



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *17 May 2021*

FAM 09 *Revisions in red*

PRACTICE DIRECTION

CONSENT ADJOURNMENT (FLA/FMEA)

Purpose

To set out the procedure for adjourning matters under the *Family Law Act*, S.B.C. 2011, c. 25 (FLA) or the *Family Maintenance Enforcement Act*, R.S.B.C. 1996, c. 127 (FMEA) from one court date to another or to adjourn generally.

Application

This practice direction applies to all court registries in the Province.

Direction

1. Until further direction, counsel (“filing counsel”) may complete and file a [Consent Adjourning Form](#) (Form) by email to the [applicable local court registry](#) to adjourn matters, **other than trials**, under the FLA or FMEA from one court date to another or to adjourn generally, where at least one party is represented by counsel and the filing counsel has obtained the consent of all other parties or their counsel.
2. Filing counsel shall use one Form for each court file and each court date **to be adjourned**, and may only use the Form where counsel is adjourning a matter from one court date to another with the same time estimate (or less). **The Consent Adjourning Form cannot be used to adjourn trials. See Rule 114 of the Provincial Court Family Rules, B.C. Reg. 120/2020 for the procedure to adjourn a trial date.**
3. **On the Form**, filing counsel shall select either: (a) “Adjourned to date/time/courtroom” or (b) “Adjourned generally”. If filing counsel selects (a), counsel shall contact the court registry to obtain the new court date/time/courtroom to put in the Form, except for Family Management Conferences (FMCs) in Surrey and Victoria where counsel shall contact the Judicial Case Manager for the new court date/time/courtroom.

4. Filing counsel shall email the Form to the applicable local court registry by 4:00 p.m. at least two clear business days in advance of the scheduled appearance.
5. Except where adjourned **generally**, filing counsel shall provide all other parties or their counsel with a copy of the filed Form with the new **court** date and appearance details **obtained from** the court registry **or the Judicial Case Manager**.

History of Practice Direction

- Original practice direction effective July 16, 2020.
- Revised practice direction effective July 22, 2020: clarifies role of filing counsel; changes filing requirement from one to two clear business days in advance in para. 4; and adds para. 5.
- **May 17, 2021: Amended to be consistent with the new *Provincial Court Family Rules*, B.C. Reg. 120/2020 that came into force May 17, 2021.**

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