



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *11 January 2023*

FAM 11

PRACTICE DIRECTION

DEFAULT METHOD OF ATTENDANCE FOR COURT APPEARANCES UNDER THE PROVINCIAL COURT FAMILY RULES

Purpose

The purpose of this practice direction is to set out the default method for court appearances under the *Provincial Court Family Rules*, B.C. Reg. 120/2020.

Application

This practice direction applies to all [court registries](#) in the Province.

Directions

Rule 163.1(1) of the *Provincial Court Family Rules* states that the default method of attendance for court appearances is in person. Rule 163.1(2) notes that despite subrule (1) the Chief Judge may direct that a class of court appearances may or must be attended by telephone, video conference or other means of electronic communication. This practice direction modifies Rule 163.1(1) to facilitate the following direction and procedure.

Default Method of Appearances

1. For the following *Family Law Act* court appearances the default method of appearance will be in person, unless a judge otherwise orders or directs:
 - trials and trial continuations;
 - applications for an order about a priority parenting matter;
 - applications for an order prohibiting the relocation of a child;
 - applications about enforcement; and,
 - applications for a case management order (where notice required).

2. For the following *Family Law Act* court appearances the default method of appearance will be by audioconference (telephone or Microsoft Teams) or videoconference (Microsoft Teams), unless a judge otherwise orders or directs:
 - family management conferences; and,
 - family settlement conferences.
3. For the following *Family Law Act* court appearances the default method of appearance will be hybrid, unless a judge otherwise orders or directs:
 - trial preparation conferences;
 - pre trial conferences;
 - confirm trial date; and,
 - calling of the family assize list.

“Hybrid” means participants may attend court either in person or remotely without having to make an application (and no advance notice is required).

4. For remote attendance at any proceedings by MS Teams, counsel are required and parties are strongly encouraged to use videoconference. For every Microsoft Teams proceeding, a dial-in conference number will also be provided so that parties can participate by telephone if they are unable to do so by videoconference or if their video connection fails during the proceeding.
5. The method of attendance for *Family Law Act* protection order hearings will be as set by the Registry in consultation with a judicial case manager.
6. For matters under the *Family Maintenance Enforcement Act* (FMEA) and the *Interjurisdictional Support Orders Act* (ISO) for the following court appearances the default method of appearance will be in person, unless a judge otherwise orders or directs:
 - trials and trial continuations; and,
 - appearances where notice is required to be given to another party and where evidence will be given in person.

On ISO matters amicus counsel and the out-of-province applicant may always appear remotely. For any other appearance under the FMEA or ISO the default method of appearance will be hybrid.

7. Notwithstanding the above provisions, family duty counsel and counsel for Parents Legal Centres may attend court either in person or remotely by videoconference without having to make an application.

8. Parties will receive, or may request, from the court registry information about how to attend and, if by telephone or Microsoft Teams audioconference or videoconference, how to connect to a court appearance.
9. A party seeking an alternate method of attendance from what they have received from the court registry must make an application to a judge.
10. Parties and Counsel must read and comply with:
 - a. the Policy on [Use of Electronic Devices in Courtrooms](#) and ACC-1 [Access to Court Proceedings](#) Policy including the general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court; and
 - b. [Notice 21 Remote Attendance in the Provincial Court](#).

History of Practice Direction

- Original practice direction effective January 4, 2022.
- July 18, 2022: title and purpose revised to remove reference to “certain”; sections 1, 3, 5, 6 and 7 added to be consistent with Appendix “A” of NP 28; section 2 revised to remove reference to family case conferences, and trial preparation conferences, pretrial conferences and pretrial applications moved to different sections; section 4 first sentence was revised to state that for remote attendance at any proceedings by MS Teams, counsel are required and parties are strongly encouraged to use videoconference; section 10 added the reference to the general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court; and, other housekeeping changes.
- January 11, 2023: Final sentence updated to reference the *Interjurisdictional Support Orders Regulation*.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, and Rule 160 and Rule 163.1(2) of the *Provincial Court Family Rules*, B.C. Reg. 120/2020 and sections 5.1 and 5.2 of the *Interjurisdictional Support Orders Regulation*, B.C. Reg. 15/2003.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia