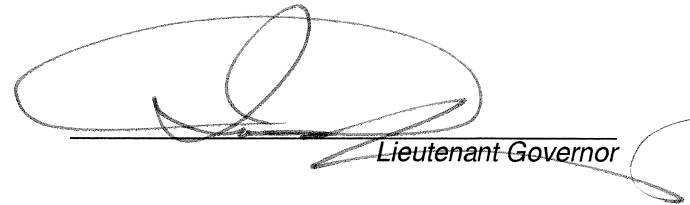


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

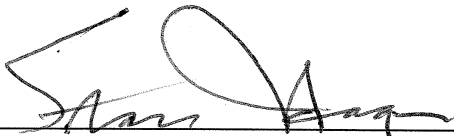
Order in Council No. 868, Approved and Ordered DEC - 8 2005



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned made after consultation with the Chief Judge of the Provincial Court, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 16, 2006, the Provincial Court (Child, Family and Community Service Act) Rules, B.C. Reg. 533/95, is amended as set out in the attached Schedule.



Minister of Children and Family Development



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Court Rules Act, R.S.B.C. 1996, c. 80, ss. 1 to 4

Other (specify):- oic 1514/95

SCHEDULE

1 Subparagraph (i) of the definition of “party” in the Definitions section of the Provincial Court (Child, Family and Community Service Act) Rules, B.C. Reg. 533/95, is repealed and the following substituted:

(i) the director responsible for the child; .

2 Rule 1 is amended

(a) by repealing subrule (1.1),

(b) in subrule (2) by striking out “or as mentioned in subrule (1.1) of this Rule”,

(c) in subrule (6) by striking out “Form 2, Form 3 or Form 12” and substituting “Form 2 or Form 3”, and

(d) in subrule (9) (b) by striking out “(See Rule 1 (1.1), (2) and (3))” and substituting “(See Rule 1 (2) and (3))”.

3 Rule 6 is amended

(a) in subrule (3) by repealing paragraph (b.1) and substituting the following:

(b.1) the application is for a warrant issued under section 28 (3.3) or 98 (4.3) of the Act,

(b.2) the application is for a consent order under section 60 of the Act and each of the required consents has been obtained or dispensed with, or ,

(b) in subrule (4) (f) (ii) by striking out “of the Ministry for Children and Families”, and

(c) by repealing subrule (6) and substituting the following:

(6) A person entitled to notice under section 38 (1) (b) to (e) of the Act may file a notice of address for service (Form 8).

4 Appendix A is amended by repealing Forms 1, 2 and 11 and substituting the attached Forms 1, 2 and 11.

5 Forms 3 to 10 are amended by adding the following:

The parent(s) of the child(ren) is/are:
[Name(s)]

after the following:

In the matter of the child(ren):
[Name(s)]

[Date(s) of Birth (mo/day/yr)]

6 *Form 5 is amended by striking out “[] the person did not comply with an order under section 17 to disclose the location of a child.” and substituting the following:*

[] the person did not comply with an order under section 17 (2) (b) to disclose all the information known to the person that may assist the director in locating the child;

OR

[] the person did not comply with an order under section 17 (2) (c) to allow the director or another person to interview or to visually examine the child, or to do both.

7 *Forms 12 and 13 are repealed.*

PRESENTATION FORM

Court File Number

FORM 1

Court Location

In the Provincial Court of British Columbia
Under the *Child, Family and Community Service Act*

In the matter of the child(ren):

[Name(s)]

[Date(s) of Birth (mo/day/yr)]

The parent(s) of the child(ren) is/are:

[Name(s)]

This Information is filed on behalf of a director by: [Name]

[Address].....[City] B.C.

[Postal Code] [Phone] [Fax].....

The child remains in the parents' care and the director applies for supervision under

s. 29.1 (The director has reasonable grounds to believe the child needs protection and a supervision order would be adequate to protect the child.)

The child was removed under the authority of the *Child, Family and Community Service Act*, under

s. 30 (The director has reasonable grounds to believe the child needs protection AND

the child's health or safety is in immediate danger, OR

no less disruptive available measure is adequate to protect the child.)

s. 36 (1) (The director has reason to believe that an order made under s. 33.2 (2), 35 (2) (b) or (d) or 36 (3) no longer protects the child or a person has not complied with a term or condition of the order and a director is required to remove the child.)

s. 42 (The director has reason to believe that an order made under s. 41 (1) (a) or (b), 41 (1.1) or (2.1), 42.2 (4) (a) or (c), 46 (3) or 49 (8) or an interim order made under section 42.1 no longer protects the child or a person has not complied with a term or condition of the order and a director is required to remove the child.)

The child has or has not been returned to the parent.

A hearing will take place on [Date] at [Time] am pm

at[Court Location]

The following are either

attached to this form OR

will be available at the presentation hearing:

Form A OR

Form F

The child is aboriginal: Yes No

Previous proceedings involving this child or siblings: Yes No

Details

[Signature] [Date]

Lawyer for the director is: [Name].....

APPLICATION FOR AN ORDER
FORM 2

Court File Number

Court Location

In the Provincial Court of British Columbia
Under the *Child, Family and Community Service Act*

In the matter of the child(ren):

[Name(s)]

[Date(s) of Birth (mo/day/yr)]

The parent(s) of the child(ren) is/are:

[Name(s)]

This Application is filed by: [Name]

[Address]..... [City] B.C.

[Postal Code] [Phone] [Fax].....

Notice to:

[Name(s)].....

[Address(es) (include Tel. & Fax # if applicable)]

The child is aboriginal: Yes No

I will apply to this court on [Date] at [Time] am pm

at[Court Location]

FOR:

- A temporary custody order (under s. 41 (1) (c), s. 42.2 (4) (b) or s. 49 (7) (b))
- A supervision order (under s. 41 (1) (a), s. 41 (2.1), or s. 42.2 (4) (a))
- A continuing custody order (under s. 41 (1) (d), s. 42.2 (4) (d), s. 49 (4), s. 49 (5) or s. 49 (10))
- An order permitting use of another service method, as set out below (Rule 6 (10))
- Extension of a temporary order (section 44)
- A supervision order after expiry of a temporary custody order (section 46)
- An order for access to a child (section 55)
- An order that a child or parent undergo a medical or other examination (section 59)
- An order under section 60 with reference to section
- An order under section 60 dispensing with a required consent
- An order varying notice requirements (section 69)
- An order as set out below

Details of the order requested and the section of the Act or Rule relied upon:

[Signature of Applicant or Agent] [Dated]

[Address for service if different from Applicant's]

..... B.C.

WRITTEN CONSENT

Court File Number

FORM 11

Court Location

In the Provincial Court of British Columbia
Under the *Child, Family and Community Service Act*

In the matter of the child(ren):

[Name(s)]

[Date(s) of Birth (mo/day/yr)]

The parent(s) of the child(ren) is/are:

[Name(s)]

I, [Name]

of [Address] [City] [Prov.]

consent to the making of a Consent Order under section 60 with reference to section

Details of the consent order including any terms or conditions:

I am:

- the director.
- the child, 12 years of age and older.
- the child(ren)'s parent.
- a person who has custody of the child(ren) under section 35 (2) (d) or 41 (1) (b) of the Act.
- the designated representative of an Indian band, an aboriginal community or the Nisga'a Lisims Government.
- a person made a party under section 39 (4) of the Act.
- the Public Guardian and Trustee.
- other:

I have been advised by the director to consult with independent legal counsel before signing this consent.

I understand the nature and the consequences of this consent.

My consent to the order is voluntary.

[Signature] Dated:

[Witness Signature] [Witness Name] Dated: