



Ministry of Justice



Centre of Excellence for Matrimonial Real
Property
MRP Toolkit Training

Overview of British Columbia
Family Law

September 17, 2014



Outline

- The FHRMIRA – objectives
- Family Law – Provincial and Federal Legislation
- BC Court trial court structure – BC Supreme Court & BC Provincial Court
- Services to assist with family matters
- FHRMIRA implementation activities in BC



FHRMIRA - Objectives

- Create statutory real property division remedy on Reserves
- Authorize individual First Nations to create their own MRP laws
- Ensure rules exist until MRP laws are created – provisional rules



Provincial laws

- *Family Law Act*
 - General overview
 - Part 2 – Resolution of Family Law Disputes
 - Part 5 – Property Division
 - Part 9 – Protection Orders
- *Wills Estates and Succession Act*
- *Child, Family and Community Services Act*
- *Family Maintenance Enforcement Act*



Federal Laws

- Divorce Act
 - Divorce order
 - Corollary Relief
 - Child custody and access
 - Child support
 - Spousal support



Family Homes on Reserves and Matrimonial Interests or Rights Act

- Authority to make First Nations MRP laws
- Provisional Rules
 - Emergency Protection Orders
 - Exclusive Occupancy Orders
 - Division of real property on Reserve



Comparison – FHRMIRA and Provincial Legislation

- Safety related orders
 - Emergency Protection Orders (EPO)
 - FLA Part 9 Protection Orders
- Property possession and division orders
 - Exclusive Occupation Orders
 - FLA, Part 5 orders
 - WESA



BC Court Structure

- Shared jurisdiction over family law matters
- British Columbia Supreme Court
 - Exclusive jurisdiction over property
 - Shared jurisdiction over safety-related orders
- British Columbia Provincial Court
 - No jurisdiction over property
 - Shared jurisdiction over safety-related orders
 - The most accessible and used family court
- British Columbia Court of Appeal



Services

- Family Justice Services Division
 - Located across the province
 - Legal information and dispute resolution services
 - Assistance with BC Provincial Court forms and processes
- Legal Services Society
- Duty Counsel
- Other legal information resources



BC Implementation

- Working group which includes government officials and representatives from the First Nations Leadership Council
- Designation of judges
- Needed BCSC Rules and Forms changes
- Education/Legal information communication



Questions?