

# Key Features: Family Rules and Court Fees



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## A Separate Set of Rules for Family Cases

There is now a separate set of Supreme Court rules that apply to family cases. Previously, family rules were a combination of general civil rules and specific family rules. The new family rules stand alone and are organized in logical and chronological order, which will be easier to use.

## User Friendly Forms

The main forms have been completely revised to make them more user-friendly. They are modeled on Provincial Court forms and are intended to be easier to understand and fill out.

## Terminology and Clarity

The new family rules use plainer language and even rules that have not been substantively changed have been redrafted to improve clarity and readability.

## Family Specific Objects and Proportionality

The Supreme Court family rules reflect some of the values of the Family Justice Reform Working Group (FJRWG) report and provide that the object of the family rules is to help families resolve the legal issues that arise from family break-up fairly and, in a way that will minimize conflict, promote co-operation between the parties and take into account the impact that the conduct of the case may have on a child.

In the family law context, proportionality is defined as conducting the case in ways that are proportionate to the court's assessment of:

- a) the needs and interests of any child affected;
- b) the family's financial resources;
- c) the complexity of the case; and
- d) the importance of the issues in dispute to the law applicable to British Columbia.

## Judicial Case Conference

The judicial case conference (JCC) remains a key feature of the rules. The judge's powers at a JCC have been expanded. Under the new rules the judge or master at a JCC has the power to refer parties to a family justice counselor or child support clerk, to a parenting after separation program, or, with the consent of the parties, to a private mediator.

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## Discovery in Family Cases

The family rules have new limits on document production and oral exams for discovery, similar to the civil rules. The family rules provide a right to five hours of examination for discovery. Further discovery is allowed with the consent of the parties or on application to the court.

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## Experts in Family Cases

The key change with respect to experts is that if a party wishes to present expert evidence on a financial issue (which is defined in the rule), the parties must appoint a joint expert. The court may appoint an additional expert if necessary to ensure a fair trial.

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## Costs

The costs rule has been simplified, reducing the number of tariff items to very few.

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## Supreme Court Filing Fees

Court users pay fees at various steps in the court process. For example, a fee is charged for starting a claim, for each day of trial and for many steps in between. The fee schedule has been revised to match the new rules and processes. The new fee schedule reduces the number of fee categories and ensures that similar procedures trigger the same fee. In sum, the new fees are much simpler and easier to understand.

In order to increase access to trials, the new fee schedule eliminates hearing day fees for the first three days of trial. Further, to encourage the use of mediation, the fees for filing or responding to a claim will be eliminated for parties that mediate prior to commencing a civil action. Last, the new fee structure provides for automatic adjustments for inflation.