

What You Can Expect at Court

Information for People with Family Law Problems

Introduction:

Going to court for the first time may seem intimidating, but information is power, and planning for your appearance in advance can help. You may have the opportunity to go through a court introduction with a support worker, who can show you around and answer any questions you have. You may also choose to visit the courthouse by yourself in advance of your court date to observe. Courtrooms are generally open to visitors, unless the judge decides otherwise, so observing is allowed and may give you a better idea of what to expect when you appear in court yourself.

Tri-City Transitions Society can help you find answers:

This information sheet provides answers to common questions about what you can expect when you go to court to address your family law problem.

Some of the answers in this sheet contain general legal information. They are not intended to be used as legal advice for your specific legal problem. This sheet also provides a short list of other resources that may provide helpful information.

Tri-City Transitions Society also offers emotional and practical support to victims of family violence as they go through the court system. Please call us with any questions: 604-941-7111.

1. Which court do I go to?

If you have been served with a notice, it will tell you which Provincial or Supreme Court location the proceeding is scheduled take place in.

If you are bringing a matter to court, you may have a choice of which court to file it in. For most family law matters, you may choose whether to file in Supreme or Provincial Court. The Supreme Court has jurisdiction (the authority to make decisions) over all family matters, including matters covered by the federal *Divorce Act*. The Provincial Court has jurisdiction over most family matters, most notably excluding property division (splitting your family assets and debts) and divorce (the final order dissolving a legal marriage). You may choose to deal with some matters, such as parenting arrangements and child support under the provincial *Family Law Act*, in Provincial Court before going to Supreme Court to deal with any remaining issues, such as divorce.

Provincial Court is intended to be more accessible for people who will be representing themselves in court, instead of being represented by a lawyer. Filing fees in Provincial Court are less expensive than in Supreme Court, and the procedures are less formal. If you will be representing yourself, no matter which court you go to, it is a good idea to seek legal advice about your situation from a lawyer. If you cannot afford to hire a lawyer, you may be eligible for legal aid, or you may be able to access a lawyer through services such as Access Pro Bono or the family duty counsel at the court.

2. Where do I go in the courthouse?

To bring a new issue to court, speak to the court registry.

When you come for your court appearance, the courtroom you will be in will be posted. Many courthouses will have electronic screens that list the names of the parties appearing in each courtroom. Others may post paper lists. Make sure to be early. You will need to check in with the clerk in the courtroom in advance of your appearance time.

3. Are there rules of etiquette I should observe in Court?

There are no rules for how to dress, but keep in mind that going to court is a serious occasion and dress neatly and respectfully.

No food or drink is allowed in the courtroom, except for water. Do not chew gum in court. Cell phones should be turned completely off (not just on silent).

When the judge enters the courtroom, everyone must rise to show respect and remain standing until the judge sits down. You may see some people, particularly lawyers, bow to the judge. You may bow as well, but it is not strictly expected from self-represented litigants. The justice in Supreme Court is referred to as “my lord” or “my lady”. The judge in provincial Court is called “your honour”. Stand when you speak to the judge or to any witness.

Behave calmly and respectfully. If you have a lawyer representing you, let them do the talking and try not to interrupt. If your partner has a lawyer, it is a good idea to speak to their lawyer, rather than directly to your partner.

4. Who is who in the court room?

In the courtroom you will see two areas, separated by a barrier or “bar”. When you enter the courtroom, you will be in the area called the gallery. The gallery offers seating for observers or for litigants who are not currently speaking before the judge. The area past the bar is for lawyers and for self-represented litigants who are currently speaking to the judge. To the side will be a sheriff, whose role is to provide security in the courtroom and courthouse. At the front of the room will be the court clerks, and above them the bench, where the judge will sit.

5. How can I prepare to handle the emotional impact of court?

Family court can be a difficult experience. Some things that may help include:

- Prepare your legal case in advance: seek legal advice to help you prepare and, if you will be speaking on your own behalf, make sure to write out what you are going to say.
- Seek a support person who you can speak to about your experience in court. Often it can be helpful to bring someone you trust to court with you so you don't have to go alone.
- Try to get a good night's sleep and something to eat before your court appearance. It can be hard to remain calm, focused, and reasonable if you are already worn out.

6. Where can I find legal help?

Here are some legal resources that may be available to you if you are not able to hire a lawyer on your own. Speaking to a lawyer can help you to understand your legal rights and responsibilities, as well as identify reasonable goals and next steps as you navigate the legal system.

- [Lawyer Referral Service](#)

<http://www.cbabc.org/For-the-Public/Lawyer-Referral-Service>

604-687-3221 or 1-800-663-1919

- If you can afford to hire a lawyer, but don't know who to speak to, the Canadian Bar Association's Lawyer Referral Service provides the opportunity to have a consultation with a lawyer for up to 30 minutes for a fee of \$25. This service can put you in touch with a lawyer in the correct area of law. You and the lawyer may then decide whether or not to continue at their regular rate.

- [Legal Services Society](#)

<http://www.legalaid.bc.ca/>

604-408-2172 or 1-866-577-2525

- The Legal Services Society is the organization that provides legal aid in British Columbia. You can learn more about legal aid and the application requirements on their website.
- This website also gives locations and contact information for family law duty counsel.

- [Family Law in British Columbia](#)

<http://www.familylaw.lss.bc.ca/>

- The Legal Services Society, which also organises duty counsel and legal aid resources, has created a website that provides legal information about many family law problems. This is a good place to look for general legal information on a wide variety of family law issues, and also provides sample court forms, templates for separation agreements, and other useful resources.

- [Access Pro Bono](#)

<http://accessprobono.ca/>

- Access Pro Bono provides half-hour appointments with a lawyer for free legal advice for low-income clients. Clinics are offered in many areas of law, including family law.
- A half hour is a short period of time, so remember to prepare any documents and specific questions that you have in advance. Contact for clinic information.

- [Rise Women's Legal Centre](#)

<https://womenslegalcentre.ca/>

- Rise Women's Legal Centre is a free legal clinic in Vancouver, where students and lawyers work together to offer free legal advice and representation for women in BC with family law matters. Contact for an intake appointment.