

Reply to an Application About a Family Law Matter ☐ with counter application Form 6

Provincial Court Family Rules
Rule 28

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Reply to an Application About a Family Law Matter provides notice to each party, and the court, of a party's reply to an application about a family law matter and a counter application, if applicable.

Please read before completing the form:

- You must complete the main reply portion of the form and any applicable schedule(s) for the family law matter(s) identified in Part 3 of the main reply.
- If the other party's application is about child support or spousal support, you must also file a Financial Statement in Form 4.
- You will need to reference the application about a family law matter that you received.
- 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:

If the reply includes a counter application, you may reply to the counter application by filing a Reply to a Counter Application in Form 8, and any additional documents that may be required to be filed, **within 30 days** after the date you receive the reply with counter application.

Part 1 | About the parties

- The Application About a Family Law Matter was filed by .
They are the other party in this case. Full name of other party
- My **full name** is:
Full name of party
My **date of birth** is (dd/mmm/yyyy):



Copy the other party's name from their application.

Part 2 | Relationship between the parties

- Select only one of the options below
 - ☐ The **information** set out in Part 4 of the Application About a Family Law Matter **about the relationship between the parties is correct.**
 - ☐ The **information** set out in Part 4 of the Application About a Family Law Matter **about the relationship between the parties is not correct** as follows:
Identify the information you say is not correct and set out the correct information

Part 3 | Identification of children – You do not need to complete this part if the application or counter application, if applicable, does not ask for any order(s) about a child or children

- Select only one of the options below
 - ☐ The **other party correctly provided** the name and date of birth of each child involved in the application, and counter application, if applicable.
 - ☐ The **correct information about each child** who is the subject of the application and/or counter application is as follows:

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.

5. ☐ 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 [Family Law Act s. 37].



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

Part 4 | About us

6. 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 5 | Existing orders and agreements

7. 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 that was **not provided by the other party** with their application.
- ☐ **Yes (see attached copy)** ☐ **No**
8. There is an **existing court order, agreement or plan protecting** one of the parties or the child(ren), or restraining contact between the parties, that was **not provided by the other party with their application**, 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 6 | Replying to the other party

In your reply, you may:

- agree with one or more of the orders about a family law matter applied for in the Application About a Family Law Matter;
- disagree with one or more of the orders about a family law matter applied for in the Application About a Family Law Matter, and ask that a different order be made; or
- apply for an order about a family law matter that was not included in the Application About a Family Law Matter.

9. **In reply to the other party’s application** about a family law matter:

Select only one option for each family law matter and complete the required schedule(s), as applicable. If you are making a counter application, select the appropriate answer to the question below to identify which schedule you must complete.

Parenting arrangements, including parental responsibilities and parenting time

- ☐ Not applicable
- ☐ I agree with the request of the other party
- ☐ I disagree with the request of the other party. A different order about parenting arrangements should be made. → **Complete Schedule 1**
- ☐ I am making a counter application for an order. No application about this family law matter was made by the other party.

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

- ☐ No → **Complete Schedule 7**
- ☐ Yes → **Complete Schedule 8**



This part will help you identify which family law matter you and the other party may agree or disagree about, and if there is another family law matter you want to add an application for an order about. Based on how you reply, it will help identify the additional schedule(s) you must complete to provide more information to the court and the other party.

Child Support

- ☐ Not applicable
- ☐ I agree with the request of the other party
- ☐ I disagree with the request of the other party. A different order about child support should be made. → **Complete Schedule 2**
- ☐ I am making a counter application for an order about child support. No application about this family law matter was made by the other party.
Do you have a final order or written agreement about child support?
 - ☐ No → **Complete Schedule 9**
 - ☐ Yes → **Complete Schedule 10**



If this family law case includes an application about child support, you must provide your financial information with your reply to the application by completing and filing a Financial Statement in Form 4 [Rule 28].

Contact with a child

- ☐ Not applicable
- ☐ I agree with the request of the other party
- ☐ I disagree with the request of the other party. A different order about contact with a child should be made. → **Complete Schedule 3**
- ☐ I am making a counter application for an order about contact with a child. No application about this family law matter was made by the other party.
Do you have a final order or written agreement about contact with a child?
 - ☐ No → **Complete Schedule 11**
 - ☐ Yes → **Complete Schedule 12**

Guardianship of a child – appointing a new guardian or cancelling guardianship

- ☐ Not applicable
- ☐ I agree with the request of the other party
- ☐ I disagree with the request of the other party. → **Complete Schedule 4**
- ☐ I am making a counter application for an order to appoint a new guardian or to cancel the guardianship of a child. → **Complete Schedule 13**

Spousal support

- ☐ Not applicable
- ☐ I agree with the request of the other party
- ☐ I disagree with the request of the other party. A different order about spousal support should be made. → **Complete Schedule 5**
- ☐ I am making a counter application for an order about spousal support. No application about this family law matter was made by the other party.
Do you have a final order or written agreement about spousal support?
 - ☐ No → **Complete Schedule 14**
 - ☐ Yes → **Complete Schedule 15**



If this family law case includes an application about spousal support, you must provide your financial information with your reply to the application by completing and filing a Financial Statement in Form 4 [Rule 28].

Property division in respect of a companion animal

- ☐ Not applicable
- ☐ I agree with the request of the other party
- ☐ I disagree with the request of the other party. A different order about a companion animal should be made. → **Complete Schedule 6**
- ☐ I am making a counter application for an order about property division in respect of a companion animal. No application about this family law matter was made by the other party.
Do you have a written agreement about property division in respect of a companion animal?
 - ☐ No → **Complete Schedule 16**
 - ☐ Yes → **Complete Schedule 17**

Part 7 | Initial requirements

10. ☐ 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



If the application is in an early resolution registry, you must have already met the early resolution requirements to file your reply [Rule 28].



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

Part 8 | Lawyer's statement – Complete this part only if you are a lawyer for the party.

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

☐ I, , the lawyer for ,
Full name of lawyer Full name of party
acknowledge that I have complied with the requirements of section 8 of the Family Law Act.

Part 9 | Address for service

12. 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

Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about parenting arrangements, including parental responsibilities and parenting time, applied for by the other party on Schedule 1 or Schedule 2 of their Application About a Family Law Matter.

Part 1 | Reason you disagree

1. I do not agree with the order requested by the other party about parenting arrangements, including parental responsibilities and parenting time, because:



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).

Part 2 | Existing final order or agreement – Complete this part only if there is an existing final order or agreement about parenting arrangements, including parental responsibilities and parenting time.

2. Select only one of the options below

- ☐ I would like the final order or agreement to **continue to be in place** → If you selected this option, no further information is required on this schedule
- ☐ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 3

Part 3 | Order about parenting arrangements, including parental responsibilities and parenting time - You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

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.

3. I am applying for an **order about parenting arrangements, including parental responsibilities or parenting time**, as follows:

List the details of the order you are asking for



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]

Part 4 | Best interests of the child - You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

4. 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 | Child Support

Disagree with order
requested by other party

Complete this schedule only if you disagree with all or part of the order about child support applied for by the other party on Schedule 3 or Schedule 4 of their Application About a Family Law Matter.



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

Part 1 | About you

1. I am:

Select the option below that best describes your relationship to the child

- ☐ 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)
- ☐ not a parent or guardian of the child(ren)

Select only if applicable ☐ I request a parentage test

- ☐ not a person standing in the place of a parent to the child(ren)
(for example, a step-parent)



If there is more than one child the application is about, and your relationship is different, you may select more than one option and list the name(s) of the child at the end of the statement to which it applies.

Part 2 | Reason you disagree

2. I do not agree with the order requested by the other party about child support because:

Select each option that applies and complete the required information, as applicable

- ☐ **My income** is not what the other party claims it is
- ☐ The **other party's income** is not what they claim it is (please explain):

- ☐ I believe the **special or extraordinary expenses** are not what the other party claims they are (please explain):

- ☐ The **living arrangements** for the child(ren) are not as described
Please describe the child(ren)'s living arrangements:

- ☐ The 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
 - ☐ I have unusually high expenses to exercise parenting time or contact with the child(ren)
 - ☐ I have a legal duty to support another person, such as an ill or disabled person or a former spouse
 - ☐ I have a legal duty to support a dependent child from another relationship
 - ☐ Other undue hardship circumstances (specify):

- ☐ **Other reason** (specify):



For more information about how the amount payable for child support is calculated, see the guidebook.



If you disagree with details of the order such as when payments should start, you can include that under other reasons and give suggested options.

Part 3 | Existing final order or agreement – Complete this part only if there is an existing order or agreement about child support

3. *Select only one of the options below*

- ☐ I would like the final order or agreement to **continue to be in place**
- ☐ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 4

4. *Select only one of the options below*

- ☐ I agree that the **amount of unpaid child support** (arrears) in the application is **correct**
- ☐ The amount of unpaid child support (arrears) in the application is **not correct**.
As of (date) _____, the amount of unpaid child support (arrears) was \$ _____.

Part 4 | Order about child support – You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

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 children under 19 years of age 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. If you are only disagreeing with when support payments start, you may leave this question blank.*

- ☐ 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.

- ☐ 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*):

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

Date (dd/mmm/yyyy) or event



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.



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



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 | Income information

7. **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.

IMPORTANT NOTE:

This family law case includes an application about child support. You must provide your financial information with your reply 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



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. 21 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.

Schedule 3

Contact with a child

Disagree with order
requested by other party

Complete this schedule only if you disagree with all or part of the order about contact with a child applied for by the other party on Schedule 5 or Schedule 6 of their Application About a Family Law Matter.

Part 1 | Reason you disagree

1. I **do not agree with the order requested** by the other party about contact with a child, because:

Part 2 | Existing final order or agreement – Complete this part only if there is an existing order or agreement about contact with a child

2. *Select only one of the options below*

- ☐ I would like the final order or agreement to **continue to be in place** → *If you selected this option, no further information is required on this schedule*
- ☐ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 3

Part 3 | Order about contact with a child – You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

3. I am applying for an order for the child(ren) to have **contact with a person who is not their guardian** 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*):

4. *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



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

Part 4 | Best interests of the child - You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

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 4 | Guardianship of a child | Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about guardianship of a child applied for by the other party on Schedule 7 of their Application About a Family Law Matter.

Part 1 | Reason you disagree – Best interests of the child

1. I **do not agree with the order requested** by the other party about guardianship of a child. I believe the order they have requested is **not in the best interests of the child(ren)** because:

List your reasons



A guardian is responsible for a child.

Only guardians have parental responsibilities and parenting time with a child [s. 40 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.



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].

Schedule 5

Spousal Support

Disagree with order
requested by other party

Complete this schedule only if you disagree with all or part of the order about spousal support applied for by the other party on Schedule 8 or Schedule 9 of their Application About a Family Law Matter.

Part 1 | Relationship between the parties

1. *Select only one of the options below*

- ☐ I am (or was) the other party's spouse
- ☐ I have never been the other party's spouse

Please describe your relationship to the other party:



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

Part 2 | Reason you disagree

2. I do not agree with the order requested by the other party about spousal support because:

Select each option that applies and complete the required information, as applicable

- ☐ I do not believe the other party is **entitled** to spousal support (*please explain*):

- ☐ **My income** is not what the other party claims it is

- ☐ **My employment**, training, health and ability to work is not what the other party claims it is (*please explain*):

- ☐ The **other party's financial situation** is not what they claim it is (*please explain*):

- ☐ The **other party's employment**, training, health and ability to work is not what the other party claims it is (*please explain*):

- ☐ The **other party's expenses** are not what they claim them to be (*please explain*):

- ☐ **Other reason** (*specify*):



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].

See the other party's financial statement for their financial information.

Part 3 | Existing final order or agreement – Complete this part only if there is an existing final order or agreement about spousal support.

3. *Select only one of the options below*

- ☐ I would like the final order or agreement to **continue to be in place**
- ☐ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 4

4. *Select only one of the options below*

- ☐ I agree that the **amount of unpaid spousal support** (arrears) in the application is **correct**
- ☐ The amount of unpaid spousal support (arrears) in the application is **not correct**. As of (date) , the amount of unpaid spousal support (arrears) was \$.

Part 4 | Order about spousal support – You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

5. 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)*
(number) ☐ **month(s)** ☐ **year(s)**

☐ **Lump sum** payment

☐ **Other** *(specify):*

i 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].

6. 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 5 | Income information

7. 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.

i 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].

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

IMPORTANT NOTE:

This family law case includes an application about spousal support. You must provide your financial information with your reply 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 6

Property division in respect of a companion animal

Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about property division in respect of the companion animal applied for by the other party on Schedule 10 or Schedule 11 of their Application About a Family Law Matter.

Part 1

Relationship between the parties

1. Select only one of the options below
- ☐ I am (or was) the other party's spouse
 ☐ I have never been the other party's spouse
- Please describe your relationship to the other party:

Part 2

Reason you disagree

2. I do not agree with the order requested by the other party about property division in respect of a companion animal because:

Part 3

Existing agreement – Complete this part only if there is an existing agreement about property division in respect of the companion animal.

3. Select only one of the options below
- ☐ I would like the agreement to **continue to be in place** → If you selected this option, no further information is required on this schedule
 ☐ I am applying for the agreement to be **replaced** as set out in Part 4

Part 4

Order about property division in respect of a companion animal – You do not need to complete this part if have indicated you would like the existing agreement to continue to be in place.

4. I am applying for a **property division order for sole ownership and possession of the companion animal(s)** as follows:

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

i

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.

Part 5

The facts - You do not need to complete this part if have indicated you would like the existing agreement to continue to be in place.

5. The **facts** on which this application is based are as follows:
- Provide the facts you want the court to consider and why the court should make the order you are applying for

Schedule 7

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.



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]

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**:



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 8

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 9

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].



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].



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

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 10 | 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

Contact with a child

No existing final order
or written agreement

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

Part 1 | Relationship to the child

Children often have important relationships with people other than their parents/guardians. These include grandparents, elders, relatives, and others close to the child. Usually, these relationships are supported by the parents or guardians.

If an agreement is not possible, the person who believes they should have contact with the child can apply for a court order.

- 1.** Please confirm the following statement if true

I am **not a guardian** of the child(ren)

- 2. The last contact** with the child(ren) was on or around

Date (dd/mmm/yyyy)

Part 2 | Order about contact with a child

3. I am applying for an order for the child(ren) to have **contact with a person who is not their guardian** 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*):

- 4.** 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 grant contact to a person who is not a guardian, including to a parent or grandparent [s. 59 Family Law Act].

The person seeking contact with a child must make their own application.



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.

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

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 12

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.

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?iŋat̓ 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 14 | 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 15 | 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**

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

Property division in respect of a companion animal

No existing final order
or written agreement

Complete this schedule only if you need a court order about property division in respect of a companion animal and you do not have an existing final court order or written agreement about property division in respect of the companion animal.

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

1. I am applying for a **property division order for sole ownership and possession of the companion animal(s)** as follows:

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

i 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**.

Part 2 | The facts

- 2. The facts on which this application is based are as follows:**

Provide the facts you want the court to consider and why the court should make the order you are applying for

i In determining whether to make an order respecting a companion animal, the court must consider the following factors set out in section 97 (4.1) of the Family Law Act:

- 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 17

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**.