



Provincial Court of British Columbia

If you have not resolved all the issues at a family management conference, you may go to trial.

At a family trial a judge will decide the issues based on the facts proved by the evidence and the law that applies to those facts. In cases involving children, the *Family Law Act* says the parties and the judge must only consider the best interests of the child.

The parties in a family court trial may be called "the applicant" and "the respondent".

A family trial in Provincial Court will often have these five stages:

1. Opening statements

If you have a lawyer at your trial, your lawyer will speak for you except when you testify.

In some cases, the judge may begin by asking the parties questions like these:

- What court orders are you requesting?
- What are the issues to be decided in this hearing?
- What is your position on each issue?
- How many witnesses will you present during the hearing?

In other cases, the judge may invite the parties to make brief opening statements explaining these things.

2. Applicant's evidence

The applicant goes first. They can testify and present any witnesses they have brought to court. The respondent has a chance to question each witness, including the applicant. If lawyers are involved, they do all the questioning of witnesses.

3. Respondent's evidence

After the applicant's evidence, the respondent then has a chance to testify and present any witnesses they have brought to court. The applicant has a chance to question each of these witnesses including the respondent.

4. Closing submission

After all the witnesses have been heard, each party has a chance to sum up briefly, explaining what they want the judge to order and how the evidence supports them.

5. Judge's decision

The judge may be able to give their decision and the reasons for it at the end of the trial, or they may "reserve" their decision and give it in court on another day. They might also have a written decision filed and sent to the parties instead of setting another court date.

If you and the other party don't have lawyers, the judge may use a different procedure to help you present your case. If so, the judge will explain the procedure at the start of the trial.

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