

Application for Garnishment, Summons or Warrant Form 30

Family Maintenance Enforcement Act

Provincial Court Family Rules
Rule 140

COURT STAMP

Registry location:

Court file number:

BCFMA case ID:

Document number:

For registry use only

This Application for Garnishment, Summons or Warrant sets out the details of an application for enforcement of a support order under the Family Maintenance Enforcement Act.

Please read before completing the form:

- To collect on support owing, you can:
 - Enroll with the BC Family Maintenance Agency (BCFMA) by filing your support order, or filed agreement, with the Director of Maintenance Enforcement at www.bcfma.ca to have support collected for you
 - Take enforcement action through the court on your own or with a lawyer using the Family Maintenance Enforcement Act
- This form can be filed by a creditor (person to be paid support) or the Director of Maintenance Enforcement if the order is filed with the director. This form is used to enforce a support order through garnishing wages or bank accounts, issuing a summons to court, issuing a warrant for seizure and sale of belongings, or issuing a warrant for arrest.



During enforcement proceedings, the parties are commonly referred to as the **creditor** (person to be paid support) and **debtor** (person required to pay support).

Part 1 | About the parties

- My full name is:
Full name of party
My date of birth is:
(dd/mmm/yyyy)
- The full name of **other party to this agreement** is:
Their **date of birth** (dd/mmm/yyyy) is:
☐ There is an additional party/attachee.
The **additional party/attachee's** full name is:



An attachee is a person required or directed to pay under a notice of attachment or attachment order. It is usually an employer or other individual who owes the payor money.

Part 2 | About the support order or filed written agreement

- ☐ I have a **court order or filed written agreement** about support made on between the parties that **I want to enforce**
Date (dd/mmm/yyyy)
under the Family Maintenance Enforcement Act and **a copy of the order or filed written agreement is attached.**
- The order requires:
Select all applicable options
 - ☐ the debtor to pay support
 - ☐ the attachee to comply with the attachment order/notice of attachment
 - ☐ the debtor to pay arrears
 - ☐ the debtor to report by filing a statement of income and expenses
 - ☐ the debtor to provide particulars of each change of residential address, place of employment or business address
 - ☐ the debtor to provide a statement of finances or other prescribed document(s)



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



A written agreement about support that is filed with the court can be enforced under the Family Law Act or Family Maintenance Enforcement Act **as if it were an order of the court** [s. 148 and s. 163 Family Law Act].
You can use the Request to file an Agreement Form 26 to file it if you haven't already.

Part 3 | Request for enforcement under the Family Maintenance Enforcement Act

5. In connection with this order, I request a:

Select each option that applies and include the required supporting document(s) with your request

- ☐ **Summons** in Form 31 **requiring the debtor to attend court under section 14 (2) [failure to provide statement of finances]** of the Act to show cause why the order should not be enforced → **A supporting affidavit is required**
- ☐ **Warrant for arrest** in Form 32 **authorizing the apprehension of the debtor to bring the debtor before the court under section 14 (2) [failure to provide statement of finances]** of the Act to show cause why the order should not be enforced → **A supporting affidavit is required**
- ☐ **Garnishing order under section 18 [garnishment] of the Act** → **A completed garnishing order form and supporting affidavit is required**
- ☐ **Summons to a default hearing** in Form 33 **requiring attendance of the debtor at a default hearing under section 19 [summons for default hearing]** of the Act → **An affidavit of arrears or statement of arrears is required**
- ☐ **Summons** in Form 31 **requiring the debtor to attend court under section 21 (1) (a) [failure to report]** of the Act to show cause why the order should not be enforced → **A supporting affidavit is required**
- ☐ **Warrant for arrest** in Form 32 **authorizing the apprehension of the debtor to bring the debtor before the court under section 22 (1) (b) [failure to report]** of the Act to show cause why the order should not be enforced → **A supporting affidavit is required**
- ☐ **Summons to a committal hearing** in Form 34 **requiring the attendance of the debtor to a committal hearing under section 23 [committal hearing]** of the Act → **An affidavit of arrears or statement of arrears is required**
- ☐ **Warrant of execution under section 27 [warrant of execution]** of the Act → **A completed Warrant of Execution form and supporting affidavit is required**
- ☐ **Warrant** in Form 32 **for the arrest of a debtor under section 31 (a) [arrest of absconding debtor]** of the Act → **A supporting affidavit is required**



A payment order of an attachee may be enforced in any manner that a maintenance order may be enforced [s. 24 (7) Family Maintenance Enforcement Act].



You must file a supporting affidavit.

Depending on the enforcement option you are requesting, you may use:

- a Statement of Arrears under the Family Maintenance Act
- an Affidavit in Support of a Garnishing Order under the Court Order Enforcement Act; or
- an Affidavit – General Form 45 under the Rules



If you are requesting a garnishing order, you must attach a completed garnishing order form.



If you are requesting a warrant of execution, you must attach a completed warrant of execution.

Part 4 | The facts

6. ☐ I am filing an affidavit in support of this application, as set out in Part 3.

Part 5 | Address for service

7. My current **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 use by the BC Family Maintenance Agency staff only

- ☐ This application is being made and/or filed on behalf of the party by the Director of Maintenance Enforcement

Notes: