



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *17 May 2021*

FAM 06 *Revisions in red*

PRACTICE DIRECTION

AFTER-HOURS EMERGENCY FAMILY APPLICATIONS

Purpose

To set out the procedure for counsel to bring on an **emergency family application**¹ outside of courthouse hours.

Application

This practice direction applies to **emergency family applications** in all court locations in the Province.

Directions

1. If counsel wishes to bring an emergency family application outside of regular courthouse hours, they shall contact the Justice Centre at (604) 660-3263. The Justice Centre will contact a Provincial Court Judge to consider the matter.
2. All documents, such as applications and orders, shall be produced in advance by counsel, as the Justice Centre does not have Family Court forms. Arrangements to transmit all documents shall be made with the Justice Centre. The Justice Centre, not being a **regular** Court Registry, cannot review any documents as to their proper form or content and cannot file or enter any such documents. As such, counsel shall undertake to file all documents and enter all orders at the appropriate Court Registry at 9:00 am the following business day.

¹ Emergency family applications are those urgent applications which the court determines cannot wait until the court is sitting during usual courthouse hours and may include applications brought pursuant to sections 64 and 183 of the *Family Law Act* and urgent *Child, Family and Community Services Act* applications.

3. The hearing shall be conducted by telephone, unless another method is directed by the presiding judge. The matter shall be recorded unless the presiding judge directs otherwise.
4. The Justice Centre is available from 8:00 am to 10:00 pm every day of the week.

History of Practice Direction

- Original instructions to the Provincial Court Judiciary dated February 14, 2007.
- Amended instructions dated March 19, 2008 - changing availability of Justice Centre to 8 am to midnight, instead of 8 am to 10 pm, each day.
- Practice direction dated May 12, 2015 - changes to formatting, wording, and availability of Justice Centre to 8 am to 10 pm; adds para. 3 and last two sentences to para. 2; reference to “clerks” and paras. 3 and 4 deleted from the original instructions to the Provincial Court Judiciary.
- January 8, 2020: Housekeeping update to remove “duration” section as contained information duplicated in “History of Practice Direction” section.
- **May 17, 2021: Authority statement amended to be consistent with the new *Provincial Court Family Rules* that came into force May 17, 2021, and the word “regular” added into s. 2 regarding the Justice Centre.**

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379 and Rule **160** of the *Provincial Court Family Rules*, B.C. Reg. **120/2020**.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia