

FORM F4 (RULE 4-3 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

RESPONSE TO FAMILY CLAIM

[Rule 21-1 of the Supreme Court Family Rules applies to all forms]

Filed by:.....[party(ies)].....

1 Response to information in notice of family claim:

My position regarding the information set out in the notice of family claim is as follows:

[Check the correct box(es) and complete the required information.]

☐ The information set out in sections 1, 2 and 3 of the notice of family claim is correct.

☐ The information set out in sections 1, 2 and 3 of the notice of family claim is not correct in the following respects:.....*[identify the information you say is not correct and set out the information you say is correct]*.....

☐ Schedule 1:

☐ The information set out in sections 1, 2, 3, 4 and 5 of Schedule 1 to the notice of family claim is correct.

☐ The information set out in sections 1, 2, 3, 4 and 5 of Schedule 1 to the notice of family claim is not correct in the following respects:*[identify the information you say is not correct and set out the information you say is correct]*.....

☐ Schedule 2:

☐ The information set out in sections 1, 3, 5 and 6 of Schedule 2 to the notice of family claim is correct.

☐ The information set out in sections 1, 3, 5 and 6 of Schedule 2 to the notice of family claim is not correct in the following respects:*[identify the information you say is not correct and set out the information you say is correct]*.....

☐ Schedule 3:

☐ The information set out in sections 1 and 3 of Schedule 3 to the notice of family claim is correct.

☐ The information set out in sections 1 and 3 of Schedule 3 to the notice of family claim is not correct in the following respects:[identify the information you say is not correct and set out the information you say is correct].....

2 Response to claims in notice of family claim:

This is my response to claims made against me in the Schedules to the counterclaim:

[For each of the claims identified below that are made in the counterclaim, indicate whether you agree or disagree with that claim by checking the correct box opposite that claim.]

Claim for divorce (Schedule 1, section 2) ☐ Agree ☐ Disagree

If you disagree, briefly explain why:

Parenting arrangements (Schedule 2, section 4) ☐ Agree ☐ Disagree

If you disagree, briefly explain why:

Child support (Schedule 2, section 7) ☐ Agree ☐ Disagree

If you disagree, briefly explain why:

Spousal support (Schedule 3, section 2) ☐ Agree ☐ Disagree

If you disagree, briefly explain why:

Division of family property and family debt (Schedule 4, section 1) ☐ Agree ☐ Disagree

If you disagree, briefly explain why:

Other property claim(s) (Schedule 4, section 1) ☐ Agree ☐ Disagree

If you disagree, briefly explain why:

Other orders (Schedule 5) *[identify each claim made in Schedule 5 of the notice of family claim and indicate whether you agree or disagree with that claim by checking the correct box opposite that claim]*

[claim] ☐ Agree ☐ Disagree

If you disagree, briefly explain why:

[claim] ☐ Agree ☐ Disagree

If you disagree, briefly explain why:

2.1 Official language choice for *Divorce Act* proceedings (see Notice to Respondent below) [Check whichever one of the following boxes is correct.]

The respondent intends to file documents, give evidence or make submissions in this proceeding in the

- ☐ English language
- ☐ French language
- ☐ English language and French language (bilingual)

3 My address for service is [Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Address for Service:

Fax (optional)

E-mail (optional)

Date:

.....
Signature of

☐ filing party ☐ lawyer for filing party(ies)

.....[type or print name].....

Note to Claimant AND Respondent: You must file **financial information** (Form F8) if any of the following apply:

- there is a claim against you for spousal support or you are claiming spousal support;
- there is a claim by either party for the division of property and/or debts under Part 5 or 6 of the *Family Law Act*;
- there is a claim against you for the support of a child, OR
- you are claiming child support **unless all** of the following conditions apply:
 - (a) you are making no claim for any other kind of support;
 - (b) the child support is for children who are not stepchildren;
 - (c) none of the children for whom child support is claimed is 19 years of age or older;
 - (d) the income of the person being asked to pay child support is under \$150 000 per year;
 - (e) you are not applying for special expenses under section 7 of the child support guidelines;
 - (f) you are not applying for an order under section 8 of the child support guidelines;
 - (g) you are not applying for an order under section 9 of the child support guidelines;
 - (h) you are not making a claim based on undue hardship under section 10 of the child support guidelines.

If you do not file the financial information that is required, the court may attribute an amount of income to you, and make a support award against you, based on that amount.

Notice to Respondent: under **section 23.2 of the *Divorce Act***, you may choose to file pleadings or other documents, including this form, give evidence or make submissions in any ***Divorce Act*** proceeding in either of the two official languages of Canada (English or French).

Rule 1-1(1) of the Supreme Court Family Rules defines "*Divorce Act* proceeding" as follows:

"Divorce Act proceeding" means a family law case in which an order is sought under the *Divorce Act*.

You may file a Notice of Extension – Official Languages in Form F86.2 and receive an additional 10 days to file this response to family claim (Form F4) in accordance with Rule 20-7 (8) of the Supreme Court Family Rules.

If in this family law case a claim is made under the Family Law Act and the respondent is represented by a lawyer, the lawyer must complete the following certificate.

LAWYER'S CERTIFICATE (*FAMILY LAW ACT*, s. 8 (2))

I,, lawyer for[*name of party*]....., certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and
- (b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date: Signature of lawyer

.....[*type or print name*].....

The following certificate must be completed by each party to a divorce claim.

PARTY'S CERTIFICATE (*DIVORCE ACT (CANADA)*, s. 7.6)

[] By checking this box, I,[*name of party*]....., certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act* (Canada), which say:

- 7.1** A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2** A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.

- 7.3** To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4** A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5** For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

*The following certificate must be completed for each party to a divorce claim
who is represented by a legal adviser.*

LEGAL ADVISER'S CERTIFICATE (*DIVORCE ACT (CANADA)*, s. 7.7 (3))

- [] By checking this box, I,, legal adviser for[*name of party*]....., certify that I have complied with section 7.7 of the *Divorce Act* (Canada), which says:
- 7.7** (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding
- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
 - (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.
- (2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
 - (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - (i) in resolving the matters that may be the subject of an order under this Act, and
 - (ii) in complying with any order or decision made under this Act; and
 - (c) to inform the person of the parties' duties under this Act.