

Preparing an Application for a Case Management Order

Provincial Court (Family) Rules
Early Resolution and Case Management Registry – VICTORIA ONLY

This is the form you need to complete if you need a case management order that is by consent of all other parties, or that requires a court appearance.

Case management orders can be made by a judge at a family management conference, family case conference or other court appearance without application by a party. You can use this form to:

- apply for a case management order by consent without an appearance, or
- request an appearance to apply to the court for a case management order.

The [Application for Case Management Order Form H](#) can be used to apply to the court for one or more of the following case management orders:

- transferring the court file to another registry for one or more purposes;
- adding or removing a party to the proceeding;
- settling or correcting the terms of an order made under these rules;
- setting a specified period of time for the filing and exchanging of information, including a financial statement in Form D [Financial Statement] of Appendix C;
- correcting or amending a filed document, including the correction of a name or date of birth;
- requiring that a parentage test be taken under section 33 [parentage tests] of the Family Law Act;
- requiring that information be disclosed by a third party;
- adjourning a hearing or trial;
- requiring that a person who prepared a report under section 211 [orders respecting reports] of the Family Law Act attend a trial;
- respecting the conduct and management of a trial;
- changing, suspending or cancelling an order made in the absence of a party.

The application must be made with notice to the other party. If the other party agrees to the order, you can apply by consent and you can choose to have the application reviewed by a judge with or without an appearance.

The following case management orders can be requested without notice and without an appearance by filing an [Application for Case Management Order without Notice or Appearance in Form I](#); however, Form H can also be used to apply for the same case management orders, if they are by consent or you want a hearing:

- allowing a person to attend a hearing or conference using electronic communication;
- shortening or extending a time limit set under these rules or a time limit set by an order or direction of a judge;
- allowing, waiving or modifying any service, delivery or notice requirement, including allowing an alternate method for the service of a document;
- requiring access to information in accordance with section 242 [orders respecting searchable information] of the Family Law Act;
- permitting any other means of proof instead of that required by these rules;
- waiving or varying any early resolution requirements;
- recognizing an extraprovincial order other than a support order;
- permitting a party to be exempt from a requirement under these rules.

Legal Assistance

Understanding the law and making sure you get correct information is important. If you get the wrong information or do not know how the law applies to your situation, it can be harder to resolve your family law case. Getting advice from a lawyer can help.

Lawyers – To find a lawyer or to have a consultation with a lawyer for up to 30 minutes for a fee of \$25, contact the [Lawyer Referral Service](#) at 1-800-663-1919

Legal Aid, Duty Counsel and Family Advice Lawyers – To find out if you qualify for free legal advice or representation, contact the Legal Services Society at 1-866-577-2525, or visit the Justice Access Centre

Legal Services and Resources – Visit [Clicklaw](#) at www.clicklaw.bc.ca/helpmap to find other free and low-cost legal services in your community

Step 1: Complete the Application for Case Management Order form ☐

This form is available online at www.gov.bc.ca/court-forms or at any [Provincial Court Registry](#).

You can complete the form online and print it for filing. You can also complete it by hand. If you complete it by hand, be sure it's readable. Registry staff and Justice Access Centre staff can help you with the forms but they cannot complete the forms for you. If you need help filling in the forms and do not have a lawyer, ask the Justice Access Centre to refer you to someone who can help.

Follow the instructions in the form and include all the information that is asked for.

To prepare the form for filing:

- print or make 3 copies of the completed form: one set for you, one set for the Court, and one set for the other party
- staple each package of documents together
- bring all the copies to the court registry for filing

Step 2: File the Application for Case Management Order form at the Provincial Court Registry ☐

You must go to the [Provincial Court Registry](#):

- nearest to where your child lives most of the time, or
- nearest to where the party who is filing lives, if the family law matter does not involve a child-related issue, or
- where the existing Provincial Court family law case is filed

NOTE: This form is only to be used at the Victoria provincial court registry. If this is not your nearest [Provincial Court Registry](#), please complete a [Notice of Motion](#).

The registry clerk will review your package to make sure it is complete before filing it. You will be given a filed copy of your claim for your records.

There are no fees for filing Provincial Court family matters.

Step 3: Serve the Application for Case Management Order on each other party ☐

Service is the act of giving or leaving documents with the required person. It is important that each other party know that a family case is going on, are aware of what step is being taken, and are given a chance to tell their side of the story to the court.

You must serve the other party with at least 7 days notice of the date and time of the court appearance, unless the court has ordered something else. This means there must be at least 7 days between the date the application document(s) is served on the other party and the date and time of the court appearance.

An Application for Case Management Order must be served to the address of delivery of each other party in any of the following ways:

- by leaving the documents at the party's address for delivery
- by mailing the documents by ordinary mail to the party's address for delivery
- by mailing the documents by registered mail to the party's address for delivery
- if the party's address for delivery includes an email address, by emailing the document(s) to that email address
- if the party's address for delivery includes a fax number, by faxing the documents to that fax number

A party's address for delivery is the address they have provided to the court.

A person, who is not a party or who does not have an address for delivery, must be served by:

- mailing a copy of the application by registered mail to the person's postal address; or
- leaving a copy of the application directly with the person (this is called personal service)

The court may need proof you had the documents served. The person serving the documents must complete a [Certificate of Service](#) so that you can prove service of the documents took place.

Step 4: If applicable, attend the Court Hearing ☐

A judge can make decisions based only on the information presented by the parties as evidence. Your evidence includes your application, any additional affidavit(s), and spoken evidence provided in court.

Note: If you are making your application by consent and you have included a draft consent order, it usually means you can obtain the order without you having to go to court. A judge reviews your application and unless the judge has any questions about what you are asking for approves your order without a court hearing.

A judge reviewing an application for a case management consent order may do any of the following:

- grant the order without the need for the parties to come to court
- ask you to provide more information in writing or by coming to court to give that information
- make changes to the draft consent order and ask the parties to come to court to review and sign the changes
- reject the application with an explanation

Depending on what you are requesting on your application, it may take the judge a few days to review your application. The registry staff will let you know when you can expect to hear back from them. If you have provided an email address in your address for delivery, they can usually let you know the results of your application by email.

TIPS FOR COMPLETING THE FORM:

Registry Location and Court File Number –

Copy this information from top right corner of the Notice to Resolve a Family Law Matter or other document filed with the court.

If you don't have an existing court file, registry staff will give your case a file number when you file this document.

Full name of party –

Copy your full name from the first document you filed with the court. If this is the first document you are filing, see the instructions for the Notice to Resolve a Family Matter for more information about how to complete this section.

Contact Information –

The court needs to know where to send documents to you and the other party and how to reach each of you. If your contact information and/or address for delivery has changed, you can give updated information here. If this is the first document you are filing, see the instructions for the Notice to Resolve a Family Matter for more information about how to complete this section.

Who to give notice to –

It is important that each other party know that you are making this application to the court and are given a chance to talk to the court.

To give notice, you must serve a copy of this application on each other party and to any person, who is not a party, that may be affected by the order (for example, someone you want to produce information or documents).

If this is your first document on your file and you don't know who to name as the other party, consider the following:

If your family law matter is about children, you will need to give notice to each parent, step-parent and/or guardian of the child. They need to know you have a family law matter to resolve.

If your family law matter is not about children, you only need to give notice to your spouse.

Note: If there are more than two other parties involved in your family law matter, you can add a page with their name and contact information.

By Consent –

Before filing your application for case management order, it is good practice to contact the other party to see if they will consent to the order. If they consent, it can save you time and energy. If they do agree to the case management order, you can choose to either:

- prepare the [Consent Order in Form 20](#), or
- go to court for a hearing

If you prepare a consent order, it usually means a judge can review your application and approve your order without you having to go to court. Make sure all the parties sign the consent order.

Sometimes, it might be hard for you to prepare the consent order yourself, or to get each party to sign it, in which case you can go to court for a hearing. The choice is yours.

Scheduling –

The court prefers to schedule court appearances for a date that works for everyone. Check with the other party to see if there are dates that may work better for all of you. It is usually better for you if the hearing is scheduled for a date when everyone can be there. In Victoria, applications are usually scheduled on a Thursday. Try to pick a few Thursdays that may work for you and the other party, the registry or Judicial Case Manager will work with you to schedule the date based on the court's availability too. Remember that you must give each party at least 7 days notice of the date and time of the court appearance.

The registry will fill in the actual date on the form, just be prepared to tell them the dates you are considering.

APPLICATION FOR CASE MANAGEMENT ORDER

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry Location:

Court File Number:

1. My name is _____ . My contact information and address for delivery of court documents is:

(full name of party)

Full Name:	Date of Birth:	
Contact Information and address for delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. ☐ I understand I need to give notice of this application to all other parties, including any third party who may be affected by the order. To give notice, each other party must be served with the application and supporting materials at least 7 days before the date and time of the court appearance.

3. I will be providing notice to the following person(s):

Select and complete all options that apply

☐ the other party/parties: _____

(full name of other party/parties)

☐ the following third party/parties (someone else who must do something if the order is made): _____

(full name of other party/parties)

4. *Complete only if applicable. You may leave this section blank.*

☐ All parties have consented to the case management order and:

Select only one of the following options

☐ A **draft Consent Order** in Form 20 signed by all parties is submitted with this application for review without a hearing

☐ A hearing is requested

5. I have contacted the other party to discuss available dates and times for the court appearance and they have agreed to the date and time for the court appearance ☐ Yes ☐ No

For registry use only

This application will be made to the court at _____

(court registry, street address, city)

on _____ at _____ am/pm.

(date)

(time)

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

Case Management Order –

You can apply for one or more case management orders using this form. Check all of the options that you would like to make an application for.



Details of the Order –

You need to tell the court and the other party what order you want the judge to make. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.



The Facts –

What are the facts that support what you are asking the court to order?

Give a short summary of the facts. You do not need to use any special wording. The key is to be clear about what you mean and why you are asking the court to make the order.

A judge can make decisions based only on the information presented by the parties as evidence. Evidence is presented in writing in an affidavit or as spoken evidence provided in court.

If you choose to, you can prepare an [Affidavit in Form 17](#). If you do not wish to prepare an affidavit, be prepared to give evidence in court.



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

- ☐ transferring the court file to another registry for one or more purposes
- ☐ adding or removing a party to the proceeding
- ☐ settling or correcting the terms of an order made under these rules
- ☐ setting a specified period of time for the filing and exchanging of information, including a financial statement in Form D [*Financial Statement*] of Appendix C
- ☐ correcting or amending a filed document, including the correction of a name or date of birth
- ☐ requiring that a parentage test be taken under section 33 [*parentage tests*] of the *Family Law Act*
- ☐ requiring that information be disclosed by a third party
- ☐ adjourning a hearing or trial
- ☐ requiring that a person who prepared a report under section 211 [*orders respecting reports*] of the *Family Law Act* attend a trial
- ☐ respecting the conduct and management of a trial
- ☐ allowing a person to attend a hearing or conference using electronic communication
- ☐ shortening or extending a time limit under these rules or a time limit set by an order or direction of a judge
- ☐ allowing, waiving or modifying any service, delivery or notice requirement, including allowing an alternate method for the service of a document, including substitutional service
- ☐ requiring access to information in accordance with section 242 [*orders respecting searchable information*] of the *Family Law Act*
- ☐ permitting any other means of proof instead of that required by these rules
- ☐ waiving or varying any early resolution requirements
- ☐ recognizing an extraprovincial order other than a support order
- ☐ permitting a party to be exempt from a requirement under these rules
- ☐ changing, suspending or cancelling an order made in the absence of the party

7. 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 you are asking for.

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

Give the facts you want the court to consider.