



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Date Issued: *02 July, 2020*
Effective Date: *02 July 2020*
FAM 08

PRACTICE DIRECTION

EARLY RESOLUTION PROCESS AND EXPEDITED COURT PROCESS TO CHANGE OR SUSPEND CHILD OR SPOUSAL SUPPORT DUE TO COVID-19

Purpose & Application

The purpose of this Practice Direction is to set out the early resolution process and expedited court process that is available (but not required) for a party who is **only** seeking a suspension or change to an existing agreement or Provincial Court order about child support or spousal support as a result of a change in income since January 2020 that is **related to COVID-19**.

For all other relief (including relief for outstanding arrears prior to January 2020) or counterclaims not related to the above, parties may make an application in the normal course on July 8, 2020 when Provincial Court registries are able to accept new family filings.

This practice direction applies to all court registries in the Province. Variations in process at the Victoria registry, due to the Victoria Early Resolution and Case Management Model, are noted under section 4 below.

Direction

1. Effective July 2, 2020 until further direction, the early resolution and expedited court process set out here may be used by parties seeking a suspension or change to an existing agreement or Provincial Court order about child support or spousal support as a result of a change in income since January 2020 related to COVID-19.

2. Early Resolution Process

a. How to begin (Intake)

- i. Contact the Family Justice Services Division (Family Justice Services) to schedule your individual needs assessment interview at:
 - 1-844-747-3963 or CSVariation@gov.bc.ca (BC wide)
 - 250-356-7012 (Victoria)

- ii. Complete an individual needs assessment with Family Justice Services by telephone or videoconference to identify: the issue(s) that need to be resolved; and determine whether the dispute resolution process is appropriate.
 - i. Parties may also receive referrals to legal advice and other community supports.
 - ii. A party may be contacted by Family Justice Services if someone else completed the form and named them in the form.
- iii. Complete the “[Notice of Intention to Change Existing Child or Spousal Support Due to COVID-19 Income Change](#)” form and provide a copy to Family Justice Services and all other parties as noted on the form.

b. Participation In Dispute Resolution Process

- i. If it is determined that participation in the Dispute Resolution Process is appropriate during the intake process, the parties may participate in a process which may include: mediation with a family justice counsellor, family law mediator, a collaborative family law process, or facilitated negotiation with a child support officer.
- ii. Each party must provide financial information as required by Family Justice Services or the dispute resolution professional.
- iii. If the parties reach an agreement, Family Justice Services or the dispute resolution professional involved may assist the parties to draft a variation of an existing written agreement which can be filed with the court for enforcement purposes; or assist the parties to apply to the court for a consent variation of an existing court order.
- iv. If the parties do not reach an agreement but at least one party has completed a needs assessment interview, the matter may proceed to the expedited court process set out below.
- v. Family Justice Services will complete the bottom of the “[Notice of Intention to Change Existing Child or Spousal Support Due to COVID-19 Income Change](#)” form to indicate that one or all of the parties have completed an individual needs assessment interview.

3. Expedited Court Process

- i. The party must submit the following forms required for court to the Pre-court Case Management Service (PCCM) which can be reached by telephone (604-660-2528 or Toll free 1-866-660-2684) or by email at pccm@gov.bc.ca:
 - [Notice of Intention to Change Existing Child or Spousal Support Due to COVID-19 Income Change](#) form;
 - [Application Respecting Existing Orders or Agreements](#) (Form 2);
 - FMEP clients must provide a copy of the Form 2 to their enforcement officer as required by the *Family Maintenance Enforcement Act*, as well as a copy of the “[Notice of Intention to Change Existing Child or Spousal Support Due to COVID-19 Income Change](#)” form
 - [Financial Statement](#) (Form 4); and,
 - [Financial Statement Addendum](#).

- ii. PCCM will review to ensure documents are complete. Once completed, PCCM will file the documents with the court for the party by emailing the documents to the applicable registry.
- iii. The party must serve a copy of each of the documents on all other parties to the order or agreement.
- iv. The party filing a reply must submit their documents to PCCM, which can be reached by telephone (604-660-2528 or Toll free 1-866-660-2684) or by email at pccm@gov.bc.ca. PCCM will review to ensure documents are complete. Once completed, PCCM will file the documents with the court for the party by emailing the documents to the applicable registry.
 - i. See the [Provincial Court \(Family\) Rules](#) regarding documents that need to be filed, which may include a Financial Statement.
- v. A hearing will be scheduled after a reply has been filed, or the reply period has passed and proof of service has been filed.
- vi. Each party may be required to provide additional financial information as required by the court.
- vii. In some situations, such as where there is corporate income, previously imputed income, or lack of adequate financial information, an Amicus (legal counsel who is not counsel for a party but who assists the court) may review the filed material and speak to it in court. Parties will be advised whether they can expect Amicus to assist the court with their matter prior to the hearing.
- viii. These matters will be heard by telephone or videoconference unless a judge orders otherwise.

Note: When applying to court to vary a child support order, the requirement to complete the Parenting After Separation Program and to file a certificate of completion with the court registry still applies for the following court locations: Abbotsford, Campbell River, Chilliwack, Courtenay, Kamloops, Kelowna, Nanaimo, New Westminster, North Vancouver, Penticton, Port Coquitlam, Prince George, Richmond, Surrey, Vancouver (Robson Square) and Vernon. If you have already completed the program in the 24 months prior to filing the application, you may be exempt from this requirement. (See [Provincial Court \(Family\) Rules, Rule 21](#)).

4. Victoria Registry (only)

Variations in process at the Victoria registry, due to the Victoria Early Resolution and Case Management Model, are noted here.

a. Early Resolution Process

- i. Complete and file the "[Notice to Resolve a Family Law Matter](#)" form to enter into the process (not the "Notice of Intention to Change Existing Child or Spousal Support Due to COVID-19 Income Change" form).
- ii. FMEP clients must provide a copy of the "[Notice to Resolve a Family Law Matter](#)" form to their enforcement officer.

- iii. Each party must meet the early resolution requirements as set out in the [Provincial Court \(Family\) Rules](#) Appendix B, Part 2.

b. Expedited Court Process

- i. If, after having met the early resolution requirements, a court proceeding is required to change the support order or agreement, the party must submit the following documents to PCCM, which can be reached by telephone (604-660-2528 or Toll free 1-866-660-2684) or by email at pccm@gov.bc.ca, and serve a copy on each other party of the following documents found under “Early Resolution and Case Management Registry Forms (only in the Victoria court registry)”:
 - [Family Law Matter Claim](#) (Form C) with Schedule 4 and/or Schedule 10;
 - [Financial Statement](#) (Form D); and
 - [Financial Statement Addendum](#).
- ii. FMEP clients must also provide a copy of the documents to their enforcement officer as required by the *Family Maintenance Enforcement Act*.

History of Practice Direction

- Original practice direction effective July 02, 2020.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379 and Rule 8(11) of the *Provincial Court (Child, Family and Community Services Act) Rules*, B.C. Reg. 533/95.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia