



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective date: 03 August 2023

FAM 13

PRACTICE DIRECTION

AFFIDAVITS & EXHIBITS FOR USE IN FAMILY PROCEEDINGS

Background

In family files, the Court has received lengthy Affidavits and Exhibits, as well as Affidavits and Exhibits in electronic format on electronic storage devices without parties determining if the appropriate technology is in place to access the device during a hearing.

The Court has also received Affidavits and Exhibits in family files that have photographs, screenshots or a video recording which contain intimate images of children or family members. Once filed these Exhibits may be accessed by those listed in the Court's [Access to Court Records](#) policy.

Purpose

To set out guidelines regarding the length, format, and content of Affidavits and Exhibits in family proceedings. For the purpose of this Practice Direction, unless otherwise stated, "family proceedings" means proceedings under the *Family Law Act*, S.B.C. 2011, c. 25 (FLA), *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46 (CFCSA), *Family Maintenance Enforcement Act*, R.S.B.C. 1996, c. 127 (FMEA), *Interjurisdictional Support Orders Act*, S.B.C. 2002, c. 29, and *Adult Guardianship Act*, R.S.B.C. 1996, c. 6.

Application

This practice direction applies to all Provincial Court locations in the Province.

Directions

1. Unless the court orders otherwise, an Affidavit and Exhibits in family proceedings:
 - a. in total must be no longer than 25 pages, and

- b. must not be provided on a USB stick or other electronic data storage device including a video or audio file.

Section 1(a) does **not** apply to: (i) an Affidavit and Exhibits for proceedings under the *Interjurisdictional Support Orders Act*; or (ii) financial statements.

2. Affidavits and Exhibits in family proceedings must not include an intimate image of any person made by any means including a photograph, film, screenshot or video recording. Intimate image means an image in which a person in the image is nude, is exposing their genital organs, anal region or breasts or is engaged in explicit sexual activity. Instead a written description of the intimate image may be included. A judge will determine whether to admit the image itself.
3. Any intimate image that has already been filed will, on application by a party or on the Court's own motion, be sealed. The party filing may, with leave of the Court, file another Affidavit and Exhibit that does not contain the offending material.

History of Practice Direction

- Original practice direction dated December 6, 2022.
- August 3, 2023: Revised to clarify "Purpose" and s. 1.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, Rule 9(19) of the *Provincial Court (Adult Guardianship) Rules*, and Rule 160 of the *Provincial Court Family Rules*, B.C. Reg. 120/2020.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia