

If You Can't Get Legal Aid for Your Child Protection Case

A step-by-step guide to making a JG application

- Facing a court hearing?
- Can't afford a lawyer?
- Denied legal aid?

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This booklet explains the law in general. It isn't intended to give you legal advice on your particular problem. Because each person's case is different, you might need to get legal help. The information in this booklet is up to date as of February 2023.

The Canadian Charter of Rights and Freedoms is part of Canada's Constitution. It says that everyone has the right to a fair trial.

In child protection matters, once someone has been denied legal aid, they have the right to ask the court to make an order for a lawyer to be made available to them so that they have a fair trial. This type of order is only possible where the provincial **Director of Child Welfare (the director)** is seeking a custody order. There are three types of custody orders **the director** might seek: an interim custody order, a temporary custody order, or a continuing custody order.

This request is called a "JG application." JG is the name of a New Brunswick court case (1999) about the right to have a lawyer in a child protection case.

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Useful Words to Know

Sometimes the words used in court or by lawyers are hard to understand. Here's a list of words to help you understand:

- how to make a JG application, and
- who's involved in a JG application.

These words are in **bold** in this booklet.

You'll also find other helpful words in **bold** in the booklet. They're explained in parentheses (brackets).

Advocate: A person who knows about certain issues and laws and uses their experience to help other people.

Affidavit: A form containing the facts of your case that you swear (promise) are true.

Application for a Charter remedy: The process of going to court to show that your Charter rights have been denied.

Attorney General: The **respondent** to your **JG application**.

Commissioner, or Commissioner of Oaths: A person authorized by provincial law to witness affidavits.

Director of Child Welfare (the director): A person appointed under the Child, Family and Community Service Act by the Ministry of Children and Family Development to make sure children are kept safe and are well cared for. **The director** has the power to investigate reports of child abuse and remove children from their families.

Director's Counsel: The person who represents the **Director of Child Welfare** in the child protection proceeding. They aren't involved in your **JG application**, but you need to send them certain information about it.

Exhibits: Documents you use with your **affidavit** to prove what you're saying in court.

Family duty counsel (duty counsel): Lawyers paid by Legal Aid BC to give you free advice and speak on your behalf in court on family matters.

File: To register your documents with the court.

Government's lawyer: The lawyer who represents the **Attorney General**. They'll try to prove that you can afford to pay for a lawyer yourself. They aren't involved in your child protection case, only your **JG application**.

Hearing: A court-scheduled appearance before a Provincial Court judge.

JG application: The way to ask the government to pay for a lawyer for your child protection case if you can't afford to pay for one yourself.

Legal aid: Legal advice and services for people who can't afford to pay for a lawyer.

List days: Days when certain types of hearings are scheduled in Provincial Court.

Mediator: A specially trained person who doesn't take sides and who helps people to work things out.

Ministry of Children and Family Development (MCFD): A government department that has the legal duty to investigate all reports about children who've been abused or neglected.

Notary public: A person who's legally allowed to witness **affidavits** and other legal documents.

Pro bono lawyer: A lawyer who won't charge you for the time they spend with you. (This time will be limited.)

Report to Court: A document with details about how and why the **Director of Child Welfare** removed your child and that sets out what they'd like to see happen.

Respondent: The person who's opposing your **JG application** and trying to prove that you can afford to pay for a lawyer.

Serve: To give a legal document to someone.

Social worker: A person qualified and licensed as a social worker. A social worker has the authority to carry out the responsibilities of the **Director of Child Welfare** to provide child welfare services under the Child, Family and Community Service Act. Social workers look into complaints about child abuse and have the power to remove children from their family home.

Sworn statement: A phrase sometimes used to describe an **affidavit**.

Introduction

If a **social worker** contacts your family on behalf of the **Director of Child Welfare**, talk to a lawyer as soon as you can. You have the right to do this. You're under investigation and you could lose your child.

You need a lawyer because a child protection case is complicated. A lawyer can help you work out an agreement with **the director** or help you in court.

What to do first

As soon as you can:

1. Call Legal Aid BC at **604-408-2172** (Greater Vancouver) or **1-866-577-2525** (elsewhere in BC).
2. Ask to speak to a Family LawLINE lawyer. They can give you legal advice and help by phone. Legal Aid BC provides these lawyers for free.

If your **application** for **legal aid** is denied — and denied again after a review — you can apply for a free court-appointed (ordered by the court) lawyer to take your case. This is called “making a **JG application**.”

Child protection matters often move quickly, so you need to act fast. You can make a **JG application** at any time during the court process.

You can also speak to a **family duty counsel** lawyer at the courthouse. Legal Aid BC pays these lawyers to give free legal advice.

You'll find **family duty counsel** lawyers at most provincial courts on child protection **list days**. Their priority is to help clients in court that day and to deal with emergency applications. But if the court list isn't too busy, they might have time to help you understand the two forms that you need to fill out. (These forms are on pages 17 to 21 of this booklet.)

You can also make an appointment with **family duty counsel** at the Nanaimo, Surrey, Vancouver, or Victoria Justice Access Centres and at some provincial courts on days other than **list days**. (To find your nearest Justice Access Centre or provincial court, see page 13.)

Other ways to find help

An **advocate** can support you during the child protection process. To find an advocate, see povnet.org.

You can also ask for a mediation.

At a mediation, a **mediator** will help you talk to the person from the **Ministry of Children and Family Development** (MCFD). To find a mediator, see mediatebc.com.

If you're Indigenous, you can also ask for a band or community representative to support you during any stage of the child protection process.



When can I ask a judge to order the government to pay for a lawyer for me?

You can ask a judge to order the government to pay for a lawyer for you, if all these things are true:



you face a court hearing where **the director** is seeking a custody order,



you can't represent yourself because your case is too complicated,



you can't afford a lawyer, and



you've been denied legal aid.

You can ask the judge to make an order for the government to pay for a lawyer for you even if you haven't been to court about your child protection case yet. Ask as soon as you know you can't get **legal aid**. If you have to appear in court about your case before you've had time to prepare your **JG application**, tell the judge. They'll give you time to prepare.

Why can a judge order the government to pay for a lawyer for me?

The courts have decided that sometimes a person can't have a fair trial if they don't have a lawyer. The Canadian Charter of Rights and Freedoms (the Charter) says you have the right to a fair trial. Judges have a duty to protect this right.

In child protection matters, if you need a lawyer and you've been denied **legal aid**, even after a review, you have the right to ask the judge to order the government to pay for a lawyer for you.

This request is called a **JG application**. JG is the name of an important Canadian court case about the right to have a lawyer in a child protection case where **the director** is seeking a custody order.

What do I have to prove to get a lawyer?

You have to prove you need a lawyer but you can't afford to pay for one. Use the four facts below to organize the information you'll need. Put this information in the forms on pages 17 to 21. These forms and the information in them are your **application for a Charter remedy**.



Later, you'll need to prove these four points to the judge at a JG **hearing**. You'll need to provide this information to prove you need the government to pay for a lawyer for you. Although you might not have to go to court to prove this, you'll still need to file the **application** to the court with a date on the form. Staff at the court registry will tell you the family remand list date you can use to fill out the form.

1. You face a court hearing where **the director** is seeking a custody order



Tell the judge what the **Director of Child Welfare** has done, and wants to do, about your child (or children). This information is in the **Report to Court**. The **social worker** should have given this to you. If you don't have a copy of it, ask the **social worker** for it.

2. You can't represent yourself because your case is too complicated

You have to show the judge that your case is too complicated for you to go to court without a lawyer. For example:



- Your case might involve technical legal issues.
- The trial procedure might be difficult for you to follow.
- There might be too much **evidence** (documents or witnesses) for you to handle on your own, especially if **the director** has a lot of **evidence**.

A lawyer can explain to you what's complicated about your case. To find a lawyer who can explain this, see "Where can I get legal help?" on pages 13 to 14.

You need to give information about your:



education level,



language ability, and



knowledge of the child protection process.

This will also help show if you're able to manage without a lawyer.

3. You can't afford a lawyer



You need to show that you can't afford a lawyer. To give a clear picture of your finances, include information about your financial situation in your **affidavit** (a form containing the facts of your case that you promise are true. See page 21 of this booklet). If another adult lives with you and helps to pay for the household expenses, you need to give information about their finances too. You need to give information about:

- your job situation,
- your monthly household income and expenses,
- your **assets** (any savings or valuable things you own) and any debts,
- your **dependants** (people you're responsible for), and
- any illness or disability that makes it difficult for you to speak for yourself.

Gather any papers that can prove your financial situation. For example:

- bank and credit card statements,
- income tax return,
- welfare cheque stubs, pay statements, Employment Insurance or disability payment statements,
- hydro bills, and
- rent receipts.

Give information about how much you think it would cost to hire a lawyer. This will help the court to decide if you can afford one. Before you go to court, ask one or two lawyers to tell you:

- how much they think they would charge to help you in your child protection case, and
- how much the **retainer** (deposit you would have to pay to a lawyer when they take your case) would be.

To find a lawyer who can answer these questions, see "Where can I get legal help?" on pages 13 to 14.

If you don't give enough information about your financial situation:

- the judge probably won't order that a lawyer must be provided for you, and
- the government might ask the court to wait until you give more information before they set a date for a court **hearing**.

To avoid any delays, **disclose** (share) the documents that are recommended in the **affidavit** form on page 21.

The government might ask you for more financial information depending on your circumstances. You can set a court date to appear before a judge to ask about this if you don't agree with what the government wants to see.

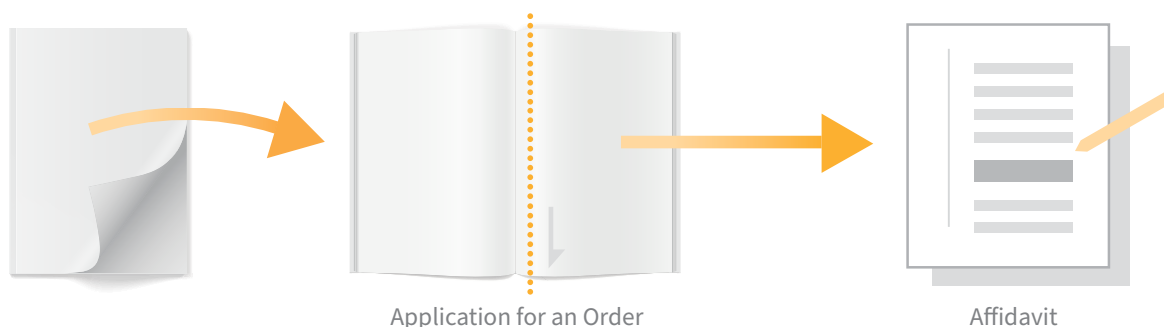
4. You've been denied legal aid



You need to show proof that you applied for **legal aid** but were denied. You also need to show that you asked for a review but were denied **legal aid** again. The **affidavit** that you file when you make your **JG application** should include the letters from Legal Aid BC showing that you were denied **legal aid**. If you've lost those letters, ask Legal Aid BC for copies.

How do I start my JG application?

1. To make a **JG application**, you first have to fill out two forms. These forms (with instructions) are in this booklet. They are:
 - **Application for an Order** — This form tells the court that you want to apply for a court-appointed lawyer. You'll find the form on pages 17 to 20.
 - **Affidavit** — This is a written statement with your background information that you swear (promise) to be true to the best of your knowledge. You'll attach the documents about your finances and the letters from Legal Aid BC to the **affidavit**. It's on page 21.
2. Fill out the forms right in the booklet. Then tear out the pages along the dotted lines. See page 6 for more information about how to prepare your forms.



Apply as soon as possible

The first time Legal Aid BC tells you that you can't get **legal aid**, you must ask them to review their refusal. As soon as they deny you **legal aid** again, start your **JG application**.

Prepare the forms for your JG application



Meet with **duty counsel** or another lawyer to help you complete the forms called **Application for an Order** (on pages 17 to 20) and **affidavit** (on page 21). These will be your **JG application**. To find a lawyer who can help you with this, see pages 13 to 14 of this booklet.

1. Follow the instructions in the left-hand columns on each form.
2. Take the **affidavit** form to a lawyer, a **commissioner**, or a **notary public** to be sworn and signed. This means that:
 - you **swear** (promise) in front of them that the information in the **affidavit** is true, and
 - then you sign the form.

There's often a **commissioner** at the court registry who can do this for free. **Duty counsel** are lawyers who may be able to help for free at the courthouse on **list days**. But it depends on how busy the courthouse is.

3. Make a copy of all the forms for each person who has a right to be told about the **hearing**. Everyone who needs a copy is listed on the **application** form. *Make one copy for yourself as well.*

Apply to the court where your hearing will be held

All child protection hearings in BC take place in Provincial Court.



Take your forms to the courthouse where your **case** will be heard. This is also where you'll appear before the judge to make your **JG application**, if a hearing is required.

If you don't have any information yet about your **hearing**, ask the **social worker**.

File your forms

When you know where your **hearing** will be held:

1. Take the original and the copies of the **application** and the **affidavit** forms to the court registry where your **hearing** will be held.
2. The court registry staff will look at the forms. They'll ask you to fix any mistakes or things that you missed on the **application** form. Make sure that you fix them in exactly the same way *in each copy*.

Next, the registry staff will stamp each copy of your **application** and **affidavit** forms. They'll keep the original versions of both forms. This means the documents have now been **filed** with the court.

The court registry staff will also give you a date for an appearance for your **JG application**. You might not have to go to court to prove you need a lawyer, but you'll still need to file your **application** to the court with a date on the form. Staff at the court registry will tell you the family remand list date you can use for the form.

Serve your application

Take your copies of the **application** and the **affidavit** forms and **serve them on** everyone listed on the **application**, the Attorney General of British Columbia, and the Attorney General of Canada.

You can take the documents in person, or send them by registered mail, to both of the following:

- Attorney General of BC
PO Box 9290
Stn Prov Govt
Victoria, BC V8W 9J7

Visit the Attorney General website at gov.bc.ca/justice and search for the “**serving legal documents on the Attorney General**” page for more information.
and

- Attorney General of Canada
900 – 840 Howe St.
Vancouver, BC V6Z 2S9

Also send copies of the documents to the:

- Director's Counsel (the lawyer for the director of child welfare), or give copies in court.

To serve the documents on the **parties** (other parents or guardians involved in your child protection proceeding and listed on the **application** form), you must deliver the documents:

- in person by someone other than you who's over the age of 19, or
- by registered mail, or
- by email, if the parties provide an email address and agree to accept service by email, or
- by fax.

If someone delivers the documents in person, they must also fill out a **Certificate of Service** (a form that's used to prove to the court that the documents have been delivered to each of the parties). Ask the court registry staff where to get this form.

How do I support my JG application?

Once you've filed and served your **JG application**, think about what you're going to use to prove you need a court order for the government to pay for a lawyer for you. For example, explain why you were denied legal aid and why you need a lawyer to help you. Use your **affidavit** to help you decide what you want to say.

To prove you need a lawyer but can't pay for one, you'll need to use:

- your filed **affidavit**,
- documents (letters, forms, bank statements, cheque stubs, etc.) you'll give to the government lawyer and the court (if there is a **hearing**),
- your own **testimony** (what you say to the judge under oath in court, if there is a **hearing**), and
- **witnesses** — if there is a **hearing**, in some cases you might need people who will talk under oath about your situation, but this is rare.

Usually, your **affidavit** and the documents you give to the government's lawyer will be all you need to use for your **JG application**.

For an **application for a Charter remedy** (to show the court that your Charter rights have been denied), you must show proof of your financial situation.

Include all your financial documents as **exhibits** to your **affidavit** with your **JG application**. You'll also need to give the government's lawyer any documents you didn't include in your **affidavit** if they ask for more information.

If you need to have a **hearing**, you'll use these documents when you're speaking to the judge. If you don't use these documents at a **hearing**, you might not have enough evidence to convince the judge that you can't afford to pay for a lawyer.

The government is allowed to see any documents you plan to use at your **hearing** before it takes place. If you're going to use documents you didn't attach to your **affidavit** when you **filed** your **application**, you must send copies of them to the address the **government's lawyer** gives you before the court **hearing** takes place.

Meet with a lawyer and ask for help

Talk to a **pro bono lawyer** or get **summary** (general) legal advice from a legal **advocate** before you go to court. Ask the lawyer or **advocate**:

- to go over all four points you need to convince the judge (pages 2 to 4), and
- to explain what you can expect in court.

To find a lawyer or **advocate**, see “Where can I get legal help?” on pages 13 to 14.

After you’ve made your JG application

After you’ve **filed** and **served** your **JG application**, a **government lawyer** will contact you to discuss your case and possible **hearing** dates if you need to speak to a judge about your **JG application**. In some rare cases, you might need to attend a hearing if the government lawyer does not agree with your reasons for needing a lawyer or not being able to pay for one, or if they need more information.

When they contact you, the government lawyer might:

- ask you for more information,
- agree to your **application**, or
- offer to **negotiate a settlement** (come to an agreement) so you don’t have to go to court to have a **hearing** for your **JG application**.



If the government offers to settle, they might ask you to pay some of the cost of hiring a lawyer if it looks like you can afford it. It’s up to you to decide if you want to settle.

You may wish to ask a lawyer or **advocate** for advice about this. To find a lawyer or **advocate**, see “Where can I get legal help?” on pages 13 to 14.

If you decide you don’t want to settle and would rather have a **hearing**, the judge might order you to pay some of the cost if your financial documents show that you can afford it.

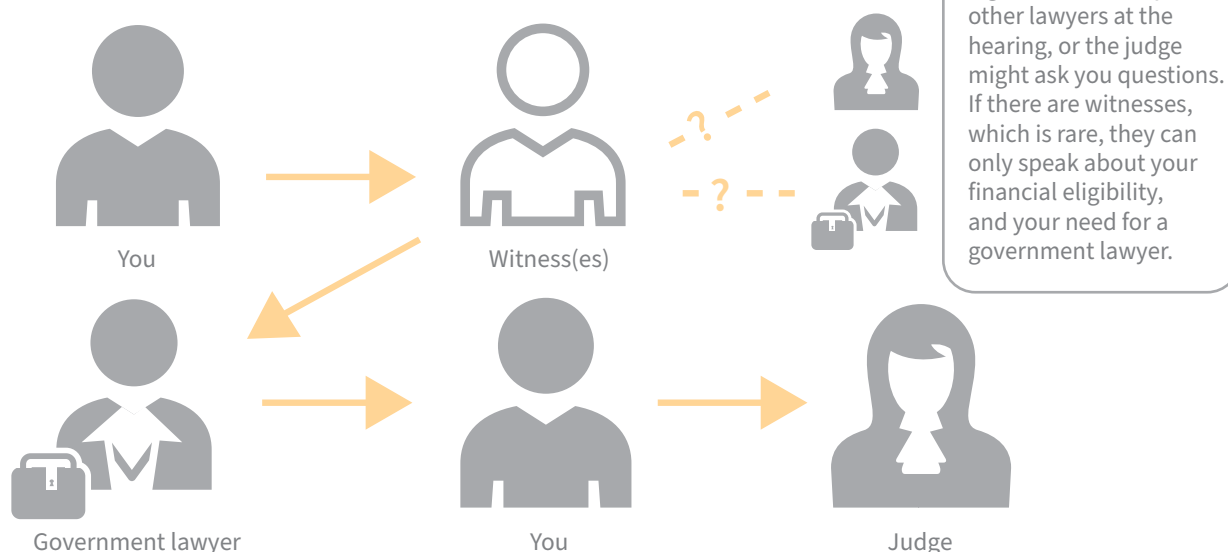
If you don’t reach a **settlement** and the **hearing** goes ahead, you’ll get a package of documents from the **government’s lawyer** before the **hearing**. This can include **affidavits**, an argument, and information about similar cases that the government will use at the **hearing** to prove that they shouldn’t pay for a lawyer for you.

When you get the documents, try to meet with **duty counsel** or another lawyer to show them the documents and ask for advice before the **hearing**.

What happens in court?

If you don't make an agreement with the government lawyer through a **settlement**, a court **hearing** could be held about your **JG application**. In this case, you'll go before a judge for the **hearing** and the judge will make a decision about your **application** for an order (the **JG application**) to have the government pay for your lawyer.

The diagram below shows you who gets to speak in court and when.



You go first



You'll speak first. This is called "making submissions to the court."

Call the judge "Your Honour." Say "Your Honour, I want to make a **JG application** because I can't afford a lawyer and I can't get legal aid."

You now need to convince the judge of the following four points:

1. You face a court hearing where **the director** is seeking a custody order.
 - You have a hearing about your child protection case coming up and the outcome will affect your parental rights.
2. You can't represent yourself because your case is too complicated.
 - Your case might be complicated for legal reasons.
 - You might not be able to follow the court procedure.
 - There might be too much evidence for you to manage by yourself.

3. You can't afford a lawyer.
4. You've been denied legal aid, even after a review.

You need to **give evidence** (give proof) about all of the four points listed above. You can:

- **testify** (speak) under oath,
- refer to your filed **affidavit**, and
- present your documents.

When you've finished speaking, you can ask your witnesses to speak (if you have any).

A government lawyer, other lawyers at the hearing, or the judge might ask you and your witnesses questions. Use your documents while you're in court to help you make your points.

If the judge says you've made a mistake or that you're missing some documents, don't give up. Ask the judge to explain what you should have done in the first place. Then:

- ask them if you can **stand down** (pause the court hearing) to speak to **duty counsel** for help, or
- ask for an **adjournment** (delay) so you can get free legal advice and come back to court another day to continue the hearing and finish making your **JG application**.



Check carefully that you've included all the evidence you'll need to prove that you can't afford a lawyer, your child protection case will affect your parental rights, and your case is too complicated for you to manage alone. After you've made your submissions and presented your evidence, you can't add any new evidence.

The government's lawyer goes next



The **government's lawyer** will then probably try to prove that:

- you can defend yourself, because the case isn't complicated, or
- you can afford a lawyer.

You'll get a chance to speak again after the **government's lawyer** speaks. Refer only to the parts of your documents or the parts of the earlier **testimony** (comments) that support the points you're trying to make.

Usually you can't refer to documents or evidence that you didn't include in your original **evidence** and submissions to the court.

The judge decides



After you and the **government's lawyer** have had a chance to speak, the judge will decide whether to order that a lawyer must be provided for you. Sometimes the judge will **reserve** (delay) their decision to consider the evidence and ask you to come back on another day to hear their decision.

If the judge denies your **JG application**, you can't **appeal** (ask them to review) it. But if things change in your life (for example, if your case becomes more complicated or your income drops), you can make another **JG application**.

How long before I can get a lawyer?

If you settle with the government's lawyer without going to a **hearing**, or if you need a **hearing** and the judge orders that you should have a lawyer, tell the **government's lawyer** if you have a specific lawyer in mind. They'll let Legal Aid BC know who you've chosen.

If you don't choose a lawyer right away, the **government's lawyer** will ask Legal Aid BC to send you a list of lawyers.

Once you've picked a lawyer from the list, Legal Aid BC will confirm with them if they'll represent you at your child protection hearing. Once this is confirmed, contact the lawyer directly to prepare for the hearing.

Where can I get legal help?



It's a good idea to talk to a lawyer before you make your **JG application**. Here are some ways to do that:

- **Speak to a Family LawLINE lawyer.** Legal Aid BC provides Family LawLINE lawyers who can give you free legal advice and help by phone. Call Legal Aid BC at **604-408-2172** (Greater Vancouver) or at **1-866-577-2525** (elsewhere in BC). Ask to speak to a Family LawLINE lawyer.
- **Speak to a family duty counsel lawyer at the courthouse.** If they have time, **duty counsel** can give you free advice about **the director's application** regarding your child (or children), court procedures, and your legal rights. **Duty counsel** can even speak on your behalf the first time you appear in court. But they can't act as your permanent lawyer.

To find out when **duty counsel** are available:

- Call Legal Aid BC at **604-408-2172** (Greater Vancouver), or at **1-866-577-2525** (elsewhere in BC). Ask when **duty counsel** will be in the courthouse. Or,
- Visit the Legal Aid BC website at legalaid.bc.ca and search for the "**duty counsel lawyers for family law matters**" page. You'll find a list of communities at the bottom of the page. Click on your nearest town or city for the address, phone number, and hours of the courthouse. You can call the number listed for your courthouse to make an appointment. Or,
- Visit the Attorney General website at gov.bc.ca/justice and search for the "**courthouse locations**" page to find a courthouse near you.
- **If you live near Nanaimo, Surrey, Vancouver, or Victoria**, talk to someone at your nearest Justice Access Centre. Find addresses and more information on the [Justice Access Centres](http://gov.bc.ca/justice) page at gov.bc.ca/justice.

- **Pay a lawyer for one or two meetings.** If you can pay for just one or two meetings to get basic advice about your case, it could be worth the cost. Find out at your first meeting what kind of help the lawyer can give you and how much it will cost.
- **If you don't know a lawyer who handles child protection cases,** call the **Lawyer Referral Service**. You can book a **free** 15-minute appointment with a lawyer. If you want to hire that lawyer, ask how much you'll need to pay. Call **604-687-3221** (Greater Vancouver).
- **You can learn more about the child protection process** on the Family Law in BC website at **familylawinbc.ca**.



Forms

Follow the instructions in the left-hand columns.

Fill out the forms right in the booklet. Then tear out the pages along the dotted lines.

See page 6 for more information about how to prepare your forms.

TO APPLY FOR AN ORDER

Rule 1 (2)

Step 1

COMPLETE the APPLICATION FOR AN ORDER form, type or print clearly. Forms and guides can be found at the Government of BC website www.gov.bc.ca/court-forms



Step 2

FILE the APPLICATION FOR AN ORDER by taking or mailing it to the Provincial Court Registry. There is no fee for filing an Application. If the form is accepted for filing, registry staff will set a date for you to attend before a judge. They keep a copy and give you the copies you need for your records and for serving on the other parties.



Step 3

SERVE the Attorney General of BC, and everyone who is entitled to notice of your application. See page 7 in this booklet for more details.

AND THEN you must appear in court at the date and time, and by the method of attendance set out in your Application. If anyone who you were required to serve does not show up in court, you will have to prove that you did serve them with your Application. To do this, you will need a Certificate of Service (Form 9). Then the judge will hear evidence from all parties and decide whether to grant your Application.

THE CHILD(REN)

The names of the child or children in the case should appear here in the same way they appear on the other documents in the same case. If you have a copy of a document that has already been filed, copy the names from that. If not, ask at the Court Registry. These names and the Registry File Number ensure that all documents that belong in the file stay together.

Even if earlier documents related to several children and your Application relates only to one of them, copy all the names and birthdates as they were on the earlier documents.



THE PARENT(S)/GUARDIAN(S)

The parent(s)/guardian(s) name(s) will appear on the court list posted in the courthouse on the date when the application is heard.



FILED BY

Your name, address and email go here.



NOTICE TO:

List the names, addresses and email addresses of everyone who must be served with a copy of the Application. Look at the section of the Act that authorizes the application to see who they are. Be sure to use the correct address. There are rules related to service.



https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/533_95

INDIGENOUS CHILD(REN)

Section 1 of the Child, Family and Community Service Act defines an “Indigenous child”



COURT DATE

The court will assign a date, time, and method of attendance.



APPLYING FOR

If the order you are applying for is one of those listed on the form, check that box and check the space before the section of the Act, or the Rule. You must also check the space before the section of the Act, or the Rule, that authorizes the court to make the order.



APPLICATION FOR AN ORDER

Form 2

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

THE CHILD(REN):

This is the name and birthdate of each child involved.

In the matter of the child(ren):

Name

Date of Birth (mm/dd/yyyy)

THE PARENT(S)/GUARDIAN(S):

This is the name(s) of the parent(s)/guardian(s) of the child(ren) listed above.

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

Name

FILED BY:

This is the name, address and email address of the one who is making this application.

This application is filed by:

Name

Address

City

B.C.

Postal Code

Phone

Fax

Email Address

NOTICE TO:

This is the name, address (and phone, fax number, and email address if applicable) of everyone who is required to be notified of the application. This list should include the Attorney General of BC.

Notice to:

Name

Address (include tel., fax #, and email address if applicable)

INDIGENOUS CHILD(REN):

Check one.

The child(ren) is/are Indigenous: ☐ Yes ☐ No

COURT DATE:

This is the date, time and place of the hearing of the application.

I will apply to this court on _____ at _____ ☐ am ☐ pm

Date

Time

☐ in person at

☐ by another method of attendance, as specified

court location

attendance details

When remote appearance is included in the "by" field, you may choose to attend in that method.

APPLYING FOR:

This is the order that the court will be asked to make, and the section of the Act or Rule that allows it. These checkboxes do not apply to a JG application.

- ☐ an order for access to, information about or examination of a child (s. 17(2))
- ☐ a protective intervention order (s. 28(3))
- ☐ an order for necessary health care (s. 29(3))
- ☐ an order that a person be a party at a hearing (s. 39(4))
- ☐ a supervision order (under ☐ s. 41(1)(a), ☐ s. 41(2.1), ☐ s. 42.2(4)(a) or ☐ s. 46(3))
- ☐ a temporary custody order placing a child in the custody of a person other than a parent (under ☐ s. 41(1)(b) or ☐ s. 42.2(4)(c))
- ☐ a temporary custody order placing a child in custody of the director (under ☐ s. 41(1)(c) or ☐ s. 42.2(4)(b))
- ☐ extension of a temporary order (under ☐ s. 44(3)(a), ☐ s. 44(3)(b) or ☐ s. 44.1(3))
- ☐ 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 extending the time limit for a temporary custody order (s. 45(1.1))
- ☐ an order permanently transferring custody of a child (☐ s. 54.01(5) or ☐ s. 54.1(3))
- ☐ an order for access to a child (under ☐ s. 55, ☐ s. 56, ☐ s. 57.01 or ☐ s. 57.1)
- ☐ an order appointing the Public Guardian and Trustee as the child's property guardian (s. 58(3))
- ☐ an order that a police officer take charge of a child (s. 63(1))
- ☐ an order for production of a record (s. 65(1))
- ☐ an order under section 60 with reference to section _____

These checkboxes do not apply to a JG application.

- ☐ an order under section 60 dispensing with required consent
- ☐ an order varying notice requirements (s. 69)
- ☐ a restraining order (under s. 98(1) or s. 98(3))
- ☐ an order permitting use of another service method, as set out below (Rule 6(10))

- ☐ an order as set out below

Details of the order requested.

For a JG application, check this box and type or write: "Seeking a JG order to appoint government-funded counsel." This is more information about the order asked for, whether or not it is one of the listed orders.

Sign, type or print name

Dated _____

ADDRESS FOR SERVICE:

This is the address where documents can be mailed, emailed, or faxed to the person making this application.

Address for service if different from Applicant's:

Address		City	B.C.
Postal Code	Phone	Fax	
Email Address			

ADDRESS FOR SERVICE

This is the address where the Court Registry and other parties will send any further notices or information to you. It may or may not be the same as your home address. For example, if you live in a rural area, your delivery address may be a postal box. If your address changes, get a **Notice of Address for Service** (Form 8) from the Court Registry, fill it out and file it there.

AFFIDAVIT

Form 7

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

Court File Number
Court Location:

THE CHILD:

This is the name and birthdate of each child involved.

In the matter of the child(ren)

Name(s)

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

THE PARENT(S):

This is the name(s) of the parent(s) of the children listed above.

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

Name(s)

YOUR NAME:

This is the name and address of the person swearing the affidavit.

I, Name

of, Address

City

Prov.

swear that:

1. I know or firmly believe the following facts to be true. Where these facts are based on information from others, I have stated the source of that information and I firmly believe that information to be true.

2. I make this affidavit in relation to an application by ☐ me or by Name

3.

4.

5.

6.

I SWEAR:

By signing this affidavit, you are giving your oath that it is true. Paragraph 2: Is this affidavit being used in support of your own application, or is it for someone else? If anything in your affidavit is based on information received from others, state the name of the person who provided the information. Include information about your financial circumstances, and the complexity of your child protection proceeding. Explain why you are making this application. If you need more space, indicate that a page is attached. If so, put the oath (signature) section at the end of the last sheet.

SWORN BEFORE:

The affidavit must be sworn before a qualified person. You may do this at the registry.

Sworn before me

on Date

at British Columbia

Signature

FILED BY:

The name and address of the person filing the affidavit goes here. (This may or may not be the person who swears the affidavit.)

A Commissioner for taking Affidavits for British Columbia

This affidavit is filed by: Name

of: Address

City

Prov.

Postal Code

Phone

Fax

Notes

Also Available

Emily's Choice: A Child Protection Story

Keeping Aboriginal Kids Safe: Your Family's Rights

Parents Legal Centre brochure

*Parents' Rights, Kids' Rights: A Parent's Guide to
Child Protection Law in BC*

You can read all our resources online at
info.legalaid.bc.ca.

Our Aboriginal Legal Aid in BC website
has information about issues important
to Indigenous people.
See aboriginal.legalaid.bc.ca.

