

Application for Order Under the Family Maintenance Enforcement Act

Form 35

Provincial Court Family Rules
Rule 142

COURT STAMP

Registry location: _____
Court file number: _____
BCFMA case ID: _____
Document number: _____
For registry use only

This Application for Order Under the Family Maintenance Enforcement Act sets out the details of an application for an order under the Family Maintenance Enforcement Act about the enforcement of an order about child support or spousal support.

Please read before completing the form:

- This form is usually used once enforcement actions have been started and may be used to challenge enforcement actions taken outside the court by the BC Family Maintenance Agency (BCFMA).
- Under the Family Maintenance Enforcement Act, you may be required to contact the BCFMA before taking any action in court.

Part 1 | About the parties

- My **full name** is: _____
Full name of party
My **date of birth** is: _____
(dd/mm/yyyy)
- The **other party's full name** is: _____
Their **date of birth** (dd/mm/yyyy) is: _____
- Complete only if applicable. You may leave this question blank.*
The following other person(s) who may be directly affected by the order is/are:
(Full name of other person(s)): _____

i 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 2 | Notice of the application

- ☐ I understand I **must give notice** of this application to each other party, and any other person who may be directly affected by the order.
To give notice, they must be served with the application and supporting documents at least 7 days before the date of the court appearance unless the court allows the application to be made without notice or with less than 7 days' notice.

i If the support order is filed with the Director of Maintenance Enforcement, they must also be served with a copy of the application. See the instructions for more information about how to serve them.

Part 3 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

on _____ at _____ a.m./p.m.

date

time

☐ in person at

_____ court location

☐ by another method of attendance, as specified

_____ attendance details

i The registry will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY/PERSON:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

Part 4 | Order under the Family Maintenance Enforcement Act

5. I am applying for the following order(s):

Select all options that apply

- ☐ Requiring the other party/person to provide to the Director of Maintenance Enforcement correspondence and/or searchable information
- ☐ Extending the time for filing a statement of finances with the court
- ☐ Requiring the debtor to file a statement of finances or other documents
- ☐ Requiring the debtor to pay an amount on failing to file a statement of finances or prescribed documents
- ☐ Providing that a corporation is jointly and separately liable with the debtor for payments required by the support order
- ☐ Requiring payment by an attachee who failed to pay in accordance with a notice of attachment or to respond in accordance with the regulations
- ☐ Providing that a notice of attachment has no effect because the attachee is no longer liable or that the notice of attachment contains or is based on a material error
- ☐ Changing an order made at a default hearing (**see attached copy of order**)
- ☐ Suspending, changing or cancelling an order to imprison a debtor that was made in the debtor's absence
- ☐ Changing the amount exempt from attachment under an attachment order or notice of attachment
- ☐ Setting aside an attachment order made under section 24 of the Family Maintenance Enforcement Act
- ☐ Discharging or postponing the registration of a support order registered against land
- ☐ Requiring that the Director of Maintenance Enforcement direct the Insurance Corporation of British Columbia to disregard a notice stating that the debtor is in default and that an action under section 29.1 (1) of the Family Maintenance Enforcement Act is to be taken in relation to the debtor's driver's licence, the licence and corresponding number plates for any motor vehicle or trailer owned by the debtor
- ☐ Requiring security in any form from the debtor
- ☐ Requiring an individual or authorized representative of a corporation, partnership or proprietorship to attend a default hearing or committal hearing and to file financial information
- ☐ Restraining a person under section 46 of the Family Maintenance Enforcement Act
- ☐ Requiring a restrained person to enter into a recognizance and to report to the court, or a person named by the court



You may apply for one or more orders under the Family Maintenance Enforcement Act.



If you are applying to change an order made at a default hearing, you must attach a copy of the order to this application for filing.

Part 5 | The facts

6. Select only one of the options below and complete the required information

- ☐ I am filing an affidavit in support of this application
- ☐ The facts on which this application is based are as follows:

Give the facts you want the court to consider. Include why you are making this application and why you need the court to make the order. Be prepared to provide evidence at your court appearance.



If you selected the first option, you must also file an affidavit with this application.

Part 6 | 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:
