculation or recalculation under subsection 25.01(1) or 25.1 of the Act” is to be read as a reference to “recalculation under Division 3 of Part 7 of the Family Law Act”,*
- (f.1) in section 3 (3) (a.1) and (b) of the Federal guidelines to “calculated or recalculated under subsection 25.01(1) or 25.1 of the Act” is to be read as a reference to “recalculated under Division 3 of Part 7 of the Family Law Act”, ,*
- (f) in paragraph (g) by striking out “custodial parent” and substituting “the spouse who has the majority of parenting time” and by striking out “guardian” and substituting “a guardian”,*

**(g) by repealing paragraph (h) and substituting the following:**

(h) in section 8 of the Federal guidelines to “spouse” is to be read as a reference to “guardian”, ,

**(h) by repealing paragraph (i),**

**(i) in paragraph (j) by striking out “shared custody arrangements” and substituting “shared parenting time arrangements”, and**

**(j) in paragraph (k) by striking out “access to a child” and substituting “parenting time with a child”.**

## **APPENDIX 5**

**1 Section 1.1 of the Family Law Act Regulation, B.C. Reg. 347/2012, is amended by striking out “section 5 of Appendix B of the Provincial Court (Family) Rules” and substituting “rule 10 of the Provincial Court Family Rules”.**

**2 Section 3.4 is amended**

**(a) by repealing subsection (1),**

**(b) in subsection (2) by striking out “section 5 [early resolution requirements] of Appendix B” and substituting “rule 10 [early resolution requirements] of the Provincial Court Family Rules”, and**

**(c) in subsection (3) by striking out “Appendix B” and substituting “the Provincial Court Family Rules”.**

**3 Section 25.1 is amended by striking out “section 5 (a), (c), (d) and (e) of Appendix B of the Provincial Court (Family) Rules” and substituting “rule 10 (a), (c), (d) and (e) of the Provincial Court Family Rules”.**

**4 Forms 1 and 5 of Appendix A are amended by striking out “Provincial Court (Family) Rules” wherever it appears and substituting “Provincial Court Family Rules”.**

## **APPENDIX 6**

**1 Section 2 (1) (a) of the Family Maintenance Enforcement Act Regulation, B.C. Reg. 346/88, is amended by striking out “Provincial Court (Family) Rules” and substituting “Provincial Court Family Rules”.**

**2 Section 8 (7) is amended by striking out “Rule 17 (5) to (8) of the Provincial Court (Family) Rules” and substituting “rules 182 to 185 and 187 of the Provincial Court Family Rules”.**

## APPENDIX 7

- 1 Section 2 (1) (b) (i) of the Interjurisdictional Support Orders Regulation, B.C. Reg. 15/2003, is amended by striking out “Provincial Court (Family) Rules, B.C. Reg. 417/98” and substituting “Provincial Court Family Rules, B.C. Reg. 120/2020”.*