

Your Existing Family Order During the Covid-19 Pandemic



Are the courts still open?

Yes, the courts are still open to hear urgent matters (protection orders, relocation, denial of parenting time, medical decisions, etc.)

Applications will be filed by email (Provincial court) or online (Supreme court). Call your registry for more information.

All court appearances will be by telephone.

Do I still need to follow my family order?

All orders granted by the provincial or supreme court in a family case continue to be in force and should be followed by the parties.

If possible and safe, follow your order as it is written. If you are worried you will not be able to safely follow your parenting order, seek legal advice about what you should do in your specific case.

What are my options if I cannot safely follow my parenting order?

You may choose to do what you believe is safe for you and your child in the face of difficult and unforeseen circumstances. Before making the decision not to follow a parenting order (for example, to retain your child in your care) you should first consult with a lawyer and obtain legal advice, and, if possible, communicate with the other parent to reach an agreement about how to proceed.

It is also possible to make an urgent application to vary parenting time, based on the circumstances of your case. In this way, it may be possible to obtain a temporary (interim) parenting order under the procedures listed above.

What could happen if I decide not to follow my parenting order?

The other parent has the option to apply to court to enforce the order, on an urgent basis. Denial of parenting time is something both the Supreme Court and the Provincial Court may well deem urgent, and you must be prepared to defend your decision before a judge, Master or Justice.

There are situations where retention of a child is not wrongful (see ss. 61 and 62 of the Family Law Act), but the justifications are few and narrow. Decisions made now may also have consequences for your family matter further down the road.

The Covid-19 situation is unprecedented and we do not yet know how courts will handle family law issues in this context.

Legal Resources:

Family LawLINE service: 604-408-2172 (Greater Vancouver) or 1-866-577-2525 (elsewhere in BC)

Lawyer Referral Service: 604-687-3221 (Greater Vancouver) or 1-800-663-1919 (Elsewhere in BC)

To contact legal aid to make an application or seek help with an urgent problem relating to a family court matter that has been adjourned in response to the current Covid-19 situation, please call 1 866 577-2525 (BC wide) or 604 408-2172 (Greater Vancouver).

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