

Reply to a Counter Application

Form 8

Provincial Court Family Rules
Rule 34

COURT STAMP

Registry location:

Court file number:

Document number:

For registry use only

This Reply to a Counter Application provides notice to each party, and the court, of a party's reply to a counter application about a family law matter.

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 2 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 counter 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.

Part 1 | About the parties

1. My **full name** is:
Full name of party
2. I am replying to the **counter application made by**
Full name of other party
3. *If applicable*, the additional **party's full name** is:
Full name of other party/parties



Copy the other party's name from their application.

Part 2 | Replying to the other party's counter application

In your reply to a counter application, you may:

- agree with one or more of the orders about a family law matter applied for in the counter application; or
- disagree with one or more of the orders about a family law matter applied for in the counter application, and ask that a different order be made

4. 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 the other party did not make a counter application for the family law matter, select "Not applicable".

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 should be made.
→ Complete **Schedule 1**

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 should be made.
→ Complete **Schedule 2**



This part will help you identify which family law matter you and the other party may agree or disagree 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.



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 should be made.
→ *Complete Schedule 3*

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*

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 should be made.
→ *Complete Schedule 5*

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 should be made.
→ *Complete Schedule 6*



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].

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 7 or Schedule 8 of their Reply to an Application About a Family Law Matter with Counter Application.

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 9 or Schedule 10 of their Reply to an Application About a Family Law Matter with Counter Application.



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.



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.

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

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 11 or Schedule 12 of their Reply to an Application About a Family Law Matter with Counter Application.

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.

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 13 of their Reply to an Application About a Family Law Matter with Counter Application.

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 14 or Schedule 15 of their Reply to an Application About a Family Law Matter with Counter Application.

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) as follows:
(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 16 or Schedule 17 of their Reply to an Application About a Family Law Matter with Counter Application.

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