



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: 23 February 2015

FAM 05

PRACTICE DIRECTION

GUARDIANSHIP APPLICATIONS WHEN THERE IS AN EXISTING ORDER

Purpose

To clarify the application of Rule 2(1) and 2(2) of the *Provincial Court (Family) Rules* when there is an existing order in place.

Application

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

Directions

1. If there is an existing guardianship order regarding a child then any subsequent application seeking a change to the guardianship of that child is treated as an application under Rule 2(2) for a change or cancellation of an existing order.
2. This is even if the current applicant was not a party to the existing order.
3. If the current applicant is not a party to the existing order and the applicant seeks access to the court registry file relating to the existing order, the applicant must make an application under Rule 20(10)(e) seeking authorization from a judge.
4. If the current applicant is not a party to the existing order and seeks to transfer the file to another registry the applicant must make an application under Rule 19 seeking authorization from a judge.

History of Practice Direction

- Original interoffice memorandum dated May 28, 2007.
- Amended practice direction dated February 23, 2015 (changes to wording and formatting - updating original interoffice memorandum to reflect the *Family Law Act*, S.B.C. 2011, c. 25).
- January 8, 2020: Housekeeping update to remove “duration” section as contained information duplicated in “History of Practice Direction” section.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379 and Rule 20(13) of the *Provincial Court (Family) Rules*, B.C. Reg. 417/98.

Thomas J. Crabtree
Chief Judge
Provincial Court of British Columbia

Expired
May 17, 2021