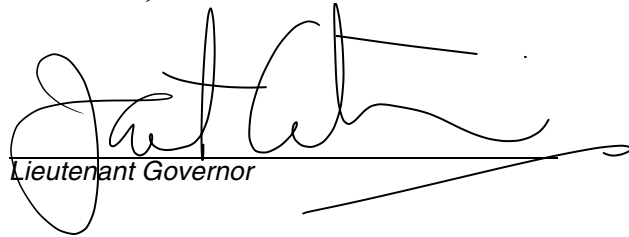


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 558

, Approved and Ordered October 10, 2023



Lieutenant Governor

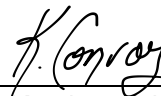
**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders as follows, effective November 15, 2023:

- (a) the Supreme Court Family Rules, B.C. Reg. 169/2009, are amended as set out in the attached Schedule 1;
- (b) the Provincial Court Family Rules, B.C. Reg. 120/2020, are amended as set out in the attached Schedule 2.



Attorney General



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: Court Rules Act, R.S.B.C. 1996, c. 80, s. 1

Other: OICs 303/2009; 287/2020

R10712518

## SCHEDULE 1

**1** *Rule 3-1 (2.4) of the Supreme Court Family Rules, B.C. Reg. 169/2009, is amended by adding the following paragraph:*

- (h) an order under section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada) authorizing an official of the court to make an application under section 12 of that Act for the release of information.

**2** *Part 15 is amended by adding the following rule:*

### **RULE 15-2.3 – ORDERS UNDER PART 1 OF THE *FAMILY ORDERS AND AGREEMENTS ENFORCEMENT ASSISTANCE ACT* (CANADA)**

#### **Materials required for application**

- (1) An application under section 7 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada) must meet the requirements of section 8 or 9 of that Act, as the case may be, including, in the case of an application made by an individual without notice, the requirement that the application be accompanied by
  - (a) the results of a recent criminal record check in respect of the individual, and
  - (b) an affidavit that meets the requirements of section 8 (1) (a), (2) and (3) (b) or 9 (1) (a), (2) and (3) (b) of that Act.

#### **Court may consider specified matters**

- (2) On an application under section 7 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada) for an order under section 10 of that Act, the court may consider the following:
  - (a) in the case of an application made by an individual without notice, whether or not to make an order under section 11 of that Act requiring that the federal minister not send to the person referred to in section 8 (2) (a) or 9 (2) (a) of that Act, as the case may be, a copy of the order that authorizes the making of the application and a notice informing the person that information will be released;
  - (b) in the case of an application that is in relation to the establishment or variation of a support provision or enforcement of a family provision, as those terms are defined in that Act,
    - (i) whether or not to authorize, without further order of the court, the disclosure under section 13 (3) of that Act of any information received by the court as a result of the order to the parties or any other person, service or body or official of the court that it considers appropriate, and
    - (ii) if disclosure of information is authorized, whether or not to make an order under section 13 (3) of that Act to protect the confidentiality of the information.

**Court may order that service or order not required**

- (3) Despite Rule 10-9 (7), in the case of an application under section 7 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada) that is made by an individual without notice, the court may order that the requirement under Rule 10-9 (7) to serve the materials referred to in that provision does not apply.

**SCHEDULE 2**

**1 Rule 62 of the Provincial Court Family Rules, B.C. Reg. 120/2020, is amended by adding the following paragraph:**

- (g.1) authorizing an official of the court, in accordance with section 10 [authorization - information for the establishment or variation of a support provision or the enforcement of a family provision] of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the release of information.

**2 Part 5 is amended by adding the following rule to Division 2:**

**Case management order - *Family Orders and Agreements Enforcement Assistance Act* (Canada)**

- 65.1** (1) Despite rule 61, a case management order described in rule 62 (g.1) must be made only if a party files an application in Form 10 [*Application for Case Management Order*] or 11 [*Application for Case Management Order Without Notice or Attendance*] that meets the requirements of section 8 or 9 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), as the case may be.
- (2) For certainty, if the application referred to in subrule (1) is made by an individual without notice, the application must be accompanied by the results of a recent criminal record check in respect of the individual and an affidavit that meets the requirements of section 8 (1) (a), (2) and (3) (b) or 9 (1) (a), (2) and (3) (b) of that Act, as the case may be.
- (3) On application for a case management order described in rule 62 (g.1), the court may consider the following:
- (a) in the case of an application made by an individual without notice, whether or not to make an order under section 11 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), requiring that the federal minister not send to the person referred to in section 8 (2) (a) or 9 (2) (a) of that Act, as the case may be, a copy of the order that authorizes the making of the application and a notice informing the person that information will be released;
- (b) in the case of an application that is in relation to the establishment or variation of a support provision or the enforcement of a family provision, as those terms are defined in the *Family Orders and Agreements Enforcement Assistance Act* (Canada),
- (i) whether or not to authorize, without further order of the court, the disclosure under section 13 (3) of that Act of any information received by the court as a result of the order to the parties or any other

person, service or body or official of the court that it considers appropriate, and

(ii) if disclosure of information is authorized, whether or not to make an order under section 13 (3) of that Act to protect the confidentiality of the information.

(4) Despite rule 65 (3), in the case of an application for a case management order described in rule 62 (g.1) that is made by an individual without notice, the court may order that the requirement under rule 65 (3) to serve the materials referred to in that provision does not apply.

**3** *Forms 10 and 11 in the Appendix are repealed and the following substituted:*

# FORM 10

## Application for Case Management Order

Registry location:	
Court File Number:	

### FORM 10

Provincial Court Family Rules  
Rules 54, 55, 64, 83 and 159

1. My name is *[full name of party/person]*. My date of birth is *[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.  I understand I must give notice of this application to each other party, including any other person who may be directly affected by the order. To give notice, they must be served with the application and supporting documents at least 7 days before the date of the court appearance unless the court allows the application to be made without notice or with less than 7 days' notice.
3. The other party is *[full name of other party/parties]*
4. *Complete only if applicable. You may leave this section blank.*  
The following other person(s) who may be directly affected by the order is/are:  
*[full name of other person(s)]*
5. *Complete only if everyone consents to the order you are asking for. You may leave this section blank.*  
 Each party, including any person directly affected by the order, has consented to the case management order and:  
*Select only one of the following options*  
 a **draft Consent Order** in Form 18 signed by each party, and any other person directly affected by the order, or their lawyer, is submitted with this application and supporting documents for review without attending before the court  
 a court appearance is requested
6. I have contacted each other party to discuss available dates and times for the court appearance  Yes  No  
*If yes, have they have agreed to a date and time for the court appearance?*  Yes  No

*For registry use only – if applicable*

**This application will be made to the court at *[court registry, street address, city]* on *[date]* at *[time]* a.m./p.m.**

**NOTE TO PARTIES: If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.**

7. I am applying for the following case management order(s):

- transferring the court file to another registry for all purposes or specific purposes
- relating to the management of a court record, file or document, including access to a court file
- correcting or amending a filed document, including the correction of a name or date of birth
- setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 *[Financial Statement]*
- specifying or requiring information that must be disclosed by a person who is not a party to the case
- requiring that a parentage test be taken under section 33 *[parentage tests]* of the *Family Law Act*
- requiring access to information in accordance with section 242 *[orders respecting searchable information]* of the *Family Law Act*
- authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the release of information
- recognizing an extraprovincial order other than a support order
- waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document
- waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction, even after the time limit has expired
- allowing a person to attend a conference or hearing using electronic communication, including by telephone or video
- adjourning a court appearance
- respecting the conduct of a party or management of a case
- relating to a report under section 211 *[orders respecting reports]* of the *Family Law Act*, including requiring that a person who prepared the report attend a trial as a witness
- adding or removing a party to the case, including leave to intervene under section 204 (2) *[intervention by Attorney General or other person]* of the *Family Law Act*
- respecting the appointment of a lawyer to represent
  - i) the interests of a child, or
  - ii) a party
- settling or correcting the terms of an order made under the rules
- cancelling a subpoena
- changing, suspending or cancelling an order made in my absence

8. The details of the order(s) I am applying for are as follows:

*Tell the court and the other party the details of the order(s) you are asking for*

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9. *Select only one of the options below and complete the required information*

- I am not a party to the case
- I am a party to the case and the case does not involve a child-related issue
- I am a party to the case and the case involves a child-related issue about the following child or children:

Child's full name	Child's date of birth (mmm/dd/yyyy)

10. The facts on which this application is based are as follows:

*Provide the facts you want the court to consider. If you are applying to change, suspend or cancel an order made in your absence, you must explain why you did not file a reply or attend court when required, why the order should be made and the reason(s) for any delay in making this application.*

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# FORM 11

## Application for Case Management Order Without Notice or Attendance

### FORM 11

Provincial Court Family Rules  
Rules 65 and 78

Registry location:	
Court File Number:	

1. My name is *[full name of party/person]*. My date of birth is *[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 is *[full name of other party/parties]*
3.  I am applying for a case management order without notice to any other party and I understand that I will be required to serve a copy of any order I receive on each other party along with a copy of this application and any supporting document(s).
4. *Select only one of the options below and complete the required information*
- I am not a party to the case
  - I am a party to the case and the case does not involve a child-related issue
  - I am a party to the case and the case involves a child-related issue about the following child or children:

Child's full name	Child's date of birth <i>(mmm/dd/yyyy)</i>

### ABOUT THE ORDER

5. I am applying for the following case management order(s):  
*Select all that apply and complete the required schedule(s)*
- allowing a person to attend a conference or hearing using electronic communication, including by telephone or video *[complete and attach Schedule 1]*
  - waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document *[complete and attach Schedule 2]*
  - waiving or modifying any other requirement under the rules *[complete and attach Schedule 3]*
  - requiring access to information in accordance with section 242 *[orders respecting searchable information]* of the *Family Law Act* *[complete and attach Schedule 4]*
  - authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the release



of information [file a criminal record check and completed affidavit that meets the requirements of sections 8 and 9 of the Family Orders and Agreements Enforcement Assistance Act (Canada)]

recognizing an extraprovincial order other than a support order [complete and attach Schedule 5]

**SCHEDULE 1 – ATTENDANCE USING ELECTRONIC COMMUNICATION**

**This is Schedule 1 to the Application for Case Management Order Without Notice or Attendance**

*This schedule must be completed only if you are applying for an order allowing a person to attend a conference or hearing using electronic communication, including by telephone or video.*

1. I am applying for an order to allow:

Select all options that apply

- me  
 my lawyer, [full name of lawyer]

to attend at the:

Select only one of the options below

- family management conference  
 family settlement conference  
 trial preparation conference  
 hearing  
 other (specify):

Scheduled for [mmm/dd/yyyy] at [time]

By electronic communication as follows:

telephone at [requested telephone number]

Is this a direct phone line?  Yes  No

*If no, the person answering the phone must know the call will be coming and put it through immediately*

other electronic communication method (specify):

2. I understand the following requirements and I will comply with them  Yes  No

- a speaker phone must not be used
- I must remain near the phone at all times prior to the call from the Clerk of the Court
- the call must be taken in a quiet and private location
- no other person may be in the room during the appearance
- I may speak only when the Judge or Family Justice Manager indicates I may speak
- recording of the call is strictly prohibited

3. The documents I may want to refer to in court have been submitted to the court registry and received by the other party  Yes  No

4. I (and/or my lawyer) am unable to attend in person because:

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**SCHEDULE 2 – WAIVING OR MODIFYING ANY REQUIREMENT RELATED TO SERVICE OR GIVING NOTICE,  
INCLUDING ALLOWING AN ALTERNATIVE METHOD OF SERVICE**

**This is Schedule 2 to the Application for Case Management Order Without Notice or Attendance**

*This schedule must be completed only if you are applying for an order to waive or modify any requirement related to service or giving notice, including allowing an alternative method for the service of a document.*

1. I am applying for an order to:

*Select all applicable options and complete the required part(s)*

- waive or modify a requirement related to service or giving notice (*complete Part 1 of this schedule*)
- allow service of a document using an alternative method (*complete Part 2 of this schedule*)

**PART 1 – WAIVE OR MODIFY A REQUIREMENT RELATED TO SERVICE OR GIVING NOTICE**

*Complete this part only if you are applying for an order to waive or modify a requirement related to service or giving notice.*

*Judges normally hear from all parties before making decisions. Where there is urgency or risk of harm, for example, the court could hear from only one party. If obtaining an order from the court is time sensitive, the court may allow less than the required amount of notice. The court may also allow more than the required amount of notice if there are special circumstances that would require more time to prepare to attend court.*

1. I am applying to the court to waive or modify the requirement for service or giving notice to a person under the rules of the following document(s):

*Select all options that apply*

- Application About Priority Parenting Matter
- Application About a Family Law Matter
- Subpoena
- Order
- other (*specify*):

2. The details of the order I am applying for are as follows:

*Tell the court the specifics of the order you are applying for, including if you want the court to waive (cancel) the requirement for service or giving notice and what the requirement for service or giving notice should be changed to*

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**PART 2 – ALLOW SERVICE OF A DOCUMENT USING AN ALTERNATIVE METHOD**

*Complete this part only if you are applying for an order to allow service of a document using an alternative method. Service of a document must be done according to the rules unless the court makes an order allowing another method to be used.*

1. I need to serve *[name of person who must be served]* with the following document(s):  
*List each document you need an order from the court to serve using an alternative method*

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2. I am applying for an order to be allowed to serve the document(s) in the following manner:  
*Tell the court the specifics of how you believe the documents should be served so that they come to the attention of the person indicated above. Include the name of any other person, mailing address, email or other information that would be required to serve the documents.*

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3. The facts on which this application is based are as follows:  
*Provide the facts you want the court to consider. Include the following:*
- efforts to try to serve the other party*
  - efforts to locate the other party*
  - why you believe the method of service you outlined above will bring the documents to the attention of the party to be served*

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**SCHEDULE 4 – ACCESS TO INFORMATION SECTION 242**

**This is Schedule 4 to the Application for Case Management Order Without Notice or Attendance**

*This schedule must be completed only if you are applying for access to information in accordance with section 242 [orders respecting searchable information] of the Family Law Act.*

1. The details of the order I am applying for are as follows:  
*Tell the court the specifics of the order you are applying for*

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2. The facts on which this application is based are as follows:  
*Provide the facts you want the court to consider*

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**SCHEDULE 5 – RECOGNIZING AN EXTRAPROVINCIAL ORDER OTHER THAN A SUPPORT ORDER**  
**This is Schedule 5 to the Application for Case Management Order Without Notice or Attendance**

*This schedule must be completed only if you are applying for recognition of an extraprovincial order other than a support order.*

1. I am applying for recognition of an extraprovincial order made on [mmm/dd/yyyy] at [court location][city][province] about parenting arrangements, contact with a child, guardianship, or an order that is similar in nature
2. A certified copy of the order is attached
3. The contact information, as I know it, for the other party is:

Full name of party:		Date of birth: [mmm/dd/yyyy]
Lawyer (if applicable):		
Address:		
City:	Province:	Postal code:
Email:	Telephone:	