

Application About a Family Law Matter

Form 3

Provincial Court Family Rules
Rule 24

COURT STAMP

Registry location:

Court file number:

Last names of parties:
Party 1/ Party 2

Document number:
For registry use only

This Application About a Family Law Matter provides notice to each party, and the court, of the family law matters to be resolved with the help of the court and may include:

- an application for a court order about a family law matter when no order or agreement about the issue has been made before,
- an application to change or cancel all or part of an existing final order about a family law matter, or
- an application to set aside or replace all or part of an existing agreement about a family law matter

Please read before completing the form:

- You must complete the main application and any applicable schedule(s) for your family law matter(s) identified in Part 3 of the main application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

IMPORTANT NOTE TO THE OTHER PARTY:

A party who is served with this application may file a reply. To file a reply, the party or their lawyer, must file a Reply to an Application About a Family Law Matter Form 6 and, if applicable, a Financial Statement Form 4, **within 30 days** after the date the party was served with the application.

If you do not file a reply within the 30-day period, you will not be entitled to receive notice of any part of the case, including any conference, hearing or trial, and orders may be made in your absence.



A family law matter is a defined term under Rule 2 that means a case about one or more of the following:

- Parenting arrangements
- Child Support
- Contact with a child
- Guardianship of a child
- Spousal Support
- Property division in respect of a companion animal



As set out in Rule 28, to reply, a party must:

- file a reply in Form 6
- if the application is about child support or spousal support, file a financial statement
- if the application is in an early resolution registry, have already met the early resolution requirements

Part 1 | Notice of the application

1. ☐ I understand the following people **must be given notice** of my application:
- all parents and current guardians of each child who is the subject of the family law matter
 - my spouse, if I am applying for spousal support or property division in respect of a companion animal
 - each other adult who the family law matter is about

They are the other party/parties in this case. To give notice, **they must each be served** with a copy of this document and any supporting documents.

Additional notice requirements, as applicable:

If your application is about a **support** order or agreement that is **filed with the Director of Maintenance Enforcement**, you must give notice to the director.

If your application is about guardianship of a **Nisga'a** or **Treaty First Nation** child, you must give notice to the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs.



For more information about serving the other party, see the guidebook.



For more information about the additional notice requirements, see the guidebook.

Part 2 | About the parties

2. My **full name** is:
Full name of party
- My **date of birth** is:
(dd/mmm/yyyy)

3. The **other party's full name** is:
Their **date of birth** (dd/mmm/yyyy) is:
- ☐ There is an additional party.
The **additional party's** full name is:
Their **date of birth** (dd/mmm/yyyy) is:



If you need to add another party or need more space for any field on this form, you can attach a separate piece of paper to this application that includes the information.

Part 3 | Relationship between the parties

4. Select only one of the options below unless there is more than one party and both apply
- ☐ I am (or was) the other party's **spouse**. We are (or were) **married** or have **lived together** in a marriage-like relationship.

Complete the information below about your relationship, as applicable. You may leave a field blank if it does not apply

Date on which the parties began to live together in a marriage-like relationship (dd/mmm/yyyy):

Date of marriage (dd/mmm/yyyy):

Date of separation (dd/mmm/yyyy):

- ☐ I have never been the other party's spouse.

Please **describe your relationship to the other party**



Spouses may be separated even if they continue to live in the same residence [s. 3(4) Family Law Act].

Part 4 | Identification of children

5. Select the correct option below and provide the additional information if applicable

- ☐ My family law matter is **not about a child** or children (skip to Question 8)

- ☐ My family law matter is about **the following child** or children:

Provide the requested information below for each child

Child's full name	Child's date of birth (dd/mmm/yyyy)	My relationship to the child	Other party's relationship to the child	Child currently living with (name of person)



A child's residence is usually where they live at least 40% of the time. If a child currently splits their time between two residences, include both.

6. ☐ I understand that I must consider the **best interests of the child** with respect to each order I am asking the court to make about the child. The "best interests of the child" is a legal test used to decide what would best protect the child's physical, psychological, and emotional safety, security and well-being [s. 37 Family Law Act].



For more information about best interests of the child, see the guidebook.

Part 5 | About us

7. I would like to share the following information with the court about the **cultural, linguistic, religious and spiritual upbringing and heritage of my family**, including, if the child is an Indigenous child, the child's Indigenous identity:

You may choose to leave this question blank

Part 6 | Existing orders and agreements

8. There is an **existing court order or written agreement** about parenting arrangements, child support, contact with a child, guardianship of a child, spousal support, and/or property division in respect of a companion animal.

☐ **Yes (see attached copy)** ☐ **No**

9. There is an **existing court order, agreement or plan protecting** one of the parties or the child(ren), or restraining contact between the parties, including:

- a protection order,
- an order, agreement or plan involving child protection services, or
- a peace bond, restraining order, bail condition or other criminal order.

☐ **Yes (see attached copy)** ☐ **No**



Include any order (interim or final), agreement or plan from any level of court and any location.



If yes, you must attach a copy of any order, agreement or plan to this application for filing.

Part 7 | What you are asking for in this application

You may apply for a court order about one or more family law matters. If you have an existing final order or written agreement about the family law matter, the information you must provide the court is a little different than if you have never had a final order or agreement.

Select each family law matter you want an order about and select the appropriate answer to the question below to identify which schedule you must complete.



This part will help you identify which family law matter you need a court order about and the additional schedule you must complete to provide more information to the court and the other party.

10. I am applying for a court order about the following family law matter(s):



Parenting arrangements, including parental responsibilities and parenting time

Parenting arrangements include how each guardian will parent their child(ren), including each guardian's responsibilities for decision making about a child and the time each guardian spends with a child. Parental responsibilities can be shared by one or more guardians exclusively, separately, or jointly.

→ Do you have a final order or written agreement about parenting arrangements, including parental responsibilities and parenting time?



No → Complete **Schedule 1**



Yes → Complete **Schedule 2**



Child support

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for the child.

→ Do you have a final order or written agreement about child support?



No → Complete **Schedule 3**



Yes → Complete **Schedule 4**



Contact with a child

Contact with a child is the time a child spends with someone who is not their guardian.

→ Do you have a final order or written agreement about contact with the child?



No → Complete **Schedule 5**



Yes → Complete **Schedule 6**



Guardianship of a child - Appointing a new guardian or cancelling guardianship of a child

Guardianship is who is responsible for a child. Only guardians have parental responsibilities and parenting time with a child.

→ Complete **Schedule 7**



Spousal Support

Spousal support is money that one spouse pays to another spouse for their financial support after separation.

→ Do you have a final order or written agreement about spousal support?



No → Complete **Schedule 8**



Yes → Complete **Schedule 9**



Property division in respect of a companion animal

Property division in respect of a companion animal is who will have ownership and possession of a companion animal when spouses separate. The court may only make an order for ownership and possession by one spouse.

→ Do you have a written agreement about property division in respect of the companion animal?



No → Complete **Schedule 10**



Yes → Complete **Schedule 11**

IMPORTANT NOTE:

If you have an **interim order** about a family law matter that you want to change or cancel, you must file a Request for Scheduling Form 39.

If you already filed an application or counter application about a family law matter, and you need an interim order, speak to the judge at your next scheduled appearance or file a Request for Scheduling Form 39 to request a court appearance.



For more information about whether you have an interim or final order, see the guidebook.

Part 8 | Filing location and initial requirements

11. I am filing this application in the court registry:

Select only one of the options below

- ☐ Where my **existing case** with the same party/parties is located. I already have a court file number.
- ☐ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ☐ Closest to **where I live** because my case does not involve a child-related issue
- ☐ Permitted by **court order**

12. ☐ I understand that I may be required to **complete additional requirements** before filing my application or scheduling a family management conference depending on the court registry where my case is filed, including one or more of the following:

- an online parenting education program (Parenting After Separation)
- an individual needs assessment with a family justice counsellor
- at least one consensual dispute resolution session, if applicable



Rule 7 sets out these requirements for which registry to use.

Talk to the court registry to see if there is already an existing case at a court location.



For more information about the different registry types and how to meet the requirements, see the guidebook.

Part 9 | Lawyer's statement – Complete this part only if you are a lawyer for the party.

13. *If you are not a lawyer, you may leave this question blank*

☐ I, , the lawyer for ,

Full name of lawyerFull name of party

acknowledge that I have complied with the requirements of section 8 of the Family Law Act.

Part 10 | Address for service

14. My **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:

City:

Province:

Postal Code:

Email:

Telephone:

Lawyer's name and firm name (if applicable):



For more information about how this information will be used and who will have access to it, see the guidebook.

Schedule 1

Parenting Arrangements

No existing final order
or written agreement

Complete this schedule only if you need a court order about parenting arrangements, including parental responsibilities and parenting time, and you do not have an existing final court order or written agreement about parenting arrangements.

Part 1 | Guardian of the child

1. Select the option that applies to your situation

- ☐ I am the **child's guardian**
- ☐ I am **applying to be appointed** as the child's guardian (*I am also completing Schedule 7*)



Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 39 Family Law Act]. For information about who is a guardian of a child, see the guidebook.

Part 2 | Order about parenting arrangements

Parenting arrangements include how each guardian of a child will parent their child(ren), including each guardian's responsibilities for decision making about a child (parental responsibilities), and the time each guardian spends with a child (parenting time).

Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the Family Law Act.

2. I am applying for an **order about parental responsibilities** as follows:

List the details of the order you are asking for. You may leave this question blank.

3. I am applying for an **order about parenting time** as follows:

List the details of the order you are asking for. You may leave this question blank.

4. I am applying for an order about

- the **implementation of an order** about parenting arrangements made under the Family Law Act, or
- the **means for resolving disputes** about an order about parenting arrangements made under the Family Law Act,

as follows:

List the details of the order you are asking for. You may leave this question blank.

5. I am applying for **directions** from the court under s. 49 of the Family Law Act respecting the following **issue affecting a child**:



Parental responsibilities can be set up so they can be exercised by:

- One or more guardians only,
- Each guardian acting separately, or
- All guardians acting together.

[s. 40 Family Law Act]



S. 49 of the Family Law Act allows a child's guardian to apply to court for directions respecting an issue affecting the child, and the court may make an order giving the directions it considers appropriate.

Part 3 | Best interests of the child

6. I believe the order about parenting arrangements I am applying for, including parental responsibilities and parenting time, is in the **best interests of the child(ren)** because:

List your reasons



To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about parenting arrangements.

For more information, see the guidebook.

Schedule 2

Parenting Arrangements

Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about parenting arrangements, including parental responsibilities and parenting time, and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1 | Final order or written agreement

1. Select only one of the options below and complete the requested information

- ☐ I have a **final court order** about parenting arrangements, including parental responsibilities or parenting time, **made on (date)** _____ that I want to change or cancel (**see attached copy of order**). → Complete **Part 2**
- ☐ I have a **written agreement** about parenting arrangements, including parental responsibilities or parenting time, **made on (date)** _____ that I want to repeal or replace (**see attached copy of order**). → Complete **Part 3**



You must attach a copy of the order or agreement to this application for filing.

Part 2 | Final order – Complete this part only if you have a final order

2. Since the final order was made, **needs or circumstances have changed** as follows:

3. I am applying for the final order to be:

Select only one option

- ☐ **changed** → Complete **Part 4 and 5**
- ☐ **suspended** → Complete **Part 5**
- ☐ **cancelled** → Complete **Part 5**



The court can only change, suspend or cancel a final order if there has been a change in the needs or circumstances of the child since the original order was made, including a change in the circumstances of another person such as a parent [s. 47 Family Law Act].

Part 3 | Agreement – Complete this part only if you have a written agreement

4. I believe the written agreement is **not in the best interests** of the child(ren) because:

5. I am applying for the written agreement to be:

Select only one option

- ☐ **set aside** → Complete **Part 5**
- ☐ **replaced with an order** → Complete **Part 4 and 5**



The court must set aside or replace with an order, all or part of an agreement about parenting arrangements, if the court is satisfied that the agreement is not in the best interests of the child [s. 44 Family Law Act].

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying for an order for the parenting arrangements, including parental responsibilities and parenting time, to be **changed or replaced as follows**:

List the details of the order you are asking for



Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the Family Law Act.

Part 5 | Best interests of the child

7. I believe the order about parenting arrangements I am applying for, including parental responsibilities and parenting time, is in the **best interests of the child(ren)** because:

List your reasons



To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

For more information, see the guidebook.

Schedule 3 | Child Support

No existing final order
or written agreement

Complete this schedule only if you need a court order about child support and you do not have an existing final court order or written agreement about child support.

Part 1 | About the payor

1. The **payor** is:
- ☐ a parent or guardian of the child(ren)
 - ☐ a person standing in the place of a parent to the child(ren)
(for example, a step-parent)
 - ☐ other (specify): _____

Part 2 | Current circumstances

2. The **current support arrangements** are as follows:

3. The child or children **currently spend time** with each party as follows:

4. *Select only one of the options below*

- ☐ Each child I am applying for an order for child support for is **under 19 years of age**
- ☐ The following child(ren) is/are **19 years of age or older** and need(s) child support because of illness, disability, or because they are a full-time student:

Full name of child

Reason for child support

Select the applicable option

	☐ illness	☐ disability	☐ student
	☐ illness	☐ disability	☐ student

Part 3 | Order about child support

The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table according to the number of eligible children and the income of the spouse against whom the order is sought, and the amount, if any, determined for section 7 special or extraordinary expenses [s. 3 Federal Child Support Guidelines].

5. *Select each applicable option and complete the requested information*

- ☐ I am applying for an order for ongoing support to be paid by (name of paying party) _____ in the monthly amount set out in the child support guidelines for (number) _____ child(ren).
 - ☐ Based on the information I know about the other party's income and my application for child support I expect the amount payable for monthly child support to be approximately \$ _____.
 - ☐ I am not able to estimate the amount payable for monthly child support at this time.
- ☐ I am applying for an order for **special or extraordinary expenses** under section 7 of the child support guidelines as follows:
List the expenses you are claiming for each child.
You must file a Financial Statement Form 4 to itemize the specific amounts.



A child has the right to be supported by both parents, whether the parents ever lived together, or the parent has ever lived with the child.

Other guardians and stepparents may also be responsible for paying child support [s. 147 Family Law Act].



A child, for the purposes of child support, includes a person who is over 19 years of age, and is unable because of illness, disability or another reason to obtain the necessities of life or withdraw from the charge of their parents [s. 146 Family Law Act].



For more information about how to calculate the amount payable for child support, see the guidebook.



For more information about what can be included as special or extraordinary expenses, see the guidebook.

- ☐ I am applying for an order to **change the guideline amount payable** because the guideline amount would cause me **undue hardship** because I have:
- ☐ an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
 - ☐ unusually high expenses to exercise parenting time or contact with the child(ren)
 - ☐ a legal duty to support another person, such as an ill or disabled person or a former spouse
 - ☐ a legal duty to support a dependent child from another relationship
 - ☐ other undue hardship circumstances (*specify*):



The court may order child support in an amount different from the guidelines if appropriate [s. 10 Child Support Guidelines].

6. Child support payments should **start on** _____ **because:**

Date (dd/mmm/yyyy) or event



In making an order about child support, the court may provide that support be paid respecting any period of time before the application is made [s. 170 Family Law Act].

Part 4 | Income information

7. One or more of the following **applies to my application** for child support:

- I am the payor
- there is split or shared parenting time for one or more of the children
- there is child 19 years or older for whom support is being applied for
- a party has been acting as a parent to a child of the other party
- the payor earns more than \$150,000 per year
- there is an application for section 7 special or extraordinary expenses
- I am claiming undue hardship



Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 15 to 25 Child Support Guidelines].

☐ **Yes** → You **are required** to file a Financial Statement Form 4. Complete **Question 8**.

☐ **No** → You **are not required** to file a Financial Statement Form 4 at this time. Skip to **Question 9**.

IMPORTANT NOTE:

You may also provide this financial information before receiving the other party's reply to avoid delay, if you believe that the income of the other party is over \$150,000 per year or that they will claim undue hardship, special or extraordinary expenses, or child support from you.

8. I **am required to file** a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

- ☐ I **am filing** a Financial Statement in Form 4 with this application.
- ☐ I **am not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.



You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

9. *Select only one of the options below and provide the requested information*

☐ I believe the **payor's annual income** is \$ because:

☐ I **do not know the income** of the payor. I can provide the following facts about the payor's employment (past or present), training, health and ability to work:

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes an application about child support. You must provide your financial information with your reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to \$5,000, or a fine up to \$5,000
- make any other order the court considers appropriate

Schedule 4 | Child Support

Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about child support and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1 | Final order or agreement

1. Select only one of the options below and complete the requested information

- ☐ I have a **final court order** about child support made on (date) that I want to change or cancel (**see attached copy of order**). → Complete **Part 2**
- ☐ I have a **written agreement** about child support made on (date) that I want to repeal or replace (**see attached copy of agreement**). → Complete **Part 3**



You must attach a copy of the order or agreement to this application for filing.

Part 2 | Final order – Complete this part only if you have a final order

2. Since the final order was made, the following circumstances occurred:

Select all options that apply and complete the required information

- ☐ My financial situation has changed
- ☐ I believe the other party's financial situation has changed
- ☐ The special or extraordinary expenses for the child(ren) have changed as follows:

- ☐ The child(ren)'s living arrangements have changed as follows:

- ☐ Information has become available that was not available when the order was made (*specify*):

- ☐ Other changes or circumstances (*specify*):

3. I am applying for the final order to be:

Select only one option

- ☐ **changed** → Complete **Part 4**
- ☐ **suspended** → Skip ahead to **Part 5**
- ☐ **cancelled** → Skip ahead to **Part 5**

Part 3 | Agreement – Complete this part only if you have an existing agreement

4. I believe the agreement about child support **should be set aside or replaced** because:



The court must set aside or replace with an order, all or part of an agreement about child support if the court would make a different order on consideration of the matters set out in s. 150 [determining child support] [s. 148 Family Law Act].

5. I am applying for the existing agreement to be:

Select only one option

- ☐ **set aside** → Skip ahead to **Part 5**
☐ **replaced with an order** → Complete **Part 4**

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying for the final order or agreement about child support, including section 7 special or extraordinary expenses, to be **changed or replaced as follows**:

List the details of the order you are asking for

7. Select only one of the options below

- ☐ Based on the information I know about the other party's income and my application for child support I expect **the amount payable** for monthly child support to be approximately \$.
- ☐ I am **not able to estimate the amount payable** for monthly child support at this time.

8. Child support payments should **start on** **because:**

Date (dd/mmm/yyyy) or event



The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table.



For more information about how to calculate the amount payable for child support, see the guidebook.



In making an order about child support, the court may provide that support be paid respecting any period of time before the application is made [s. 170 Family Law Act].

Part 5 | Unpaid child support

9. As of , the amount of **unpaid child support** (arrears) was \$

Date (dd/mmm/yyyy)

10. Complete only if there is unpaid child support. You may leave this question blank. Select only one of the options below.

- ☐ I am **not applying to reduce** the amount of unpaid child support (arrears)
- ☐ I am **applying to reduce** the amount of unpaid child support (arrears) to \$ because:

11. Complete only if there is unpaid child support. You may leave this question blank.

I am applying for an order that the remaining **unpaid child support (arrears) be paid** as follows:

Select all options that apply and complete the required information

- ☐ At a rate of \$ per month
- ☐ In a lump sum
- ☐ Other (specify):



On application, a court may reduce or cancel unpaid child support that is owing (arrears) under an agreement or order about support if satisfied that it would be grossly unfair not to reduce or cancel the arrears [s. 174 Family Law Act].



The court may order that support be paid in different ways [s. 170 Family Law Act].

Part 6 | Income information

12. One or more of the following **applies to my application** for child support:

- I am the payor
- there is split or shared parenting time for one or more of the children
- there is child 19 years or older for whom support is being applied for
- a party has been acting as a parent to a child of the other party
- the payor earns more than \$150,000 per year
- there is an application for section 7 special or extraordinary expenses
- I am claiming undue hardship

☐ **Yes** → You **are required** to file a Financial Statement Form 4. Complete **Question 8**.

☐ **No** → You **are not required** to file a Financial Statement Form 4 at this time.
Skip to **Question 9**.

13. I am **required to file** a Financial Statement Form 4 to provide my income information to the court.

Select *only one* of the options below

☐ I **am filing** a Financial Statement in Form 4 with this application.

☐ I am **not able to file** a Financial Statement in Form 4 with this application.
I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.



Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 15 to 25 Child Support Guidelines].



You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes an application about child support. You must provide your financial information with your reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to \$5,000, or a fine up to \$5,000
- make any other order the court considers appropriate

No existing final order
or written agreement

Part 1 | Relationship to the child

- i** The court may make an order to require the parties to transfer the child under the supervision of, or require contact with the child to be supervised by, another person [s. 59 Family Law Act].

Part 3 | Best interests of the child

5. I believe the order about contact with a child that I am applying for is in the **best interests of the child(ren)** because:

List your reasons



To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Schedule 6

Contact with a child

Existing final order or
written agreement

Complete this schedule only if you have an existing final order or written agreement about contact with a child and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1 | Final order or agreement

1. *Select only one of the options below and complete the requested information*

- ☐ I have a **final court order** about contact with a child made
on (date) that I want to change or cancel (**see attached
copy of order**). → *Complete Part 2*
- ☐ I have a **written agreement** about contact with a child made
on (date) that I want to repeal or replace (**see attached
copy of agreement**). → *Complete Part 3*



You must attach a copy of the
order or agreement to this
application for filing.

Part 2 | Final order – Complete this part only if you have a final order

2. Since the final order was made, the needs or circumstances have changed as follows:



The court can only change, suspend or cancel a final order if there has been a change in the needs or circumstances of the child since the original order was made, including a change in the circumstances of another person such as a parent [s. 60 Family Law Act].

3. I am applying for the final order to be:

Select only one option

- ☐ **changed** → *Complete Part 4*
- ☐ **suspended** → *Skip ahead to Part 5*
- ☐ **cancelled** → *Skip ahead to Part 5*

Part 3 | Agreement – Complete this part only if you have an existing agreement

4. I believe the agreement about contact with a child is **not in the best interests of the child(ren)** because:



The court must set aside or replace with an order, all or part of an agreement about contact with a child if the court is satisfied that the agreement is not in the best interests of the child [s. 58 Family Law Act].

5. *Select only one option*

I am applying for the existing agreement to be:

- ☐ **set aside** → *Skip ahead to Part 5*
- ☐ **replaced with an order** → *Complete Part 4*

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying to change or replace the existing final order or agreement about contact with a child as follows:

Select all options that apply and complete the required information

☐ In person *(specify):*
Provide details including specific dates or events requested, or dates and times that would be most suitable

☐ Telephone communication

☐ Video communication

☐ Written communication

☐ Other method of communication *(specify):*

i
The court may make an order about contact with a child, including describing the terms and form of contact [s. 59 Family Law Act].

7. *Complete if applicable. You may leave this question blank.*
I am applying for **additional terms about contact** with a child as follows:
List the details of the terms you are asking for

i
The court may make an order to require the parties to transfer the child under the supervision of, or require contact with the child to be supervised by, another person [s. 59 Family Law Act].

Part 5 | Best interests of the child

8. I believe the order about contact with a child that I am applying for is in the **best interests of the child(ren)** because:
List your reasons


To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.
The parties and the court must consider the best interests of a child when making a decision about contact with a child.
For more information, see the guidebook.

Appointing a guardian or terminating guardianship

Complete this schedule only if you need a court order to appoint a new guardian for a child or to cancel an existing guardian's guardianship of a child.

Please read before completing this schedule:

Anyone who wants to become a guardian can apply, including a parent who is not a guardian or anyone else (even if they are not related to the child) [s. 51 Family Law Act]. Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 40].

The Family Law Act provides that while a child's parents are living together and after the child's parents separate, each parent will continue to be the child's guardian and will have parental responsibilities with respect to the child [ss. 39 and 40]. This does not mean that parents must have equal responsibility for a child.

An agreement or order about parenting arrangements can give parental responsibilities to one or more guardians only, each guardian acting separately, or all guardians acting together [s.40]. You can use Schedule 1 or Schedule 2 to apply for an order about parenting arrangements.

In some cases, it may not be appropriate for a parent or guardian to remain a guardian. An agreement or order can provide that a parent is not the child's guardian [s.39].



Usually, a child's parent is also the child's guardian, but not always. For more information about who is a guardian, see the guidebook.

Part 1 | Order about guardianship

1. *Select each option that applies*

- ☐ I am applying to be **appointed as a guardian** of the child(ren)
- ☐ I am applying for the following person(s) to **no longer be the guardian** of the child(ren):

Complete the information requested below. Specify the child only if the information does not apply to each child this application is about.

Full name of guardian:	They have been a guardian of the child(ren) since:	Name of child(ren) You may leave blank



The court may appoint a person as a child's guardian or terminate a person's guardianship of a child [s. 51 Family Law Act].



You may state “since birth” in the middle column instead of putting the specific date, if applicable [s. 51 Family Law Act].

Part 2 | Best interests of the child

2. I believe the order about guardianship of a child that I am applying for is in the **best interests of the child(ren)** because:

List your reasons



If a child is 12 or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 Family Law Act].



To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about guardianship of a child.

For more information, see the guidebook.

Part 3 | Indigenous ancestry of child(ren)

3. Is the child or children **Indigenous**?

- ☐ **Yes** → go to *next question*
- ☐ **No** → Skip ahead to **Part 4**
- ☐ **Unknown** → Skip ahead to **Part 4**

4. Complete this question only if a child is *Indigenous*.

If not, you may leave this question blank.

Please select the option below that best describes the **child(ren)'s Indigenous ancestry**:

- ☐ First Nation
- ☐ Nisga'a
- ☐ Treaty First Nation, including:
 - Tsawwassen First Nation
 - Maa-nulth First Nations:
 - Huu-ay-aht First Nations
 - Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
 - Toquaht Nation
 - Uchucklesaht Tribe
 - Yuułu?it?atḥ Government
 - Tla'amin Nation
- ☐ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous
- ☐ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous



A guardian's parental responsibilities include making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity [s. 41 Family Law Act].

IMPORTANT NOTE ABOUT A NISGA'A OR TREATY FIRST NATION CHILD:

If the child is a Nisga'a or Treaty First Nation child, you **must serve** the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the Family Law Act.

To serve them notice, they must receive a copy of this application.



For more information about serving Nisga'a Lisims Government or the Treaty First Nation to which the child belongs, see the guidebook.

Part 4 | Guardianship affidavit and supporting documents - Complete this part only if you are applying to be appointed as a guardian

A party applying to be appointed as a guardian of a child must provide the court with evidence using the Guardianship Affidavit in Form 5 respecting the best interests of the child [s. 51 Family Law Act and Rule 26].

5. ☐ I understand that I am required to **file a Guardianship Affidavit** in Form 5 as described in Rule 26 **before the court can make a final order** about guardianship.
6. ☐ I have **initiated or completed a criminal record check** as required for the Guardianship Affidavit.
7. *Select only one of the options below*
- ☐ I am **filing the following required documents** along with this application:
 - a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation*
 - a request, in the form provided by the registry, to search the protection order registry
 - ☐ I am **not able to file the required documents** with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the documents be filed with this application. I understand I will still be required to file the documents at a later date.



To complete Form 5, you are required to attach the results from various record checks as exhibits.

The record checks must be initiated at the time of filing this application.



For more information about how to complete a record check, including where to find the forms, see the guidebook.



You must file a consent and request for record check or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 8

Spousal Support

No existing final order
or written agreement

Complete this schedule only if you need a court order about spousal support and you do not have an existing final court order or written agreement about spousal support.

Part 1 | Entitlement to spousal support

1. I believe that I am, or the other party is, **entitled to spousal support** for the following reason(s):

Select all options that apply

- ☐ To recognize **economic advantages or disadvantages** to the spouses arising from the relationship or breakdown of the relationship
- ☐ To share the **financial consequences** arising from caring for the children during the relationship, beyond the duty to provide support for the child
- ☐ To **relieve economic hardship** of the spouses arising from the breakdown of the relationship
- ☐ To help each spouse **become financially independent** within a reasonable period



If after considering the objectives set out in section 161 of the Family Law Act, a spouse is entitled to support, the other spouse has a duty to provide support [s. 160 Family Law Act].

Part 2 | Current support

2. The **current support** arrangements are as follows:



The court must take into consideration the conditions, means, needs and other circumstances of each spouse when determining spousal support [s. 162 Family Law Act].

Part 3 | Order about spousal support

3. I am applying for an **order for spousal support** to be paid by *(name of paying party)* as follows:

- ☐ **Monthly payments** to commence on *(date)* as follows:
(number) ☐ **month(s)** ☐ **year(s)**
- ☐ **Lump sum payment**
- ☐ **Other** *(specify)*:



The court may order a spouse to pay an amount the court considers appropriate as spousal support after taking into consideration section 160 [duty to provide support for entitled spouse] [s. 165 Family Law Act].

The order may include when and how payments are to be made [s. 170 Family Law Act].

4. Based on the information I know about each party's means, needs, and other circumstances:

Select only one of the options below

- ☐ I expect the range for the **monthly amount payable** for spousal support to be approximately \$ to \$
- ☐ I expect a **lump sum amount payable** for spousal support to be approximately \$
- ☐ I am **not able to estimate** the amount payable for spousal support at this time



For more information about how to calculate the amount for spousal support, see the guidebook.

Part 4 | Income and earning potential information

5. My current employment situation, training, health and ability to work are as follows:



Spousal support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may attribute income in an amount the court considers appropriate [ss. 212 and 213 Family Law Act].

6. **I am required to file** a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

- ☐ I **am filing** a Financial Statement in Form 4 with this application.
- ☐ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.



You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

7. *Select only one of the options below and provide the requested information*

- ☐ I believe the **payor's annual income** is \$ because:

- ☐ I **do not know the income** of the payor. I can provide the following facts about the payor's employment (past or present), training, health and ability to work:

IMPORTANT NOTE TO THE PARTIES:

This family law case includes an application about spousal support. You must provide your financial information with your application or reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to \$5,000, or a fine up to \$5,000
- make any other order the court considers appropriate

Schedule 9

Spousal Support

Existing final order or
written agreement

Complete this schedule only if you have an existing final order or written agreement about spousal support and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1 | Final order or agreement

1. Select only one of the options below and complete the requested information

- ☐ I have a **final court order** about spousal support made on (date) that I want to change or cancel (**see attached copy of order**). → Complete **Part 2**
- ☐ I have a **written agreement** about spousal support made on (date) that I want to repeal or replace (**see attached copy of agreement**). → Complete **Part 3**



You must attach a copy of the order or agreement to this application for filing.

Part 2 | Final order – Complete this part only if you have a final order

2. Since the **final order** was made, the following circumstances occurred:

- ☐ My financial situation has changed
- ☐ I believe the other party's financial situation has changed
- ☐ My employment, training, health and/or ability to work has changed as follows:

- ☐ My household expenses have changed as follows:

- ☐ Information has become available that was not available when the order was made (*specify*):

- ☐ Other changes or circumstances (*specify*):

3. I am applying for the final order to be:

Select only one option

- ☐ **changed** → Complete **Part 4 and 5**
- ☐ **suspended** → Complete **Part 5**
- ☐ **cancelled** → Complete **Part 5**



The court can only change, suspend or cancel a final order if certain circumstances exist [s. 167 Family Law Act].

Part 3 | Agreement – Complete this part only if you have an existing agreement

4. I believe the agreement about spousal support **should be set aside or replaced** because:



The court must set aside or replace with an order, all or part of an agreement about spousal support if the court is satisfied one or more circumstances set out in s. 164 (3) of the Family Law Act existed when the parties entered into the agreement, or the agreement is significantly unfair.

Part 6 | Income information

11. I am required to file a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

- ☐ I **am filing** a Financial Statement in Form 4 with this application.
- ☐ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.



You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

IMPORTANT NOTE TO THE PARTIES:

This family law case includes an application about spousal support. You must provide your financial information with your application or reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to \$5,000, or a fine up to \$5,000
- make any other order the court considers appropriate

No existing final order
or written agreement

Part 1 | Order about property division in respect of a companion animal

- | Name of companion animal | Type of animal | To [party] | |
|--------------------------|----------------|-----------------------------------|--------------------------------------|
| | | Select one option for each animal | |
| | | ☐ Me | ☐ Other party |
| | | ☐ Me | ☐ Other party |
| | | ☐ Me | ☐ Other party |
| | | ☐ Me | ☐ Other party |

Part 2 | The facts

- the circumstances in which the companion animal was acquired
- the extent to which each spouse cared for the companion animal
- any history of family violence
- the risk of family violence
- a spouse's cruelty, or threat of cruelty, toward an animal
- the relationship that a child has with the companion animal
- the willingness and ability of each spouse to care for the basic needs of the companion animal
- any other circumstances the court considers relevant

Schedule 11

Property division in respect of a companion animal

Existing written agreement

Complete this schedule only if you have an existing written agreement about the companion animal and you need a new court order made to set aside or replace the written agreement.

Part 1 | Written agreement

- ☐ I have a **written agreement** about property division in respect of a companion animal made on (date) that I want to repeal or replace (**see attached copy of agreement**).
- I believe the agreement about property division in respect of a companion animal should be set aside or replaced because:

- I am applying for the existing agreement to be:

Select only one option

- ☐ **set aside**
- ☐ **replaced with an order** → Complete **Part 4**



You must attach a copy of the agreement to this application for filing.



As set out in s. 93 of the Family Law Act, the court must set aside or replace with an order, all or part of an agreement about property division if the court is satisfied one or more specified circumstances existed when the parties entered into the agreement, or the agreement is significantly unfair.

Part 2 | Order about property division in respect of a companion animal –

Complete this part only if you are asking to replace the existing agreement

- I am applying for the agreement about a companion animal to be **replaced with an order** as follows:

List the details of the order you want the court to make



Under section 97 of the Family Law Act, the court may only make an order for ownership and possession of a companion animal **by one spouse**.