

Preparing a Reply to an Application About a Family Law Matter

Form 6

Provincial Court Family Rules

Complete this form to reply to an Application About a Family Law Matter. A reply must be filed within 30 days of you being served with the Application About a Family Law Matter. If you do not file a reply to the Application About a Family Law Matter within the 30 days, the case can go ahead without you. This means that the other party may get a court order without your involvement and then enforce that order against you. If you do not reply, you will not be entitled to receive notice of any part of the case, including any conference, court appearance, hearing or trial and orders may be made against you without your knowledge.

Use this form to:

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

If you need more time to prepare your reply, or to complete the early resolution requirements if your case is in an early resolution registry, you can ask the court for an extension of the time by filing an [Application for Case Management Order without Notice or Attendance Form 11](#).

Is your case filed at an early resolution registry? If so, you must have met the following early resolution requirements before you can file your reply:

- Needs Assessment
- Parenting Education Course
- Consensual Dispute Resolution

You have met these requirements if you have participated in a needs assessment, parenting education course and consensual dispute resolution OR if you were exempt by the needs assessor or the court from participating in any of these.

If you still need to complete one or more of these processes to meet your early resolution requirements, contact the [Justice Access Centre](#) identified on the Notice to Resolve a Family Law Matter to find out more about meeting the early resolution requirements.

Legal Assistance

Understanding the law and making sure you get correct information is important. If you get the wrong information or do not know how the law applies to your situation, it can be harder to resolve your case. Getting advice from a lawyer can help.

Lawyers – To find a lawyer or to have a free consultation with a lawyer for up to 30 minutes, contact the [Lawyer Referral Service](#) at 1-800-663-1919

Legal Aid, Duty Counsel and Family Advice Lawyers – To find out if you qualify for free legal advice or representation, contact the [Legal Services Society](#) at 1-866-577-2525.

Legal Services and Resources – Visit [Clicklaw](#) at www.clicklaw.bc.ca/helpmap to find other free and low-cost legal services in your community

What you need to get started

Try to collect as much information as possible before you start to complete the form.

The type of information and documents you need will depend on what the other party asked the court for and you are asking the court for. **You will need to refer to the Application About a Family Law Matter to complete the Reply to an Application About a Family Law Matter form.** You might also need:

- Birth dates, names, and other related information about you and your children
- Any agreements or court orders you already have about a family law matter
- Information about the date you got married, started living together, separated and got divorced, if applicable
- If you are asking for child or spousal support, information about your income and, if you have it, the other party's income
- If you are asking for orders about children, information about your children's living arrangements, schedules and expenses

Step 1: Complete the Reply to a Family Law Matter form ☐

This form is available online at www.gov.bc.ca/court-forms or at any [Provincial Court Registry](#).

You can complete the form online and print it for filing. You can also complete it by hand. If you complete it by hand, be sure it's readable. Registry staff and staff at any [Justice Access Centre](#) or [Family Justice Centre](#) can help answer questions about the forms but they cannot help complete your forms or give advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask the court registry staff or staff at the Justice Access Centre or Family Justice Centre to refer you to someone who can help.

You need to complete and file the main part of the form and only the schedules that apply to the application or your counter application. Follow the instructions in the form. You will be given space to provide information that is important to make your reply and support your counter application, if applicable.

To prepare the form for filing:

- collect the schedules you completed, any existing orders or agreements as referenced in the form, and any support calculation, if applicable
- print or make copies of all documents: one set for you, one set for the Court, and one set for each other party
- staple each package of documents together
- bring all copies to the court registry for filing **or** send by mail or by fax filing using the [Fax Filing Cover Page Form 52](#)

You may also need to complete a [Financial Statement in Form 4](#) or documents to support a Guardianship Affidavit including a [Section 51 - Consent for Child Protection Record Check](#) in Form 5 under the *Family Law Act Regulation* and a [request to search the Protection Order Registry](#). The instructions in this form and workbook will help you figure out if this applies to you. If it does, make sure you have completed the form and you file copies when you file the Reply to an Application About a Family Law Matter.

Step 2: File the Reply to an Application About a Family Law Matter form at the Provincial Court Registry ☐

You must file at the [Provincial Court Registry](#) where the Application About a Family Law Matter is filed.

The registry clerk will review your package to make sure it is complete before filing it. You will be given a copy for your records.

There are no fees for filing Provincial Court family matters.

The court registry will provide a copy of your reply to the other party along with any documents filed with the reply.

Step 3: Schedule your Family Management Conference ☐

Your first step with the court will be to attend a family management conference.

The court registry will provide you and the other party with instructions on how to schedule your family management conference.

If you have a lawyer, they will help with scheduling your case for a date you can attend.

Step 4: Attend the Family Management Conference ☐

A family management conference is an informal and time-limited process in which a judge or family justice manager:

- assists the parties to identify the issues to be resolved
- explores options to resolve the issues
- can make case management orders or directions to make sure your case is ready for the next step
- can make interim (temporary) orders about your family law matters
- can make an order by consent of the parties
- can make an order without a party, if a party does not show up or file a reply

Your scheduling notice will provide you with more information about what happens at the family management conference.

Tips for Completing the Form:

Registry Location and Court File Number –

Copy this information from the top right corner of the Application About a Family Law Matter

Information about the parties –

Party names: Copy the party names from the Application About a Family Law Matter. If you use a name other than the name provided by the other party, you can include it after your full name by including AKA (also known as).

Example: If the other party gave your name as Robert Paul Smith but you are known as Bob Smith, your name should be given as Robert Paul Smith AKA Bob Smith

If your birthday was indicated as Unknown, provide your date of birth by indicating mmm/dd/yyyy example: Jan 12 1977 or January 12, 1977

Lawyer (if applicable): Some lawyers are hired for a limited purpose. For example, you may hire a lawyer only to give you legal advice, help you to complete court documents, or come to a court appearance with you. You will still be responsible for all other aspects of your case. If you hire a lawyer on a limited scope basis or for unbundled services, make sure you and the lawyer are clear about whether their name goes on the court documents. Usually it won't.

If you are a lawyer filing out this form for a client, or if you have a lawyer representing you, the lawyer's name should be included, and you will usually give their address for service of court documents.

Contact information: The court needs to know where to send documents to you and the other party and how to reach each of you.

Address: The court requires an address where you can get mail, but it doesn't need to be your address.

If you do not have a stable mailing address, or you are worried about your safety, you can give the address of your lawyer, a friend or family member, or somewhere that mail can be collected for you.

Email Address: The quickest way for the court and the other party to contact you is by email. If you give an email address, the court and the other party can send documents or communicate with you by email instead of using mail. If you cannot or do not want to use email, you do not have to give an email address. Remember, if you agree to use email to receive court documents, you will get copies of court documents much faster than by mail. Make sure to check your junk box if you are expecting something from the court. Sometimes email filters will prevent you from receiving an important document.

Telephone number: It is also important for the court to have a telephone number where they can reach you. Make sure the telephone number is somewhere you can be reached during the day.

Lawyer's statement –

If you are a lawyer completing this form on behalf of a client, you must acknowledge that you have complied with the requirements of section 8 of the [Family Law Act](#) regarding the duties of dispute resolution professionals.

Identification of children –

If there is an application for an order about a child, you must confirm that they have been properly identified. This is to make sure that if a court order is made, that the names and dates of birth are correct on the order. This information will be used to ensure everything is correct on the file moving forward.

The "[best interests of the child](#)" is a test that the court uses to make decisions about children. Before making a decision, both parents and courts must consider the child's physical, psychological and emotional safety, security and well-being. Always think about the best interests of the child when you are asking the court for decisions about them.

About us –

If there is any additional information about your cultural, linguistic, religious and spiritual upbringing and heritage of your family, including if the child is an Indigenous child, that you would like to share with the court as part of your reply, you may do so here. There is no need to complete this information.

Reply to an Application About a Family Law Matter

☐ With Counter Application

Form 6

Provincial Court Family Rules

Rule 28

Registry Location:

Court File Number:

Information about the parties

1. The Application About a Family Law Matter was filed by: _____.
(full name of the other party)

They are the other party in this family law case.

2. My name is _____ My date of birth is _____.
(full name of party) (mmm/dd/yyyy)

My contact information and address for service of court documents are:

Lawyer (if applicable):			
Address:			
City:	Province:	Postal Code:	
Email:	Telephone:		

Lawyer's statement

3. Complete this section only if you are a lawyer for the party. You may leave this section blank.

☐ I, _____, the lawyer for _____,
acknowledge that I have complied with the requirements of section 8 of the *Family Law Act*.

Identification of the child(ren)

4. Select only one of the options below

- ☐ The application does not ask for any order(s) about a child or children (*skip ahead to section 5*)
- ☐ The other party correctly provided the name and date of birth of each child involved in the application
- ☐ The following is the correct name and date of birth of each child involved in the application:

If you have selected this option, please provide the names and date of birth of ALL the children.

Child's Full Name	Child's Date of Birth (mmm/dd/yyyy)

5. ☐ I understand that I must consider the child(ren)'s best interests with respect to each order I am asking the court to make about the child.

About us

6. You may choose to complete this section or leave this section blank.

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:

Existing written agreements or court orders –

This is a check-in to confirm that there are not any other written agreements or court orders that the other party overlooked.

Family law matters: The court needs to know if there were any agreements or court orders made in the past that involve family law matters so they can consider if it is important to what you are asking the court to help with now.

This includes:

- any agreements between you and the other party
- any court orders, in this court or any other court

Protection matters: The court needs to know if there are any agreements, plans or court orders with protective conditions or terms between the parties or involving a child in this case. This includes:

- any family law protection order from Provincial Court, BC Supreme Court, or another jurisdiction
- any order, agreement or plan involving child protection services including a Protective Intervention Order or Supervision Order under the *Child, Family and Community Service Act*
- any criminal order or conditions protecting a party or restraining/restricting contact between the parties
- any peace bonds
- any other order the court may need to know about that restricts or restrains contact, or protects one party and/or a child from another party

Initial requirements –

Different requirements apply depending on your filing registry location. For more information about the different registry requirements, visit the BC Government website at www.gov.bc.ca/going-to-provincial-family-court.

Early resolution registry: You must have met the early resolution requirements before you can file this reply in an early resolution registry. If you participated in a needs assessment, parenting education program and consensual dispute resolution OR if you were exempt by the needs assessor or the court from participating in any of these, that counts as having met them.

Be sure to let the [Justice Access Centre](#) where you completed your needs assessment know you are planning to file your reply. They will send the court registry proof of your participation or exemption so that you can file your reply.

If you need a court order to exempt you from one or more early resolution requirements, you can make an application using the [Application for a Case Management Order Without Notice or Attendance Form 11](#) to ask the court to waive or modify any of the early resolution requirements.

Family justice registry: If you are filing in a family justice registry, you can file your reply now, but you will need to complete a needs assessment and parenting education program. The court may require you to meet these requirements before you can be heard at a court appearance.

Parenting education program registry: If you are filing in a parenting education program registry, you can file your reply now, but you will need to complete a parenting education program or be exempt from completion. The court may require you to meet these requirements before you can be heard at a court appearance. For more information about Parenting After Separation (PAS) courses, visit the BC Government website at www.gov.bc.ca/parentingafterseparation

Replying to the other party –

Remember your options for replying to an application. You may:

- agree with one or more of the orders applied for in the Application About a Family Law Matter;
- disagree with one or more of the orders applied for in the Application About a Family Law Matter, give the reason(s) you disagree, and ask that a different order be made
- include a counter application to apply for an order about a different family law matter that was not included in the Application About a Family Law Matter

The next three sections help to identify what you agree with, what you disagree with and want a different order for, and what else you might need an order about.

Look at which schedules are attached to the Application About a Family Law Matter. For each schedule, consider if you agree or disagree with the order the other party is asking for.

It can be hard to know what reply to make. A family justice counsellor or lawyer can help you if you are unsure of what you need to do.

Agreement with Application(s):

If you agree to an order the other party asked for in a schedule attached to their application, then you need to complete this section. If there is no schedule for a family law matter, then the other party has not made an application for it.

Existing written agreements or court orders

7. There is an existing agreement or court order 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 ☐ No

If yes, attach a copy of the agreement(s) or order(s) to your reply

8. There is an existing court order, agreement or plan protecting one of the parties, the child(ren), or restraining contact between the parties, 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 that was not provided by the other party with their application.

☐ Yes ☐ No

If yes, attach a copy of the order(s), agreement(s), or plan(s) to your reply

Initial requirements

9. I am filing my reply in

- ☐ an early resolution registry and I have met the following requirements:
- needs assessment
 - parenting education program
 - consensual dispute resolution

The requirements have been met if you completed or participated in, or if you were granted an exemption from completing or participating in the above requirements.

- ☐ a family justice registry and I will be required to participate in a needs assessment and complete a parenting education program, unless exempt, before a family management conference can be scheduled
- ☐ a parenting education program registry and I understand I will be required to complete a parenting education program, unless exempt, before a family management conference can be scheduled

Replying to the Other Party

Agreement with order(s)

10. I agree with the following order(s) applied for by the other party:

*Refer to the Application About a Family Law Matter schedules as referenced below to assist in completing this section.
Select all options that apply*

Parenting Arrangements

Parenting arrangements – new [see Schedule 1 of Application About a Family Law Matter]

- ☐ parental responsibilities
- ☐ parenting time
- ☐ conditions on parenting time

Parenting arrangements order/agreement – existing [see Schedule 2 of Application About a Family Law Matter]

- ☐ change to parental responsibilities
- ☐ change to parenting time
- ☐ change to conditions on parenting time

Child Support

- ☐ child support – new [see Schedule 3 of Application About a Family Law Matter]
- ☐ child support order/agreement – existing [see Schedule 4 of Application About a Family Law Matter]

Contact with a child

- ☐ contact with a child – new [see Schedule 5 of Application About a Family Law Matter]
- ☐ contact order/agreement – existing [see Schedule 6 of Application About a Family Law Matter]

Guardianship of a child

- ☐ appointing a guardian of a child [see Schedule 7 of Application About a Family Law Matter]
- ☐ cancelling guardianship of a child [see Schedule 8 of Application About a Family Law Matter]

Spousal Support

- ☐ spousal support – new [see Schedule 9 of Application About a Family Law Matter]
- ☐ spousal support order/agreement – existing [see Schedule 10 of Application About a Family Law Matter]

Property division

- ☐ in respect of a companion animal – new [see Schedule 11 of Application About a Family Law Matter]
- ☐ companion animal agreement – existing [see Schedule 12 of Application About a Family Law Matter]

Check off the appropriate box in the list for each family law matter the other party has requested an order about and you agree to.

For parenting arrangements, you may agree with some of the orders but not all of them. That is okay. For example, you might agree to the parenting time they have asked for but not like the conditions they want on your time with a child. Make sure you are clear whether you agree to all or some of the parenting arrangements. For any parenting arrangements you do not agree to, you will need complete the Disagreement with Application(s) section and appropriate schedules.

For all other family law matters, if you are not agreeing in full to the order requested by the other party, you will need to complete the Disagreement with Application(s) section and appropriate schedules.

Note: For each schedule the other party has completed, you will need to either agree or disagree. You can't do both. If the other party has not completed a schedule in their application asking for an order about a family law matter that you feel the court should make an order about, you can make your own counter application.

Disagreement with Application(s):

If you do not agree, to all or part, of an order the other party asked for in a schedule attached to their application, then you need to complete this section.

For each order about a family law matter the other party applied for where you do not agree to the order they requested, you will need to complete and attach the referenced schedule. In the schedule you will need to explain why you disagree with the order they requested and propose the order you want the court to make instead.

Note: For each schedule the other party has completed, you will need to either agree or disagree. If the other party has not completed a schedule making an application asking for an order about a family law matter that you feel the court should make an order about, you can make a counter application.

Making a counter application –

If the other party has not completed a schedule in their application asking for an order about a family law matter that you feel the court should make an order about, you can make a counter application by completing this section and the appropriate schedule.

Consider what issues you still need a court order to resolve. Select all the options that apply but remember that you can only select up to one option under each heading and only for a family law matter that the other party has not already filed an application about.

Family law matters include:

[Parenting arrangements](#) – how each guardian will parent their child(ren), including each guardian's [parental responsibilities](#) for decision making about a child and the [parenting time](#) each guardian spends with a child. Parental responsibilities may be shared or exercised separately. The only thing you can consider in making your parenting arrangements is what is in the best interests of the child.

[Child support](#) – the amount of money a parent or guardian pays to another parent or guardian to help care for the child(ren). 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.

Disagreement with order(s)

11. I do not agree to all or part of the following order(s) applied for by the other party:

Refer to the Application About a Family Law Matter schedules to assist in completing this section.

Select all options that apply, complete and attach the required schedule(s).

Parenting Arrangements

Parenting – new *[complete and attach Schedule 1]*

- ☐ parental responsibilities
- ☐ parenting time
- ☐ conditions on parenting time

Parenting arrangements order/agreement – existing *[complete and attach Schedule 2]*

- ☐ change to parental responsibilities
- ☐ change to parenting time
- ☐ change to conditions on parenting time

Child Support

☐ child support – new *[Complete and attach Schedule 3]*

☐ child support order/agreement – existing *[complete and attach Schedule 4]*

Contact with a child

☐ contact with a child – new *[complete and attach Schedule 5]*

☐ contact order/agreement – existing *[complete and attach Schedule 6]*

Guardianship of a child

☐ appointing a guardian of a child *[complete and attach Schedule 7]*

☐ cancelling guardianship of a child *[complete and attach Schedule 8]*

Spousal Support

☐ spousal support – new *[complete and attach Schedule 9]*

☐ spousal support order/agreement – existing *[complete and attach Schedule 10]*

Property division

☐ in respect of a companion animal – new *[complete and attach Schedule 10.1]*

☐ companion animal agreement – existing *[complete and attach Schedule 10.2]*

IMPORTANT NOTE:

If this family law case includes an application about support, you must provide your financial information with your reply to the 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

Making a Counter Application

Complete this section only if, in addition to replying to the other party's application, you want to apply for an order about a family law matter that the other party did not make an application about in section 6 of their Application About a Family Law Matter.

12. I am applying for a court order about the following family law matter(s):

Select all options that apply, complete and attach the required schedule(s)

Parenting arrangements

☐ parenting arrangements – new *[complete and attach Schedule 11]*

including parental responsibilities and parenting time

☐ parenting order/agreement – existing *[complete and attach Schedule 12]*

including parental responsibilities and parenting time

Child Support

☐ child support – new *[complete and attach Schedule 13]*

☐ child support order/agreement – existing *[complete and attach Schedule 14]*

[Contact with a child](#) – time a child spends with someone who is not their guardian. This person could include a parent who is not a guardian to a child, or other people, like grandparents, elders, aunts and uncles or a family friend.

[Guardianship](#) – who is responsible for a child. Only guardians have parental responsibilities and parenting time with a child. An agreement or order about parenting arrangements can say a child's guardians share parental responsibilities or parenting time. Or it can say one guardian is responsible for more of the parenting decisions and has more of the parenting time with the child.

[Spousal support](#) – money that one spouse pays to another spouse for their financial support after separation. A person is not entitled to spousal support in every case.

Property division in respect of a companion animal – who will have ownership and possession of a companion animal when spouses separate. The court may only make an order for ownership and possession of a companion animal **by one spouse**. Spouses may agree out of court to share ownership and possession of a companion animal.

If you need a protection order or order about a priority parenting matter you will need to complete:

- Form 14, [Application About a Protection Order](#), or
- Form 15, [Application About Priority Parenting Matter](#), and
- Form 6, [Reply to an Application About a Family Law Matter with Counter Application](#), if you also want to resolve a family law matter.

A family justice counsellor or lawyer can help you to determine what issues the court can help resolve if you are unsure of what you need.

Do you already have a court order or agreement about the same thing you need a court order for now?

If you do, no matter how old or new it might be, you need to ask the court to change or cancel that order or agreement instead of just asking for a new order. Make sure you select the option for the existing order or agreement. If your existing order was made in [BC Supreme Court](#), you will have to go back to Supreme Court to get it changed or cancelled.

If not, you are asking for a new order.

Identification of the children –

Include all the children you are asking for orders about and provide the details required by the table including:

- the child's legal name - usually their name from their birth certificate, unless they have had a legal name change
- the child's date of birth by indicating mmm/dd/yyyy example: Jan 12 2001 or January 12, 2001 if the child's birthday is not known indicate Unknown
- each party's relationship to the child, including yourself, using whatever wording best describes it, for example, say whether each party is a parent, guardian, step-parent, grandparent, family friend, etc. of the child
- who the child is currently living with (you can use the name of the person or their relationship to the child)?

The "[best interests of the child](#)" is a test that the court uses to make decisions about children. Before making a decision, both parents and courts must consider the child's physical, psychological and emotional safety, security and well-being. Always think about the best interests of your child when you are asking the court for decisions about them.

Contact with a child

- ☐ contact with a child – new *[complete and attach Schedule 15]*
☐ contact order/agreement – existing *[complete and attach Schedule 16]*

Guardianship of a child

- ☐ appointing a guardian of a child *[complete and attach Schedule 17]*
☐ cancelling guardianship of a child *[complete and attach Schedule 18]*

Spousal support

- ☐ spousal support – new *[complete and attach Schedule 19]*
☐ spousal support order/agreement – existing *[complete and attach Schedule 20]*

Property division

- ☐ in respect of a companion animal – new *[complete and attach Schedule 21]*
☐ companion animal agreement – existing *[complete and attach Schedule 22]*

Identification of child(ren)

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

- ☐ My counter application does not ask for any order(s) about a child or children *(skip section 14)*.
☐ My counter application is asking for an order(s) about the following child or children:

Child's full name	Child's date of birth (mmm/dd/yyyy)	My relationship to the child	Other party's relationship to the child	Child is currently living with

- 14.** ☐ I understand that I must consider the child(ren)'s best interests with respect to each order I am asking the court to make about the child.

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.

REPLY TO AN APPLICATION ABOUT PARENTING ARRANGEMENTS – NEW

Complete this schedule if the other party has made an application about parenting arrangements in Schedule 1 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

This schedule has three parts. You only need to complete the parts about the parenting arrangement orders you do not agree with. Select all the options in this list that apply (they should match what you put in section 8 Disagreement with Application) and complete the required parts.

Parental responsibilities and parenting time together are known as [parenting arrangements](#). They must be in the best interests of the child. Only a guardian can have parental responsibilities and parenting time.

Part 1 – Reply to an Application – Parental Responsibilities –

Guardians make decisions about their child, including daily care and supervision, education, medical treatment, receiving information about the child from others, and protecting the child's legal and financial interests. These are examples of parental responsibilities. Guardians can share parental responsibilities in whatever way works best for their child. The [Family Law Act](#) provides a list of parental responsibilities.

Why you do not agree: Explain why you do not agree with the other party's requested allocation of parental responsibilities. You do not need to use any special wording. The key is to be clear about what you mean.

What order should be made: You have said you disagree with the allocation of parental responsibilities the other party is asking the court to order, now you can tell the court what order you think should be made instead. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order instead.

Talk to a lawyer if you need help figuring out how parental responsibilities should be allocated for your family.

Best interests of child: When you make parenting arrangements, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when making parenting arrangements, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order about parenting arrangements.

SCHEDULE 1 – REPLY TO AN APPLICATION ABOUT PARENTING ARRANGEMENTS – NEW
This is Schedule 1 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with a new application by the other party about parenting arrangements for the child or children. The order they applied for about parenting arrangements can be found in Schedule 1 of their Application About a Family Law Matter.

1. I do not agree to all or part of the following order(s) about parenting arrangements applied for by the other party:

Select all options that apply and complete the required part(s)

- ☐ parental responsibilities (*complete Part 1 of this schedule*)
- ☐ parenting time schedule (*complete Part 2 of this schedule*)
- ☐ conditions on parenting time (*complete Part 3 of this schedule*)

PART 1 – Reply to an Application – Parental Responsibilities

Complete this part only if you are disagreeing with an order about the parental responsibilities requested by the other party. You may leave this part blank.

1. I do not agree with the requested allocation of parental responsibilities because:

2. I am asking for the parental responsibilities to be exercised by the guardians as follows:

3. I believe the parental responsibilities I am asking for are in the child(ren)'s best interests because:

Part 2 – Reply to an Application - Parenting time schedule –

This is the time each guardian spends with the child. Guardians can arrange parenting time in any way that is in the best interests of the child. Parenting time can be shared equally, or one guardian can have the child more of the time.

Why you do not agree: Explain why you do not agree with the other party's requested parenting time schedule. You do not need to use any special wording. The key is to be clear about what you mean.

What order should be made: You have said you disagree with the parenting time schedule the other party is asking the court to order, now you can tell the court what order you think should be made instead. Give as much detail as you would like to ask the court to include in the order. You know your family. If you think lots of detail is needed, make sure you make that clear here. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order instead.

Best interests of child: When you make parenting arrangements, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when making decisions about parenting time, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order about parenting time.

Part 3 – Reply to an Application – Conditions on parenting time –

Conditions may include things like a child's participation in extra-curricular activities, religious or cultural events, visits by extended family or friends during parenting time, or where the parenting time will take place.

Why you do not agree: Explain why you do not agree with the other party's requested conditions on the parenting time. You do not need to use any special wording. The key is to be clear about what you mean.

What order should be made: You have said you disagree with the parenting time conditions the other party is asking the court to order, now you can tell the court what order you think should be made instead. Give as much detail as you would like to ask the court to include in the order. You know your family. If you think lots of detail is needed, make sure you make that clear here. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order instead.

Best interests of child: When you make parenting arrangements, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when making decisions about parenting time, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order about parenting time.

PART 2 – Reply to an Application – Parenting Time Schedule

Complete this part only if you are disagreeing with an order about the parenting time schedule requested by the other party. You may leave this part blank.

1. I do not agree with the requested parenting time schedule because:

2. I am asking for the parenting time schedule to be as follows:

3. I believe my requested parenting time schedule is in the child(ren)'s best interests because:

PART 3 – Reply to an Application – Conditions on Parenting Time

Complete this part only if you are disagreeing with an order about the conditions on parenting time requested by the other party. You may leave this part blank.

1. I do not agree with the requested conditions on my parenting time or the other guardian's parenting time because:

2. I am asking for the conditions on my parenting time or the other guardian's parenting time to be as follows:

3. I believe the conditions I have asked for on parenting time are in the child(ren)'s best interests because:

REPLY TO AN APPLICATION ABOUT PARENTING ARRANGEMENTS - EXISTING

Complete this schedule if the other party has made an application about existing parenting arrangements in Schedule 2 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

Parental responsibilities and parenting time together are known as [parenting arrangements](#). They must be in the best interests of the child. Only a guardian can have parental responsibilities and parenting time.

Reason for application: The other party is asking for an order to be made about an existing order or written agreement about parenting arrangements. Family dynamics change and children grow up. An order or agreement about parenting arrangements that was made in the past may not make sense anymore. The court can only change or cancel an order if there has been a change in the needs or circumstances of the child since the original court order was made, including a change in the circumstances of another person such as a parent. If there was an existing agreement, the court can set aside all or part of the existing agreement and replace it with a new order if something different would be in the best interests of the child.

Select the option that best fits with the reason the other party gave for making their application about an existing order or agreement about parenting arrangements.

Why do you not agree: Explain why you do not agree with the other party's requested changes to the order or written agreement about parenting arrangements. You do not need to use any special wording. The key is to be clear about what you mean.

What order should be made: You have said you disagree with the order about parenting arrangements the other party is asking the court to make. Do you want the existing order or written agreement to continue to be in place or do you want something else? If you want something else, now you can tell the court what order you think should be made. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order instead.

Best interests of child –

When you make parenting arrangements, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when making parenting arrangements, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order.

SCHEDULE 2 – REPLY TO AN APPLICATION ABOUT PARENTING ARRANGEMENTS – EXISTING

This is Schedule 2 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with an application by the other party to change or cancel an existing final order about parenting arrangements, or to set aside or replace all or part of an agreement about parenting arrangements for the child or children. The order they applied for about parenting arrangements can be found in Schedule 2 of their Application About a Family Law Matter.

1. Select only one of the options below

- ☐ I agree that needs or circumstances have changed since the final order about parenting arrangements was made
- ☐ There has been no change in needs or circumstances since the final order about parenting arrangements was made
- ☐ I agree the agreement about parenting arrangements is not in the best interests of the child(ren)
- ☐ I believe the agreement about parenting arrangements is in the best interests of the child(ren)

2. I do not agree with the requested order about the existing final order or agreement because:

3. Select only one of the options below

- ☐ I am applying for the existing final order or agreement about parenting arrangements to continue to be in place
- ☐ I am applying to change or replace the existing final order or agreement about parenting arrangements as follows:

Best interest of child

4. I believe the order about parenting arrangements I am applying for is in the child(ren)'s best interests because:

REPLY TO AN APPLICATION ABOUT CHILD SUPPORT – NEW

Complete this schedule if the other party has made an application about child support in Schedule 3 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

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

For more information about child support and referrals to other child support resources, visit the [BC Government website](http://www.bc.ca) at www.bc.ca.

Relationship to the child(ren): Although parents have the primary responsibility to pay child support, other guardians and step-parents may be responsible for paying child support. If you are a step-parent, and you need more information about step-parents and child support, see the fact sheet [Step-parents Rights and Responsibilities](#) by the Legal Aid BC.

Select the option that best describes your relationship to the child or children the application for child support is about. If there is more than one child the application is about, and your relationship to each child is different, you can select more than one option.

Why you do not agree: Usually the court orders an amount of child support based on the [Federal Child Support Guidelines](#). This amount is called the guideline table amount and is meant to cover regular expenses like clothes, food and housing.

The court can order an amount other than the guideline table amount only in certain situations:

- when a child is 19 or older
- when the parent paying support has an income over \$150,000
- when parents split or share parenting time
- when there's undue hardship

The court needs to know why you disagree with the order about child support. Select each option that applies to your situation and provide the details requested in the instructions. If you do not agree with details of the order such as when payments should start, you can include that under other reasons and give a suggested start date.

Income: It is impossible for the court to decide a fair and proper amount for child support without complete, true and up-to-date financial information. With any application about child support, there are requirements to disclose financial information. It could be that the other party made a guess about your income to calculate child support. You can show that court that your income is different and suggest a different amount for child support.

Special and extraordinary expenses: Special and extraordinary expenses are costs of raising a child that go above and beyond what is covered by the guideline table amount for child support. The [Federal Child Support Guidelines](#) say that each parent or guardian must help pay for the special and extraordinary expenses for a child. Usually, the amount is shared in proportion to the incomes of the parents or guardians. Either parent or guardian can claim special and extraordinary expenses.

Living arrangements: The other party would have calculated child support using the living arrangements for the child(ren) that are already in place or that they are asking for in their application. You may be asking for something different or not agree with what the other party described. Different living arrangements may result in a different calculation of child support.

Undue hardship: Sometimes the amount of child support determined under the Federal Child Support Guidelines, when combined with other circumstances, may create undue hardship for a person or their child.

The court can make a child support order for an amount different from the Federal Child Support Guidelines. A party can ask if they believe paying or receiving the guideline table amount would make them suffer financially to an excessive amount because of specific circumstances. Either parent can claim undue hardship.

If you are claiming undue hardship, complete Part 4 and 5 of the [Financial Statement Form 4](#).

SCHEDULE 3 – REPLY TO AN APPLICATION ABOUT CHILD SUPPORT – NEW
This is Schedule 3 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with a new application by the other party about child support. The order they applied for about child support can be found in Schedule 3 of their Application About a Family Law Matter.

1. I am:

- ☐ a parent to the child(ren)
- ☐ a person standing in the place of a parent to the child(ren) *[for example, a step-parent]*
- ☐ not a parent of the child(ren)
 - ☐ I request a parentage test *(select only if applicable)*
- ☐ not a person standing in the place of a parent to the child(ren)

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

Select all options that apply and complete the required information

- ☐ my income is not what the other party claims it is
- ☐ the other party's income is not what they claim it is

Explain below.

- ☐ I believe the special and extraordinary expenses are not what the other party claims they are.
Explain below.

- ☐ the living arrangements for the child(ren) are not as described
Describe the child(ren)'s living arrangements below

- ☐ the amount would cause me undue hardship because:
Note: If this option applies to your situation, you will need to complete the undue hardship portion of the Financial Statement, Part 4 and Part 5, in addition to any other required parts

- ☐ 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 reasons *(specify):*

Financial statement –

It is impossible for the court to decide a fair and proper amount for child support without complete, true and up-to-date financial information. You must complete the [Financial Statement Form 4](#), including Part 4 & 5 if you have identified that the amount of child support would cause you undue hardship, to file with your reply.

If you are required to file a Financial Statement but cannot complete it yet, you can apply to the court to file your reply first using the [Application for Case Management Order Without Notice or Attendance Form 11](#).

Calculations –

If you are disagreeing with the child support order requested by the other party, it is helpful for the court to know what amount you are suggesting instead.

To calculate how much child support should be paid, you can visit the [Department of Justice website](#) on child support which includes detailed information including the [Federal Child Support Guidelines: Step-by-Step](#) and a [Child Support Table Look-up](#).

You can also talk with a [child support officer](#), [family justice counsellor](#) or a lawyer.

If you are not providing a calculation of child support with your reply, please explain to the court your reason(s) why not.

Financial statement

3. *Select only one of the options below*

- ☐ I am filing a Financial Statement in Form 4 with this reply
- ☐ I am not able to complete a Financial Statement at this time. I am filing an Application for Case Management Order Without Notice or Appearance in Form 11 requesting to waive the requirement that this reply be filed with a completed Financial Statement.

Calculations

4. *Select only one of the options below*

- ☐ I am attaching calculations showing how much I believe should be paid for child support according to the child support guidelines
- ☐ I am not attaching calculations because:

IMPORTANT NOTE:

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.

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

REPLY TO AN APPLICATION ABOUT CHILD SUPPORT– EXISTING

Complete this schedule if the other party has made an application about child support in Schedule 4 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

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

For more information about child support and referrals to other child support resources, visit the [BC Government website](http://www.gov.bc.ca) at www.gov.bc.ca.

Reason for application: The other party is asking for an order to be made about an existing order or written agreement about child support. Family dynamics, income and finances change, and children grow up. An order or agreement about child support that was made in the past may not make sense anymore. The court can only change or cancel an order if there has been a change in circumstances since the original court order was made, including evidence that was not available or not disclosed previously. If there was an existing agreement, the court can set aside all or part of the existing agreement and replace it with a new order if the court would make a different order on consideration of the matters set out in section 150 [*determining child support*] of the [Family Law Act](#).

Select the option that best fits with the reason the other party gave for making their application about an existing order or agreement about child support.

Why do you not agree: Even if you agree that there has been a change in circumstances, you may disagree with the new amount of child support that the other party is asking for. Explain why you do not agree with the other party's requested changes to the order or written agreement about child support. You do not need to use any special wording. The key is to be clear about what you mean. What order should be made: You have said you disagree with the order about child support the other party is asking the court to make. Do you want the existing order or written agreement to continue to be in place or do you want something else? If you want something else, now you can tell the court what order you think should be made.

What order should be made: You have said you disagree with the order about child support the other party is asking the court to make. Do you want the existing order or written agreement to continue to be in place or do you want something else? If you want something else, now you can tell the court what order you think should be made.

Calculations –

If you are disagreeing with the child support order requested by the other party, it is helpful for the court to know what amount you are suggesting instead.

To calculate how much child support should be paid, you can visit the [Department of Justice website](#) on child support which includes detailed information including the [Federal Child Support Guidelines: Step-by-Step](#) and a [Child Support Table Look-up](#).

You can also talk with a [child support officer](#), [family justice counsellor](#) or a lawyer.

If you are not providing a calculation of child support with your reply, please explain to the court your reason why not.

Unpaid child support –

If the existing child support amount has not always been paid, the other party will have indicated the amount they believe is still owing (in arrears). Let the court know if you agree with that amount, and if you do not, tell the court how much you believe is owing.

Financial disclosure –

It is impossible for the court to decide a fair and proper amount for child support without complete, true and up-to-date financial information.

If you have previously filed a Financial Statement, you will need to make sure the court has your most up-to-date financial information. If any of your financial information has changed, or if more than a year has passed since you last filed a Financial Statement, then be prepared to file a new one.

If the changes to the order about child support would make you a payor or if the parenting arrangements have changed, you will probably need to file a Financial Statement. Refer to the instructions on the [Financial Statement Form 4](#) to confirm if you are required to complete it.

SCHEDULE 4 – REPLY TO A CLAIM ABOUT CHILD SUPPORT – EXISTING
This is Schedule 4 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with an application by the other party to change or cancel an existing final order about child support, or to set aside or replace all or part of an existing agreement about child support. The order they applied for about child support can be found in Schedule 4 of their Application About a Family Law Matter.

1. Select only one of the options below

- ☐ I agree that circumstances have changed since the final order about child support was made
- ☐ There has been no change in circumstances since the final order about child support was made
- ☐ I agree the agreement about child support should be set aside or replaced
- ☐ I believe the agreement about child support was made on consideration of section 150 of the *Family Law Act*

2. I do not agree with the requested order about the existing final order or agreement about child support because:

3. Select only one of the options below

- ☐ I am applying for the existing final order or agreement about child support to continue to be in place
- ☐ I am applying to change or replace the existing final order or agreement about child support as follows:

Calculations

4. Select only one of the options below

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines
- ☐ I am not attaching calculations because:

Unpaid child support

5. 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 _____, the amount of unpaid child support (arrears) was \$ _____
(mmm/dd/yyyy)

IMPORTANT NOTE:

This family law case includes an application to change an existing final order or agreement about child support. You must provide updated financial information with your reply to the 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

REPLY TO AN APPLICATION ABOUT CONTACT WITH A CHILD – NEW

Complete this schedule if the other party has made an application about contact with a child in Schedule 5 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

[Contact with a child](#) is the time a child spends with someone who is not their guardian.

Why you do not agree and what order should be made: You have said you disagree with the order about contact with a child the other party is asking the court to make. Tell the court what order you think should be made. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order instead. Think about your relationship with the child and their parents/guardians to decide how much detail you think the order needs to include.

Sometimes, the court or the other party may only consider it in the best interests of the child for there to be conditions on the contact with the child. If there are any conditions you want to ask the court to place on the contact with the child be sure to include them in the space provided. Conditions may include:

- supervised visits
- contact during specified times
- contact only in a specific location
- things a person must do if they want contact with a child (for example, not use drugs or alcohol while with the child or not have guests over while the child is visiting)

Best interests of the child –

When you ask for a court order involving a child, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when asking for contact with a child, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order.

SCHEDULE 5 – REPLY TO AN APPLICATION ABOUT CONTACT WITH A CHILD – NEW
This is Schedule 5 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with a new application by the other party about contact with a child or children. The order they applied for about contact can be found in Schedule 5 of their Application About a Family Law Matter.

1. I do not agree that the other party should have contact with the child(ren) as the other party requested.

Instead, I ask that the other party's contact with the child(ren) be as follows:

Select all options that apply and complete the required information

- ☐ no contact of any type
☐ in person:

Provide 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*): _____

Complete only if applicable. You may leave this section blank.

I am asking to have the following conditions placed on the contact with the child(ren):

Best interests of child

2. I believe the order about contact I am applying for is in the child(ren)'s best interests because:

REPLY TO AN APPLICATION ABOUT CONTACT WITH A CHILD – EXISTING

Complete this schedule if the other party has made an application about contact with a child in Schedule 6 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

[Contact with a child](#) is the time a child spends with someone who is not their guardian.

Reason for the application: The other party is asking for an order to be made about an existing order or written agreement about contact with a child. Family dynamics change and children grow up. A contact order or agreement that was made in the past may not make sense anymore. The court can only change or cancel an order if there has been a change in the needs or circumstances of the child since the original court order was made, including a change in the circumstances of another person such as a parent. If there was an existing agreement, the court can set aside all or part of the existing agreement and replace it with a new order if something different would be in the best interests of the child.

Select the option that best fits with the reason the other party gave for making their application about an existing order or agreement about contact with a child.

Why you do not agree: Even if you agree that there has been a change in circumstances or that the order was not in the best interests of the child, you may disagree with the new order about contact with a child that the other party is asking for. Explain why you do not agree with the other party's requested changes to the order or written agreement about contact with a child. You do not need to use any special wording. The key is to be clear about what you mean.

What order should be made: You have said you disagree with the order about contact with a child the other party is asking the court to make. Do you want the existing order or written agreement to continue to be in place or do you want something else? If you want something else, now you can tell the court what order you think should be made. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order instead.

Best interests of the child –

When you ask for a court order involving a child, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when asking for contact with a child, you must consider factors including:

- The child's emotional health and well-being
- The child's views, unless it would be inappropriate to consider them
- The child's relationships with parents, guardians, and other important people
- The history of care, and
- The impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order you are asking for.

SCHEDULE 6 – REPLY TO AN APPLICATION ABOUT CONTACT WITH A CHILD – EXISTING
This is Schedule 6 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with an application by the other party to change or cancel an existing final order about contact, or to set aside or replace an existing agreement about contact, with a child or children. The order they applied for about contact can be found in Schedule 6 of their Application About a Family Law Matter.

1. Select only one of the options below

- ☐ I agree that needs or circumstances have changed since the final order about contact was made
- ☐ There has been no change in needs or circumstances since the final order about contact was made
- ☐ I agree the agreement is not in the best interests of the child(ren)
- ☐ I believe the agreement is in the best interests of the child(ren)

2. I do not agree with the requested order about the existing final order or agreement about contact with a child or children because:

3. Select only one of the options below

- ☐ I am applying for the existing final order or agreement about contact with a child or children to continue to be in place
- ☐ I am applying to change or replace the existing final order or agreement about contact with a child or children as follows:

Best interests of child

4. I believe the order about contact I am applying for is in the child(ren)'s best interests because:

REPLY TO AN APPLICATION ABOUT BECOMING A GUARDIAN

Complete this schedule if the other party has made an application about becoming a guardian in Schedule 7 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

[A guardian](#) is responsible for a child. Only guardians have parental responsibilities and parenting time with a child.

The [Family Law Act](#) provides that generally both parents are guardians, will continue to be guardians even if the parents are not together, and each will have parenting time and parental responsibilities.

Anyone who wants to become a guardian can apply, including a parent who is not a guardian or anyone else (even if they are not related to the child).

We recommend that you talk to a lawyer before you make decisions about your future parenting arrangements or guardianship of a child.

Why you do not agree: Explain why you do not agree with the other party's guardianship request using the options provided. It is helpful to the court if you include some detail about why you hold that belief. Consider the child's best interests when you give your reason. You do not need to use any special wording. The key is to be clear about what you mean.

Best interests of the child –

When you ask for a court order involving a child, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when asking for an order about guardianship of a child, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order you are asking for.

SCHEDULE 7 – REPLY TO AN APPLICATION ABOUT APPOINTING A GUARDIAN OF A CHILD OR CHILDREN
This is Schedule 7 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with an application by the other party to be appointed as a guardian of a child or children. The order they applied for about guardianship can be found in Schedule 7 of their Application About a Family Law Matter.

1. I do not believe it is in the best interests of the child(ren) for the other party to become a guardian of the child(ren) because:

Select all options that apply and complete the explain why

☐ the other party is not able to be a guardian because:

☐ the other party is not suitable to be a guardian because:

☐ other reason(s) (specify):

REPLY TO AN APPLICATION ABOUT TERMINATING GUARDIANSHIP

Complete this schedule if the other party has made an application about cancelling guardianship of a child in Schedule 8 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

[A guardian](#) is responsible for a child. Only guardians have parenting responsibilities and parenting time with a child.

The [Family Law Act](#) provides that generally both parents will continue to be guardians after separation and each will have parenting time and parental responsibilities. This does not mean that parents must have equal time or responsibility for a child. An agreement or order about parenting arrangements can make all the child's guardians share parenting responsibilities or parenting time. Or it can make only one or more guardians responsible for parenting decisions and time with the child to the exclusion of all other guardians.

In some cases, it may not be appropriate for a parent or guardian to remain a guardian. A parent can be removed as guardian by agreement with all the other guardians or by court order. If a parent is not a guardian, they can still have time with the child – contact – but will not have any parental responsibilities.

We recommend that you talk to a lawyer before you make decisions about your future parenting arrangements or guardianship of a child.

Why you do not agree: Explain why you do not agree with the other party's guardianship request using the options provided. It is helpful to the court if you include some detail about why you hold that belief. Consider the child's best interests when you give your reason. You do not need to use any special wording. The key is to be clear about what you mean.

Best interests of the child –

When you ask for a court order involving a child, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when asking for an order about guardianship of a child, you must consider factors including

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order you are asking for.

SCHEDULE 8 – REPLY TO AN APPLICATION ABOUT CANCELLING GUARDIANSHIP OF CHILD OR CHILDREN
This is Schedule 8 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with an application by the other party to cancel guardianship of a child or children. The order they applied for about cancelling guardianship can be found in Schedule 8 of their Application About a Family Law Matter.

1. Do not cancel guardianship of the child(ren) as requested because:

Select all options that apply and explain why

☐ the guardian is able and willing to be a guardian because:

☐ the guardian is suitable to be a guardian because:

☐ the guardian does not consent to cancellation of their guardianship because:

☐ other reason(s) (specify):

Best interests of child

2. I believe it is not in the best interests of the child(ren) to cancel guardianship as requested by the other party because:

REPLY TO AN APPLICATION ABOUT SPOUSAL SUPPORT - NEW

Complete this schedule if the other party has made an application about spousal support in Schedule 9 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

Spousal support is money that one spouse pays to another spouse for their financial support after separation. It is different from child support.

For more information about spousal support and referrals to other spousal support resources, visit [Where can I find more information about spousal support?](#) on the [BC Government website](#) at www.gov.bc.ca.

We recommend that you talk to a lawyer before you make any final decisions about spousal support.

Relationship to the other party:

You are a spouse if:

- o you were married
- o you lived together in a marriage-like relationship for at least two years, or
- o you lived in a marriage-like relationship for less than two years, but you have a child together

Indicate if you are (or were) a spouse to the other party or if you believe you have never been their spouse.

Why you do not agree: The court needs to know why you disagree with the order about spousal support. Select each option that applies to your situation and provide the details requested in the instructions. If you do not agree with details of the order such as when payments should start, you can include that under other reasons.

Entitlement to spousal support: A person is only entitled to spousal support in certain situations. It is not a right in every case. There are rules under the [Family Law Act](#) about what makes you a spouse and when you can ask for an order for spousal support. You can apply for spousal support if:

- you are a spouse because:
 - o you were married
 - o you lived together in a marriage-like relationship for at least two years, or
 - o you lived in a marriage-like relationship for less than two years, but you have a child together
- you can prove entitlement to spousal support based on the objectives of spousal support, and
- you are applying in time (Generally, married spouses must start a court proceeding claiming spousal support within two years of the date of their divorce or an order annulling their marriage. Unmarried spouses must start a court proceeding within two years of the date of their separation. We recommend that you talk to a lawyer if you are not sure about the timing of the application.)

Income and earning potential: It is impossible for the court to decide a fair and proper amount for spousal support without complete, true and up-to-date financial information. With any application about spousal support, there are requirements to disclose financial information. The court will use information about both parties' income, expenses and earning potential as part of the calculation for spousal support. If you believe the order about spousal support was made with incorrect or incomplete information, you can explain that here.

SCHEDULE 9 – REPLY TO AN APPLICATION ABOUT SPOUSAL SUPPORT – NEW
This is Schedule 9 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with a new application by the other party about spousal support. The order they applied for about spousal support can be found in Schedule 9 of their Application About a Family Law Matter.

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

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

Select all options that apply and complete the required information

- ☐ I do not believe the other party is entitled to spousal support

Explain below

- ☐ 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

Explain below.

- ☐ the other party's financial situation is not what they claim it is

Explain below

- ☐ I believe the other party's employment, training, health and ability to work is not what the other party claims it is

Explain below.

- ☐ the other party's expenses are not what they claim them to be

Explain below

- ☐ other reasons (specify):

What order should be made: How much and for how long spousal support is paid is determined by considering many factors. The decision to pay a regular amount each month over a certain number of months or years, or a lump sum amount may depend on many factors including the ability of a spouse to pay it all at once. An order about spousal support should be tailored to the specific circumstances of you and your spouse.

You have said you disagree with the order about spousal support the other party is asking the court to make. Tell the court what order you think should be made. If you think no spousal support should be paid, put a '0' for the amount. If you do believe an amount of spousal support should be paid, indicate what type of payment schedule the order should include.

Calculations –

To calculate how much spousal support should be paid, you can use the [Spousal Support Advisory Guidelines](#), or DIVORCEmate's free spousal support calculator at www.mysupportcalculator.ca.

You can also talk with a [child support officer](#) (they can also help with spousal support), [family justice counsellor](#) or a lawyer.

If you are not providing a calculation of spousal support with your reply, please explain to the court your reason why not.

Financial statement –

It is impossible for the court to decide a fair and proper amount for spousal support without complete, true and up-to-date financial information. You must complete the [Financial Statement Form 4](#). If you cannot complete it yet, you can apply to the court using the [Application for Case Management Order Without Notice or Attendance Form 11](#) to file your reply first but you will still need to give financial disclosure.



3. The order for spousal support that I believe should be made is as follows:

Select all options that apply and complete the required information

- ☐ in the amount of \$ _____ per month to commence on _____ until _____
[mmm/dd/yyyy] [mmm/dd/yyyy]
- ☐ in a lump sum of \$ _____
- ☐ other (specify): _____

Calculations

4. Select only one of the options below

- ☐ I am attaching calculations showing how much spousal support I believe should be paid according to the Spousal Support Advisory Guidelines
- ☐ I am not attaching calculations because:

Financial statement

5. Select only one of the options below

- ☐ I am filing a Financial Statement in Form 4 with this reply
- ☐ I am not able to complete a Financial Statement at this time. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirements to file this reply with a completed Financial Statement

IMPORTANT NOTE:

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.

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

REPLY TO AN APPLICATION ABOUT SPOUSAL SUPPORT - EXISTING

Complete this schedule if the other party has made an application about spousal support in Schedule 10 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

Spousal support is money that one spouse pays to another spouse for their financial support after separation. It is different from child support.

For more information about spousal support and referrals to other spousal support resources, visit [Where can I find more information about spousal support?](#) on the [BC Government website](#) at www.gov.bc.ca.

We recommend that you talk to a lawyer before you make any final decisions about spousal support.

Reason for application: The other party is asking for an order to be made about an existing order or written agreement about spousal support. Family dynamics, income and finances change. An order or agreement about spousal support that was made in the past may not make sense anymore.

The court can only change or cancel an order if:

- there has been a change in circumstances since the original court order or written agreement was made,
- evidence was not available during the previous hearing that has become available, or
- there was a lack financial disclosure discovered after the last order was made.
- the court may also set aside all or part of an agreement for spousal support if the court is satisfied that:
- certain circumstances existed when the parties entered into the agreement [see section 164(3) of the [Family Law Act](#)] and the court would not make a different order on consideration of all of the evidence or
- the agreement is significantly unfair [see section 164(5) of the [Family Law Act](#)].

Select the option that best fits with the reason the other party gave for making their application about an existing order or agreement about spousal support.

Unpaid spousal support –

If the existing spousal support amount has not always been paid, the other party will have indicated the amount they believe is still owing (in arrears). Let the court know if you agree with that amount, and if you do not, tell the court how much you believe is owing.

About the order –

Why you do not agree: Even if you agree with the other party's reason for making their application, you may disagree about the new amount of spousal support that the other party is asking for. Explain why you do not agree with the other party's requested changes to the spousal support order or written agreement. You do not need to use any special wording. The key is to be clear about what you mean.

What order should be made: You have said you disagree with the order about spousal support the other party is asking the court to make. Do you want the existing order or written agreement to continue to be in place or do you want something else? If you want something else, now you can tell the court what order you think should be made.

Calculations –

To calculate how much spousal support should be paid, you can use the [Spousal Support Advisory Guidelines](#), or DIVORCEmate's free spousal support calculator at www.mysupportcalculator.ca.

You can also talk with a [child support officer](#) (they can also help with spousal support), [family justice counsellor](#) or a lawyer.

If you are not providing a calculation of spousal support with your reply, please explain to the court your reason why not.

Financial statement –

It is impossible for the court to decide a fair and proper amount for spousal support without complete, true and up-to-date financial information. You must complete the [Financial Statement Form 4](#). If you cannot complete it yet, you can apply to the court using the [Application for Case Management Order Without Notice or Attendance Form 11](#) to file your reply first but you will still need to give financial disclosure.

SCHEDULE 10 – REPLY TO AN APPLICATION ABOUT SPOUSAL SUPPORT – EXISTING
This is Schedule 10 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with application by the other party to change or cancel an existing final order about spousal support, or to set aside or replace all or part of an existing written agreement about spousal support. The order they applied for about spousal support can be found in Schedule 10 of their Application About a Family Law Matter.

1. Select only one of the options below

- ☐ I agree that circumstances have changed since the final order about spousal support was made
- ☐ There has been no change in circumstances since the final order about spousal support was made
- ☐ I agree the circumstances were as described by the other party when the written agreement about spousal support was made
- ☐ I do not believe the circumstances as described by the other party existed when the written agreement about spousal support was made

Unpaid spousal support

2. Select only one of the options below

- ☐ I agree that the amount of unpaid spousal support (arrears) in the claim is correct
 - ☐ The amount of unpaid spousal support (arrears) in the application is not correct.
- As of _____, the amount of unpaid spousal support (arrears) was \$ _____
[mmm/dd/yyyy]

About the order

3. I do not agree with the requested order about the existing final order or written agreement about spousal support because:

4. Select only one of the options below

- ☐ I am applying for the existing final order or written agreement about spousal support to continue to be in place
- ☐ I am applying to change or replace the existing final order or written agreement about spousal support as follows:

Calculations

5. Select only one of the options below

- ☐ I am attaching calculations showing how much spousal support I believe should be paid according to the Spousal Support Advisory Guidelines
- ☐ I am not attaching calculations because:

Financial statement

6. Select only one of the options below

- ☐ I have filing a Financial Statement in Form 4 with this reply
- ☐ I am not able to complete a Financial Statement at this time. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this reply be filed with a completed Financial Statement

IMPORTANT NOTE:

This family law case includes an application to change or replace a file order or written agreement about spousal support. You must provide updated financial information with your reply to the 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

REPLY TO AN APPLICATION ABOUT PROPERTY DIVISION IN RESPECT OF A COMPANION ANIMAL - NEW

Complete this schedule if the other party has made an application about property division in respect of a companion animal in Schedule 11 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

A **companion animal** is often a family pet. Section 1 of the [Family Law Act](#) defines a companion animal as an animal that is kept primarily for the purpose of companionship. Section 3.1 of the [Family Law Act](#) states that a companion animal is not:

- a guide dog or service dog within the meaning of the [Guide Dog and Service Dog Act](#);
- an animal that is kept as part of a business;
- an animal that is kept for agricultural purposes.

Property division in respect of a companion animal - who will have ownership and possession of a companion animal when spouses separate. The court may only make an order for ownership and possession of a companion animal **by one spouse**. Spouses may agree out of court to share ownership and possession of a companion animal.

Section 92 of the [Family Law Act](#) provides that spouses may make agreements respecting the division of property, including agreements to jointly own a companion animal, share possession of a companion animal or give exclusive ownership or possession of a companion animal to one of the spouses.

If you and your spouse want to try to reach an agreement about a companion animal, including an agreement to share ownership or possession, you can find more information about how to reach an agreement on the [BC Government website](#) at www.gov.bc.ca.

Relationship to the other party:

You are a spouse if:

- you were married
- you lived together in a marriage-like relationship for at least two years, or
- you lived in a marriage-like relationship for less than two years, but you have a child together

Indicate if you are (or were) a spouse to the other party or if you believe you have never been their spouse. If you believe you have never been their spouse, please describe your relationship to the other party. You don't need to use any special wording.

Why you do not agree: Explain why you do not agree with the other party's requested order about property division in respect of a companion animal. You do not need to use any special wording. The key is to be clear about what you mean.

What order should be made: You have said you disagree with the property division in respect of a companion animal the other party is asking the court to order, now you can tell the court what order you think should be made instead.

Remember the court may only make an order for ownership and possession of a companion animal **by one spouse**. Under section 97 of the [Family Law Act](#), the court cannot declare that the spouses jointly own the companion animal, or require the spouses to share possession of the companion animal.

You do not need to use any special wording. The key is to be clear about the order you want the court to make instead. If you are asking for an order for ownership and possession of a companion animal, be sure to include the name of the companion animal and who you want to have ownership and possession of the animal.

SCHEDULE 10.1 – REPLY TO AN APPLICATION ABOUT PROPERTY DIVISION IN RESPECT OF A COMPANION ANIMAL – NEW

This is Schedule 10.1 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with a new application by the other party for a property division order in respect of a companion animal. The order they applied for about property division in respect of a companion animal can be found in Schedule 11 of their Application About a Family Law Matter.

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:

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

3. I believe the court should make the following order for property division in respect of a companion animal:

*Note: 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**.*

REPLY TO AN APPLICATION ABOUT A COMPANION ANIMAL AGREEMENT - EXISTING

Complete this schedule if the other party has made an application about property division in respect of a companion animal in Schedule 12 of their Application About a Family Law Matter and you do not agree with the order they are asking the court to make.

A **companion animal** is often a family pet. Section 1 of the [Family Law Act](#) defines a companion animal as an animal that is kept primarily for the purpose of companionship. Section 3.1 of the [Family Law Act](#) states that a companion animal is not:

- a guide dog or service dog within the meaning of the [Guide Dog and Service Dog Act](#);
- an animal that is kept as part of a business;
- an animal that is kept for agricultural purposes.

Property division in respect of a companion animal - who will have ownership and possession of a companion animal when spouses separate. The court may only make an order for ownership and possession of a companion animal **by one spouse**. Spouses may agree out of court to share ownership and possession of a companion animal.

Why you do not agree: Explain why you do not agree with the other party's requested changes to the written agreement about property division of a companion animal. You do not need to use any special wording. The key is to be clear about what you mean.

What order should be made: You have said you disagree with the order about property division in respect of a companion animal the other party is asking the court to make. Do you want the existing order or written agreement to continue to be in place or do you want something else? If you want something else, now you can tell the court what order you think should be made.

Remember the court may only make an order for ownership and possession of a companion animal **by one spouse**. Under section 97 of the [Family Law Act](#), the court cannot declare that the spouses jointly own the companion animal, or require the spouses to share possession of the companion animal.

You do not need to use any special wording. The key is to be clear about the order you want the court to make instead. If you are asking for an order for ownership and possession of a companion animal, be sure to include the name of the companion animal and who you want to have ownership and possession of the animal.

SCHEDULE 10.2 – REPLY TO AN APPLICATION ABOUT A COMPANION ANIMAL AGREEMENT – EXISTING

This is Schedule 10.2 to the Reply to an Application About a Family Law Matter

This schedule must be completed only if you are disagreeing with an application by the other party to set aside or replace all or part of an existing written agreement about a companion animal. The order they applied for about property division in respect of a companion animal can be found in Schedule 12 of their Application About a Family Law Matter.

1. I do not agree with the requested order about the existing agreement about property division in respect of a companion animal because:

2. *Select only one of the options below*

- ☐ I would like the existing agreement about property division in respect of a companion animal to continue to be in place
- ☐ I am applying to replace the existing agreement about property division in respect of a companion animal as follows:

COUNTER APPLICATION PARENTING ARRANGEMENTS – NEW

Complete this schedule if there has never been a court order or written agreement about parenting the child. If there is a court order or written agreement about parenting the child, even if you are not the guardian it is about, you will need to complete Schedule 12 instead of this one.

Parental responsibilities and parenting time together are known as [parenting arrangements](#). They must be in the best interests of the child. Only a guardian can have parental responsibilities and parenting time.

If you are not the child's guardian and you are not applying to become the child's guardian, but you want to spend time with the child, you may ask for **contact with a child**. Complete Schedule 15 or Schedule 16, as applicable, to ask for your order. If you are not sure if you are a guardian of the child, you may want to get some legal advice to confirm.

Parental responsibilities –

Guardians make decisions about their child, including daily care and supervision, education, medical treatment, receiving information about the child from others, and protecting the child's legal and financial interests. These are examples of parental responsibilities. Guardians share parental responsibilities unless they have a court order or agreement that says otherwise. The [Family Law Act](#) provides a list of parental responsibilities.

If you are the only guardian for a child, you may want a court order to more easily show that you are the only person with parental responsibility for the child including making decisions about things like permission to travel and consent for medical procedures.

If there is more than one guardian for a child, an agreement or court order can help to make it clear who has certain parental responsibilities and when. Parental responsibilities may be shared with the guardians cooperating to make decisions jointly, exercised by only one guardian, or divided between more than one guardian with each having parental responsibilities over different decisions. You must carefully consider which way is best for the child.

You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.

Talk to a lawyer if you need help figuring out how parental responsibilities should be set up for your family.

Parenting time –

This is the time each guardian spends with the child. Guardians can arrange parenting time in any way that is in the best interests of the child. Parenting time can be shared equally, or one guardian can have the child more of the time.

Allocation of parenting time: You can give as much detail as you would like to ask the court to include in the order. You know your family. If you think lots of detail is needed, make sure you make that clear here. You should think about a calendar: where will your child(ren) be on different days, including holidays and vacations.

Conditions on parenting time: Consider if there should be any conditions related to the parenting time. Conditions may include things like a child's participation in extra-curricular activities, religious or cultural events, visits by extended family or friends during parenting time, or where the parenting time will take place.

You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.

SCHEDULE 11 – COUNTER APPLICATION PARENTING ARRANGEMENTS – NEW
This is Schedule 11 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are a guardian of a child making a new counter application about parenting arrangements for a child or children identified in Section 13 of the reply with counter application.

Parenting arrangements include how each guardian of a child will parent their child(ren) together, including each guardians' responsibilities for decision making about a child, and the time each guardian spends with a child.

1. I am:

- ☐ a guardian of the child(ren)
A child's parents are most often the child's guardians, but other people can be guardians too. A parent who has never lived with their child is a guardian if they have regularly taken care of the child, there is an agreement or court order that says they are a guardian, or under a will if the other parent dies.
- ☐ applying to become a guardian of the child(ren)

Parental responsibilities

Parental responsibilities can be set up so that they can be exercised by one or more guardians only, or by each guardian acting separately, or by all guardians acting together.

2. Select all options that apply and complete the required information

- ☐ I am applying for an order that gives me all parental responsibilities of the following child(ren):
List the name of each child you are requesting all parental responsibilities for
- ☐ I am applying for an order for the parental responsibilities to be exercised by the guardians as follows:

Parenting time

During parenting time, a guardian has the parental responsibility of making day-to-day decisions affecting the child and having day-to-day care, control and supervision of the child. Complete section 3 below only if you are applying for an order about parenting time. You may leave this section blank.

3. I am applying for an order about the allocation of parenting time as follows:

Select all options that apply and complete the required information. You may leave a section blank.

- ☐ I am asking for the child(ren) to spend time with me as follows:
- ☐ I am willing to have the following conditions placed on my time with the child(ren):
- ☐ I am asking the child(ren) to spend time with the other guardian(s) as follows:
- ☐ I am asking to have the following conditions placed on the other guardian's time with the child(ren):

Parenting arrangements –

Sometimes there are other things related to parenting arrangements that you would like included in your court order, such as:

- how you and the other guardian will communicate with each other
- exchange and transport of the child between guardians
- where the child and/or guardians residence is located
- travel with the child
- what you will do if there are problems with the parenting time or other parenting issues
- how you will make changes to parental responsibilities or parenting time if the child's needs change

Talk to a lawyer if you need help figuring out if there are other parenting arrangements your family needs to consider.

The following resources may be helpful:

Department of Justice [Parenting Plan Checklist](#)

Provincial Court BC – [FLA Picklist](#)

You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.

Best interests of child –

When you make parenting arrangements, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for your child.

To determine what is in the [child's best interests](#) when making parenting arrangements, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order.

Parenting arrangements

4. *Complete only if there are additional order terms you want. You may leave this section blank.*

☐ I am applying for the following other order term(s) about parenting arrangements:

Best interest of child

5. I believe the order about parenting arrangements I am applying for, including parental responsibilities and parenting time, is in the child(ren)'s best interests because:

COUNTER APPLICATION PARENTING ORDER/WRITTEN AGREEMENT - EXISTING

Complete this schedule if there is any existing court order or written agreement about parenting the child, even if it is not about you as the guardian. If there is not an existing court order or written agreement about parenting the child, you will need to complete Schedule 11 instead of this one.

Parental responsibilities and parenting time together are known as [parenting arrangements](#). They must be in the best interests of the child. Only a guardian can have parental responsibilities and parenting time.

Guardian –

If you are not the child's guardian and you are not applying to become the child's guardian, but you want to spend time with the child, you may ask for **contact with a child**. Complete Schedule 15 or Schedule 16, as applicable, to ask for your order. If you are not sure if you are a guardian of the child, you may want to get some legal advice to confirm.

Copy of final order or agreement –

The court needs to have a copy of the existing parenting order or written agreement so they can consider how any order that is made might impact the other parts of the existing order or written agreement. Include the date the court made the order or the date the written agreement was signed.

Existing final order –

If you have an existing order, you must complete this section. You can apply to change the existing order if you still need an order about parenting arrangements, but you want something different, or to cancel the existing order. Select the option that fits your situation.

Family dynamics change and children grow up. A parenting order that was made in the past may not make sense anymore. The court can only change or cancel an order if there has been a change in the needs or circumstances of the child since the original court order was made, including a change in the circumstances of another person such as a parent. Explain to the court what has changed that makes the existing order no longer appropriate.

Existing agreement –

If you have an existing agreement, you must complete this section. You can apply to set aside (cancel) all or part of the existing agreement if you believe that it is not in the best interests of the child(ren). You can also apply to replace (change) all or part of the existing agreement if you believe something different would be in the best interests of the child. Select the option that fits your situation.

Family dynamics change and children grow up. A parenting agreement that was made in the past may not make sense anymore. The court can only set aside or replace an agreement if it is not in the best interests of the child. Explain to the court why you believe the agreement is not in the best interests of the child.

Parental responsibilities –

Guardians make decisions about their child, including daily care and supervision, education, medical treatment, receiving information about the child from others, and protecting the child's legal and financial interests. These are examples of parental responsibilities. Guardians can share parental responsibilities in whatever way works best for their child. The [Family Law Act](#) provides a list of parental responsibilities.

If you are the only guardian for a child, you may want a court order to more easily show that you are the only person with parental responsibility for the child including making decisions about things like permission to travel and consent for medical procedures.

If there is more than one guardian for a child, an agreement or court order can help to make it clear who has certain parental responsibilities and when. Parental responsibilities may be shared with the guardians cooperating to make decisions jointly, exercised by only one guardian, or divided between more than one guardian with each having parental responsibilities over different decisions. You must carefully consider what is best for the child.

You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.

Talk to a lawyer if you need help figuring out how parental responsibilities should be set up for your family.

Parenting time –

This is the time each guardian spends with the child. Guardians can arrange parenting time in any way that is in the best interests of the child. Parenting time can be shared equally, or one guardian can have the child more of the time.

Allocation of parenting time: You can give as much detail as you would like to ask the court to include in the order. You know your family. If you think lots of detail is needed, make sure you make that clear here. You should think about a calendar: where will your child(ren) be on different days, including holidays and vacations.

SCHEDULE 12 – COUNTER APPLICATION PARENTING ORDER/WRITTEN AGREEMENT – EXISTING
This is Schedule 12 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are making a counter application to change or cancel all or part of an existing final order about parenting arrangements, or to set aside or replace all or part of an agreement about parenting arrangements, of the child or children identified in Section 13 of the reply with counter application.

1. I am:

- ☐ a guardian of the child(ren)
- ☐ applying to be appointed as a guardian of the child(ren)

2. ☐ I am attaching a copy of the existing final order or agreement about parenting agreements made on _____ .
[mmm/dd/yyyy]

Existing final order

3. *Complete only if you have an existing order. You may leave this section blank.*

- ☐ I am applying for the existing final order to be:
 - ☐ changed
 - ☐ cancelled

Since the final order was made, needs or circumstances have changed as follows:

Existing agreement

4. *Complete only if you have an existing agreement. You may leave this section blank.*

- ☐ I am applying for all or part of the existing agreement to be:
 - ☐ set aside
 - ☐ replaced

I believe the agreement is not in the best interests of the child(ren) because:

About the order

5. *Complete only if you are applying for changes to parental responsibilities. You may leave this section blank.*

- ☐ I am applying for the parenting responsibilities (who makes certain decisions about the child(ren)) to be changed or replaced as follows:

6. *Complete only if you are applying for changes to parenting time. You may leave this section blank.*

- ☐ I am applying for the parenting time schedule to be changed or replaced as follows:

Conditions on parenting time: Consider if there should be any conditions related to the parenting time. Conditions may include things like a child's participation in extra-curricular activities, religious or cultural events, visits by extended family or friends during parenting time, or where the parenting time will take place.

You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.

Parenting arrangements –

Sometimes there are other things related to parenting arrangements that you would like included in your court order, such as:

- how you and the other guardian will communicate with each other
- exchange and transport of the children between guardians
- where the children and/or guardian's residence is located
- travel with the children
- what you will do if there are problems with the parenting time or other parenting issues
- how you will make changes to parenting time or parental responsibilities if the child's needs change

Talk to a lawyer if you need help figuring out if there are other parenting arrangements your family needs to consider.

The following resources may be helpful:

Department of Justice [Parenting Plan Checklist](#)

Provincial Court BC – [FLA Picklist](#)

You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.

Best interests of child –

When you make parenting arrangements, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when making parenting arrangements, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order.

7. *Complete only if you are applying for changes to conditions on parenting time. You may leave this section blank.*

- ☐ I am applying for the conditions on my parenting time or the other guardian's parenting time to be changed or replaced as follows:

8. *Complete only if you are applying for changes to other parenting arrangements. You may leave this section blank.*

- ☐ I am applying for the other order term(s) about parenting arrangements to be changed or replaced as follows:

Best interests of child

9. I believe the order I am applying for is in the child(ren)'s best interests because:

COUNTER APPLICATION CHILD SUPPORT – NEW

Complete this schedule if there has never been a court order or written agreement about child support. If there has ever been a court order or written agreement about child support you must complete Schedule 14 instead of this one.

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

For more information about child support and referrals to other child support resources, visit the [BC Government website](http://www.gov.bc.ca) at www.gov.bc.ca.

Relationship to the child(ren) –

Although parents have the primary responsibility to pay child support, other guardians and step-parents may be responsible for paying child support. If you are a step-parent, and you need more information about step-parents and child support, see the fact sheet [Step-parents Rights and Responsibilities](#) by Legal Aid BC.

Select the option that best describes the relationship you and the other party have to the child or children the application for child support is about. If there is more than one child the application is about, and the relationship to each child is different, you can select more than one option.

Time with a child –

The amount of time a child spends with each parent or guardian may determine who may be required to pay child support. The time a child spends with each parent or guardian includes the time that they are responsible for the child, even if the child is not physically with them.

If the child divides their time between more than one parent or guardian try to describe the amount of time, they spend with each parent over a period of one year. If you can estimate a percentage of time, it is helpful for the court. For example, if they live two days a week with one parent and the rest with the other, they live approximately 30% of the time with the first parent and 70% with the other.

If you have more than one child and the time spent with each child is different, try to be clear about the amount of time a time each child spends with each parent.

Current support arrangements –

You do not need to use any special wording. Just explain to the court how the child is currently being looked after financially. Include: how much money are you receiving or paying for the support of the child, how often and when did these payments begin or stop.

Usually the court orders an amount of child support based on the [Federal Child Support Guidelines](#). This amount is called the guideline table amount and is meant to cover regular expenses like clothes, food and housing.

The court can order an amount other than the guideline table amount in certain situations, such as:

- when a child is 19 or older
- when the parent paying support has an income over \$150,000
- when parents split or share parenting time
- when there is undue hardship

Income and earning potential –

The court requires financial information to be able to decide on a fair and proper amount for child support. The other party will be asked to give their own financial information to the court, if they do not, the court may decide how much income a person makes or should be making. The court will look at the information you have provided about the other party's income. It will also look at information you know about things like the type of work they are doing or have done in the past, or any employment qualifications or training they have, to make this decision.

About the order –

Indicate whether you or the other party is the paying party for the child support order you are asking the court to make and for which children you are asking the child support order to be for.

If you are not sure about who the paying party would be, you can visit the [Department of Justice website](#) on child support which includes detailed information including the [Federal Child Support Guidelines: Step-by-Step](#) and a [Child Support Table Look-up](#).

You can also talk with a [child support officer](#) or [family justice counsellor](#).

To calculate how much child support should be paid, use the resources referenced above or talk to a lawyer.

SCHEDULE 13 – COUNTER APPLICATION CHILD SUPPORT – NEW

This is Schedule 13 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are making a new counter application for child support and/or special and extraordinary expenses for the child or children identified in Section 13 of the reply with counter application.

1. I am:

- ☐ a parent or guardian of the child(ren)
☐ applying to be appointed as a guardian of the child(ren)
☐ other (specify): _____

2. The other party 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): _____

3. The child or children spend time with me and the other party as follows:

4. The current support arrangements are as follows:

5. Select only one of the options below

- ☐ I do not know the income of the other party.
☐ I believe the other party's annual income is \$ _____ .

6. I know the following facts about the other party's employment, training, health and ability to work:

If you do not have any information, please leave this section blank.

About the order

- 7.** ☐ I am applying for an order for ongoing child support to be paid by _____ in the monthly amount set out in the child support guidelines table for the following child(ren) identified in section 13 of this reply with counter application:
List the name(s) of each child you are asking for support for

Responsibility to provide support –

The duty to pay child support may not end when a child turns 19 if the child is unable to support themselves financially because of illness, disability or they are still going to school. This information is important for the court to know when they are making an order about child support.



Start of payments –

You need to tell the court when you think the payments should start and why. This could be a date or event in the past, present, or it could be a future date or event. The court can order payment of retroactive child support (starting from a date in the past) and an order for ongoing child support.



Calculations –

To calculate how much child support should be paid, you can visit the [Department of Justice website](#) on child support which includes detailed information including the [Federal Child Support Guidelines: Step-by-Step](#) and a [Child Support Table Look-up](#).



You can also talk with a [child support officer](#), [family justice counsellor](#) or a lawyer.

If you are not providing a calculation of child support with your counter application, please explain to the court your reason why not.

Undue hardship –

Sometimes the amount of child support determined under the Federal Child Support Guidelines, when combined with other circumstances, may create undue hardship for a person or their child.



The court can make a child support order for an amount different from the Federal Child Support Guidelines. A party can ask if they believe paying or receiving the guideline table amount would make them suffer financially to an excessive amount because of specific circumstances. Either parent can claim undue hardship.

Select the reason(s) you are applying for undue hardship and make sure you complete Part 4 and 5 of the [Financial Statement Form 4](#).

If none of them apply to you but you still feel paying the guideline table amount would make you suffer financially, talk to a lawyer or child support officer.

8. *Select only one of the options below*

- ☐ Each child I am applying for an order about 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 full time students

Full Name of Child	Reason for child support (select the applicable option)
	<input type="checkbox"/> illness <input type="checkbox"/> disability <input type="checkbox"/> student
	<input type="checkbox"/> illness <input type="checkbox"/> disability <input type="checkbox"/> student
	<input type="checkbox"/> illness <input type="checkbox"/> disability <input type="checkbox"/> student

Start of payments

9. *Child support payments may start on a past(retroactive), present or future date or event, such as the date of separation, the date the application is made or the start of a new job*

Child support payments in this amount should start on _____ because:
[mmm/dd/yyyy or event]

Calculations

10. *Select only one of the options below*

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines
- ☐ I am not attaching calculations because:

Undue hardship

11. *Complete only if applicable. You may leave this section blank.*

- ☐ I am applying for an order to change the guideline amount payable because the guideline amount would cause me undue hardship for the following reason(s):

Note: If this option applies to your situation, you will need to complete the undue hardship portion of the Financial Statement, Part 4 and Part 5, in addition to any other required parts

- ☐ 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*):

Special and extraordinary expenses –

Special and extraordinary expenses are costs of raising a child that go above and beyond what is covered by the guideline table amount for child support. The [Federal Child Support Guidelines](#) say that each parent or guardian must help pay for the special and extraordinary expenses for a child. Usually, the amount is shared in proportion to the incomes of the parents or guardians. Either parent or guardian can claim special and extraordinary expenses.

If you are making a claim for special and extraordinary expenses, detail the annual amounts paid in the sections provided. Be prepared to show receipts for the expenses.

For more information, please see the fact sheet [Child Support](#) by Legal Aid BC or talk to a lawyer.



Financial statement –

It is impossible for the court to decide a fair and proper amount for child support without complete, true and up-to-date financial information. To determine if you must complete a [Financial Statement Form 4](#) to disclose your financials, refer to the list here to see if it applies to your counter application. If you must file a Financial Statement but cannot complete it yet, you can apply to the court to file your counter application first using the [Application for Case Management Order Without Notice or Attendance Form 11](#).



Special and extraordinary expenses

12. Select only one of the options below

- ☐ I am not applying for an order for special and extraordinary expenses for the child(ren).
- ☐ I am applying for an order for special and extraordinary expenses under section 7 of the child support guidelines. The following special or extraordinary expenses (net of tax credits, subsidies, deductions, credits and contributions from the child(ren)) are included in my application for child support:

Name of Child:				
Special and Extraordinary Expenses	Annual Amount	Annual Amount	Annual Amount	Annual Amount
Child care expenses	\$	\$	\$	\$
Portion of medical/dental premiums attributable to child	\$	\$	\$	\$
Health related expenses that exceed insurance reimbursement by at least \$100	\$	\$	\$	\$
Extraordinary expenses for primary or secondary school	\$	\$	\$	\$
Post-secondary school expenses	\$	\$	\$	\$
Extraordinary extracurricular activities expenses	\$	\$	\$	\$
Total	\$	\$	\$	\$

Financial statement

13. Select only one of the options below

- ☐ I am filing a Financial Statement in Form 4 with this counter application because the following applies to my situation:
Select all options that apply
- ☐ I am the payor
- ☐ there is split or shared parenting time
- ☐ there is a child 19 years old or over for whom support is being applied for
- ☐ a party has been acting as a parent to a child of the other party
- ☐ the paying parent earns more than \$150,000 per year
- ☐ there is an application for special or extraordinary expenses for a child
- ☐ I am claiming undue hardship
- ☐ I am not required to file a Financial Statement at this time as none of these situations apply to me
- ☐ I am required to file a Financial Statement but I am not able to complete it at this time. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this counter application be filed with a completed Financial Statement

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes a counter application for 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

COUNTER APPLICATION CHILD SUPPORT ORDER OR WRITTEN AGREEMENT – EXISTING

Complete this schedule if there has been a court order or written agreement about support for the child. It doesn't matter how old it may be, or if it is still being followed. If there has never been a court order or written agreement about child support for the child you must complete Schedule 13 instead of this one.

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

For more information about child support and referrals to other child support resources, visit the [BC Government website](http://www.gov.bc.ca) at www.gov.bc.ca.

Copy of final order or agreement –

The court needs to have a copy of the existing order or written agreement about child support so they can consider how any order that is made might impact the other parts of the existing order or written agreement. Include the date the court made the order or the date the written agreement was signed.

Note: If your order or written agreement is filed with the Director of Maintenance Enforcement, you must serve a copy of the application on the director. The Director of Maintenance Enforcement can be served by mailing the documents to the postal address provided by the director. Contact the [BC Family Maintenance Agency](#) to find out how best to serve them.

Existing final order –

If you have an existing order, you must complete this section. You can apply to change the existing order if you still need an order about child support, but you want something different, or to cancel the existing order. Select the option that fits your situation.

Family dynamics change and children grow up. A child support order that was made in the past may not make sense anymore. The court can only change or cancel an order if:

- there has been a change in circumstances since the original court order was made;
- evidence of a substantial nature that was not available during the previous hearing has become available;
- evidence of a lack of financial disclosure by a party was discovered after the last order was made.

Select the option that fits your situation and explain to the court what has changed that makes the existing order no longer appropriate.

Existing agreement –

If you have an existing agreement about child support, you must complete this section. You can apply to set aside (cancel) the existing agreement or to replace it with a child support order if you believe you need something different. Select the option that fits your situation.

Family dynamics change and children grow up. An agreement about child support that was made in the past may not make sense anymore. The court can only set aside or replace an agreement if the court would make a order for child support that is different from the agreement on consideration of the matters set out in section 150 [*determining child support*] of the [Family Law Act](#).

Section 150 of the [Family Law Act](#) says that a court must consider the Child Support Guidelines when making an order about child support but may consider an amount different from the Child Support Guidelines if satisfied that:

- the agreement about child support establishes reasonable arrangements for support of the child despite the amount being different from the Child Support Guidelines amount, or
- applying the Child Support Guidelines would be inequitable on consideration of:
 - o an agreement or order respecting the financial duties of the parents or guardians or the division or transfer of property, other than an agreement about child support, benefits the child directly or indirectly, or
 - o special provisions have otherwise been made for the benefit of the child

SCHEDULE 14 – COUNTER APPLICATION CHILD SUPPORT ORDER OR WRITTEN AGREEMENT – EXISTING

This is Schedule 14 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are making a counter application to change or cancel all or part of an existing final order about child support, or to set aside or replace all or part of an existing agreement about child support, for the child or children identified in Section 13 of the reply with counter application.

1. The existing final order or agreement requires me to:

Select only one of the options below

- ☐ make payments for support of a child or children
☐ receive payments for support of a child or children
☐ other (specify): _____

2. ☐ I am attaching a copy of the existing final order or agreement about child support made on _____ .
[mmm/dd/yyyy]

Existing final order

3. Complete only if you have an existing order. You may leave this section blank.

- ☐ I am applying for the existing final order about child support to be:

- ☐ changed
☐ cancelled

Since the final order about child support was made, circumstances have changed as follows:

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 and extraordinary expenses for the child(ren) have changed as follows:

- ☐ the child(ren)'s living arrangement(s) have changed as follows:

- ☐ information has become available that was not available when the order was made (specify):

- ☐ other changes or circumstances (specify):

Existing agreement

4. Complete only if you have an existing agreement. You may leave this section blank.

- ☐ I am applying for the existing agreement about child support to be:

- ☐ set aside
☐ replaced

I believe the agreement should be set aside or replaced because:

Explain to the court why you believe the agreement should be set aside or replaced.

About the order –

You must complete this section if you are asking the court to change your existing court order about child support or replace your existing agreement about child support.

Explain what you need the new court order to say about child support. You do not need to use any special wording. The key is to be clear about what part(s) of the existing order or agreement you want to keep and what may need to be changed.

Unpaid child support –

If the existing child support amount has not always been paid, indicate how much you believe is still owing (in arrears). Be sure to include the date when the calculation goes up to.

If there is unpaid child support (arrears), tell the court if you are asking to have the amount reduced, and if so, what amount you want it reduced to, why, and how the remaining amount should be paid. It will be up to the court to decide if the order should be made.

Calculations –

To calculate how much child support should be paid, visit the [Department of Justice website](#) on child support. It includes the [Federal Child Support Guidelines: Step-by-Step](#) and a [Child Support Table Look-up](#).

You can also talk with a [child support officer](#), [family justice counsellor](#) or a lawyer.

If you are not providing a calculation of child support with your counter application, please explain to the court your reason why not – it may be you don't need to if you are asking to cancel the order or set aside the agreement completely.

Start of payments –

You need to tell the court when you think the payments should start and why. This could be a date or event in the past, present, or it could be a future date or event. The court can order payment of retroactive child support (starting from a date in the past) and an order for ongoing child support.

Financial statement –

It is impossible for the court to decide a fair and proper amount for child support without complete, true and up-to-date financial information. To determine if you must complete a [Financial Statement Form 4](#) to disclose your financials, refer to the list here to see if it applies to your counter application. If you are required to file a Financial Statement but cannot complete it yet, you can apply to the court to file your counter application first using the [Application for Case Management Order Without Notice or Attendance Form 11](#).

About the order

5. *Complete only if you are applying to change or replace an existing final order or agreement about child support. You may leave this section blank.*

I am applying for the final order or agreement about child support to be changed or replaced as follows:

Unpaid child support

6. As of _____, the amount of unpaid child support (arrears) was \$ _____.
[mmm/dd/yyyy]

7. *Complete only if there is unpaid child support. You may leave this section 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:

8. *Complete only if there is unpaid child support. You may leave this section 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): _____

Calculations

9. *Select the options that apply*

- ☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines.
☐ I am not attaching calculations because:

Start of payment(s)

10. *Child support payments may start or end on a past (retroactive), present or future date or event, such as the date of separation, the date the application is made or the start date of a new job.*

The order about child support should start on _____ because:
[mmm/dd/yyyy or event]

Financial Statement

11. *Select only one of the options below*

- ☐ I am filing a Financial Statement in Form 4 with this counter application because the following applies to my situation:

Select all options that apply

- ☐ I am the payor
☐ there is split or shared parenting time
☐ there is a child 19 years old or over for whom support is being applied for
☐ a party has been acting as a parent to a child of the other party
☐ the paying parent earns more than \$150,000 per year
☐ there is an application for special or extraordinary expenses for a child
☐ I am claiming undue hardship
☐ I am not required to file a Financial Statement at this time as none of these situations apply to me
☐ I am required to file a Financial Statement but I am not able to complete it at this time. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this counter application be filed with a completed Financial Statement.

IMPORTANT NOTE TO THE PARTIES:

If this family law case includes a counter application to change or replace an order or agreement about child support, you must provide financial information with your counter application or reply to this counter application by completing and filing a Financial Statement in Form D.

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

COUNTER APPLICATION CONTACT WITH A CHILD – NEW

Complete this schedule if there has never been a court order or written agreement about contact with the person making this application and the child. If there has been a court order or written agreement about contact with the child(ren) you must complete Schedule 16 instead of this one.

[Contact with a child](#) is the time a child spends with someone who is not their guardian. Usually, a child's parent is also the child's guardian. A parent is a child's guardian if:

- they lived with the other parent when the child was born,
- they care for the child regularly, but do not live with the child, or
- in an assisted reproduction situation, they are named as a parent in a pre-conception agreement, and
- there is no agreement or order that says they are not a guardian.

A parent can become a guardian of a child through a court order or by an agreement with all the other guardians of the child. A non-parent can become a guardian through a court order.

Children often have important relationships with people other than their parents. 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. The court will make a decision about contact with the child based on the best interests of the child.

About the order –

You can apply to the court for an order for contact with a child. The order will usually include details about how the contact will happen. Tell the court and the other party what contact you are asking for. Think about your relationship with the child and their parents/guardians to decide how much detail you think the order needs to include.

Sometimes, the court or the other party may only consider it in the best interests of the child for there to be conditions on your contact with the child. If there are any conditions you are willing to have placed on your contact with the child(ren) be sure to include them in the space provided. Conditions may include:

- supervised visits
- contact during specified times
- contact only in a specific location
- things a person must do while they have contact with the child (for example, not use drugs or alcohol while with the child or not have guests over while the child is visiting)

Best interests of child –

When you ask for a court order involving a child, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when asking for contact with a child, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order.

SCHEDULE 15 – COUNTER APPLICATION CONTACT WITH A CHILD – NEW

This is Schedule 15 to the Reply to an Application About a Family Law Matter with Counter Application

*Complete this schedule only if you are not a guardian of the child or children and you are making a new counter application about contact with the child or children identified in Section 13 of the reply with counter application.
Contact with a child is the time a child spends with a person who is not their guardian.*

1. ☐ I am not a guardian of the child(ren).

2. I am applying for an order for contact with the following child(ren) identified in Section 13 of this reply with counter application:

List the name of each child you want to have contact with

About the order

3. I am applying for contact with the child(ren) as follows:

Select all options that apply and complete the required information

☐ in person:

(Provide 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*): _____

Complete only if applicable. You may leave this section blank.

I am willing to have the following conditions placed on my contact with the child(ren):

4. I last had contact with the child(ren) on or around _____
[mmm/dd/yyyy]

Best interests of child

5. I believe the order about contact I am applying for is in the child(ren)'s best interests because:

COUNTER APPLICATION CONTACT ORDER OR WRITTEN AGREEMENT – EXISTING

Complete this schedule if there has been a court order or written agreement about contact with the child(ren). It doesn't matter how old it may be, or if it is still being followed. If there has never been a court order or written agreement about contact with the child you must complete Schedule 15 instead of this one.

Contact with a child is the time a child spends with someone who is not their guardian.

A parent is a child's guardian if:

- they lived with the other parent when the child was born,
- they care for the child regularly, but have never lived with the child, or
- in an assisted reproduction situation, they are named as a parent in a pre-conception agreement, and
- there is no agreement or order that says they are not a guardian.

A parent can become a guardian of a child through a court order or by an agreement with all the other guardians of the child. A non-parent can become a guardian through a court order.

Copy of final order or agreement –

The court needs to have a copy of the existing order or written agreement about contact with a child so they can consider how any order might impact the other parts of the existing order or written agreement. Include the date the court made the order or the date the written agreement was signed.

Existing final order –

If you have an existing order, you must complete this section. You can apply to change the existing order if you still need an order about contact with the child, but you want something different, or to cancel the existing order. Select the option that fits your situation.

Family dynamics change and children grow up. An order about contact with a child that was made in the past may not make sense anymore. The court can only change or cancel an order if there has been a change in the needs or circumstances of the child since the original court order was made, including because of a change in the circumstances of another person. Explain how the needs or circumstances have changed since the order was made. You do not need to use any special wording. The key is to be clear about the changes.

Existing written agreement –

If you have an existing agreement, you must complete this section. You can apply to set aside (cancel) the existing agreement or to replace (change) the existing agreement if you need an order about contact with a child but something different would be in the best interests of the child. Select the option that fits your situation.

Family dynamics change and children grow up. An agreement about contact with a child that was made in the past may not make sense anymore. The court can only set aside or replace an agreement if it is not in the best interests of the child. Explain to the court why you believe the agreement is not in the best interests of the child. You do not need to use any special wording. The key is to be clear about your reasons.

About the order –

You can apply to the court for an order to change or replace the current contact with a child. The order will usually include details about how the contact will happen. Tell the court and the other party what contact you are asking for. Think about the child and their parents or guardians to decide how much detail you think the order needs to include.

Sometimes, the court or the other party may only consider it in the best interests of the child for there to be conditions on the contact with the child. If there are any conditions you are asking to have placed on the contact with the child(ren) be sure to include them with the space provided. Conditions may include:

- supervised visits
- contact during specified times
- contact only in a specific location
- things a person must do while they have contact with the child (for example, not use drugs or alcohol while with the child or not have guests over while the child is visiting)

SCHEDULE 16 – COUNTER APPLICATION CONTACT ORDER OR WRITTEN AGREEMENT – EXISTING
This is Schedule 16 to the Reply to an Application A Family Law Matter with Counter Application

Complete this schedule only if you are making an application to change or cancel an existing final order about contact, or to set aside or replace all or part of an existing agreement about contact, with a child or children identified in Section 13 of the reply with counter application.

1. I am:

- ☐ a person allowed to have contact with the child(ren) according to a court order or written agreement
- ☐ a guardian of the child(ren)

2. ☐ I am attaching a copy of the existing final order or agreement about contact made on _____
[mmm/dd/yyyy]

Existing final orders

3. *Complete only if you have an existing order. You may leave this section blank.*

- ☐ I am applying for the existing final order about contact with a child or children to be:
 - ☐ changed
 - ☐ cancelled

Since the order was made, needs or circumstances have changed as follows:

Existing agreement

4. *Complete only if you have an existing agreement. You may leave this section blank.*

- ☐ I am applying for all or part of the existing agreement about contact with a child or children to be:
 - ☐ set aside
 - ☐ replaced

I believe the agreement is not in the best interests of the child(ren) because:

About the order

5. *Complete only if you are applying to change or replace an existing final order or agreement about contact with a child or children. You may leave this section blank.*

I am applying to change or replace the existing final order or agreement about contact as follows:

Select all options that apply

- ☐ no contact of any type
- ☐ in person:

Provide 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*): _____

Best interests of child –

When you ask for a court order involving a child, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when asking for contact with a child, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order you are asking for.



Complete if applicable. You may leave this section blank.

I am applying to have the following conditions placed on the contact with the child(ren):

Best interests of the child

6. I believe the order I am applying for is in the child(ren)'s best interests because:

COUNTER APPLICATION BECOME A GUARDIAN FOR A CHILD OR CHILDREN

A [guardian](#) is responsible for a child. Only guardians have parental responsibilities and parenting time with a child.

A parent is a child's guardian if:

- they lived with the other parent when the child was born,
- they care for the child regularly, but have never lived with the child, or
- in an assisted reproduction situation, they are named as a parent in a pre-conception agreement, and
- there is no agreement or order that says they are not a guardian.

A parent can become a guardian of a child through a court order or by an agreement with all the other guardians of the child. A non-parent can become a guardian through a court order.

The [Family Law Act](#) provides that generally both parents are guardians, will continue to be guardians even if the parents are not together, and each will have parenting time and parental responsibilities.

Anyone who wants to become a guardian can apply, including a parent who is not a guardian or anyone else (even if they are not related to the child).

We recommend that you talk to a lawyer before you make decisions about your future parenting arrangements or if you are applying to become a guardian.

Order about guardianship –

If you and another person are both wanting to become guardians of a child, you will each need to make your own application. List the name of each child you want to be appointed the guardian of.

Indigenous ancestry of child(ren) –

Where there is an application for guardianship of a Nisga'a or treaty First Nation child in a family law case, under sections 208 and 209 of the [Family Law Act](#):

- the Nisga'a Lisims Government or treaty First Nation's government must be served with notice of the application,
- the Nisga'a Lisims Government or treaty First Nation government has standing in the court proceeding, and
- the court must consider the Nisga'a laws and customs or the laws and customs of the treaty First Nation in making its decision.

This section helps you to identify any Indigenous ancestry of the children for the court and to acknowledge your requirements if a child is a Nisga'a or treaty First Nation child.

Guardianship affidavit and supporting documents –

There is another form that you must complete when you are applying for guardianship of a child. It is called [Guardianship Affidavit Form 5](#). Before you can complete the affidavit, you must complete the following background checks referenced in the form:

- a Ministry of Children and Family Development record check
- a protection order record check from the protection order registry, and
- a criminal record check

To get a criminal record check, ask at the police station or RCMP detachment in your community.

To get the Ministry of Children and Family Development and Protection Order Registry record checks, you must fill out:

- a [Section 51 - Consent for Child Protection Record Check](#), and
- a [Request for Protection Order Registry Search](#).
- give them to the court registry with your application. The registry will let you know when the results arrive and give you copies to attach to your affidavit.

The court can make an interim order for guardianship of a child without the completed affidavit and record checks. The interim order will last up to 90 days. During this time, you must get the background checks and fill out and file the affidavit.

SCHEDULE 17 – COUNTER APPLICATION TO APPOINT A GUARDIAN FOR A CHILD OR CHILDREN
This is Schedule 17 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are making a counter application to be appointed as a guardian of a child or children identified in Section 13 of the reply with counter application.

Order about guardianship

1. ☐ I am applying to be appointed as a guardian of the following child(ren) identified in Section 13 of this application:
List the name of each child you want to be appointed as a guardian of

Indigenous ancestry of child(ren)

These questions will help the court make a decision about guardianship of a child.

2. Is the child or children Indigenous? ☐ Yes ☐ No ☐ Unknown

If yes, please select the option(s) below that best describe(s) the child(ren)'s Indigenous ancestry

- ☐ Treaty First Nation
☐ Nisga'a
☐ First 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

3. *Complete the following statement only if the child is a Nisga'a child or a Treaty First Nation child*

- ☐ I acknowledge that I 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*

Guardianship affidavit and supporting documents

4. ☐ 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.
5. ☐ I have initiated or completed a criminal record check as required for the Guardianship Affidavit in Form 5.

6. *Select only one of the options below*

- ☐ I am filing the following required documents along with this counter 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 complete the required documents at this time. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this counter application be filed with the additional documents.

COUNTER APPLICATION CANCEL GUARDIANSHIP OF A CHILD OR CHILDREN

A [guardian](#) is responsible for a child. Only guardians have parenting responsibilities and parenting time with a child.

A parent is a child's guardian if:

- they lived with the other parent when the child was born,
- they care for the child regularly, but have never lived with the child, or
- in an assisted reproduction situation, they are named as a parent in a pre-conception agreement, and
- there is no agreement or order that says they are not a guardian.

A parent can become a guardian of a child through a court order or by an agreement with all the other guardians of the child. A non-parent can become a guardian through a court order.

The [Family Law Act](#) provides that generally both parents will continue to be guardians and each will have parenting time and parental responsibilities. This does not mean that parents must have equal time or responsibility for a child. An agreement or order about parenting arrangements can make all the child's guardians share parenting responsibilities or parenting time. Or it can make only one or more guardians responsible for parenting decisions and time with the child to the exclusion of all other guardians.

In some cases, it may not be appropriate for a parent or guardian to remain a guardian. A parent can be removed as guardian by agreement with all the other guardians or court order. If a parent is not a guardian, they can still have time with the child – contact – but will not have any parenting responsibilities.

We recommend that you talk to a lawyer before you make decisions about your future parenting arrangements.

Order about guardianship –

List the name of each guardian whose guardianship you are applying to have cancelled and the child(ren) you are requesting they no longer be a guardian of.

Indigenous ancestry of child(ren) –

Where there is an application for guardianship of a Nisga'a or treaty First Nation child in a family law case, under sections 208 and 209 of the [Family Law Act](#):

- the Nisga'a Lisims Government or treaty First Nation's government must be served with notice of the application,
- the Nisga'a Lisims Government or treaty First Nation government has standing in the court proceeding, and
- the court must consider the Nisga'a laws and customs or the laws and customs of the treaty First Nation in making its decision.

This section helps you to identify any Indigenous ancestry of the children for the court and to acknowledge your requirements if a child is a Nisga'a or treaty First Nation child.

Best interests of child –

When you ask for a court order involving a child, you must consider what is in the best interests of the child. Every family situation is unique, and the court needs to know why you believe the order you are asking for is best for the child.

To determine what is in the [child's best interests](#) when asking for contact with a child, you must consider factors including:

- the child's emotional health and well-being
- the child's views, unless it would be inappropriate to consider them
- the child's relationships with parents, guardians, and other important people
- the history of care, and
- the impact of any family violence

You do not need to use any special wording. The key is to be clear about why you think the court should make the order you are asking for.

SCHEDULE 18 – COUNTER APPLICATION TO CANCEL GUARDIANSHIP OF A CHILD OR CHILDREN
This is Schedule 18 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are making a counter application to cancel the guardianship of a child or children identified in Section 13 of the reply with counter application.

Order about guardianship

1. ☐ I am applying for the following person(s) to no longer be the guardian(s) of the child or children:

Full Name of Guardian	Name of child(ren)	They have been a guardian of the child(ren) since:

2. I am:

- ☐ a guardian of the child(ren)
☐ applying to be appointed as a guardian of the child(ren)

Indigenous ancestry of child(ren)

These questions will help the court make a decision about guardianship of a child.

3. Is the child or children Indigenous? ☐ Yes ☐ No ☐ Unknown

If yes, please select the option(s) below that best describe(s) the child(ren)'s Indigenous ancestry

- ☐ Treaty First Nation
☐ Nisga'a
☐ First 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

4. *Complete the following statement only if the child is a Nisga'a child or a Treaty First nation child*

- ☐ I acknowledge that I 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*

Best interests of the child(ren)

5. I believe it is in the child(ren)'s best interests to cancel the guardianship of the person(s) listed in paragraph 1 because:

COUNTER APPLICATION SPOUSAL SUPPORT - NEW

Complete this schedule if there has never been a court order or written agreement about spousal support. If there has ever been a court order or written agreement about spousal support, you must complete Schedule 20 instead of this one.

Spousal support is money that one spouse pays to another spouse for their financial support after separation. It is different from child support.

For more information about spousal support and referrals to other spousal support resources, visit the [BC Government website](http://www.gov.bc.ca) at www.gov.bc.ca.

We recommend that you talk to a lawyer before you make any final decisions about spousal support.

Entitlement to spousal support –

A person is only entitled to spousal support in certain situations. It is not a right in every case. There are also rules under the [Family Law Act](#) about what makes you a spouse and when you can ask for an order for spousal support.

You can apply for spousal support if:

- you are a spouse because:
 - you were married
 - you lived together in a marriage-like relationship for at least two years, or
 - you lived in a marriage-like relationship for less than two years, but you have a child together
- you can prove entitlement to spousal support based on the objectives of spousal support, and
- you are applying in time (Generally, married spouses must start a court proceeding claiming spousal support within two years of the date of their divorce or an order annulling their marriage. Unmarried spouses must start a court proceeding within two years of the date of their separation. We recommend that you talk to a lawyer if you are not sure about the timing of the application.)

Entitlement to spousal support is determined in consideration of the objectives under section 161 of the [Family Law Act](#) and listed in the Form. Select each option why you believe you or the other party is entitled to have spousal support. Be prepared to provide evidence to help the court determine if a spouse is entitled to spousal support.

Current arrangements –

You do not need to use any special wording. Just explain to the court how the spouse you believe is entitled to support is currently being looked after financially. Include:

- how much money you are receiving or paying for the support of the spouse,
- how often payments are/were being made, and
- when did these payments begin or stop?

Income and earning potential –

The court requires financial information to be able to decide on a fair and proper amount for spousal support. These factors help the court decide how much spousal support should be paid and for how long. You do not need to use any special wording, but you do need to make sure to tell the truth and only include information about the other party that you know. If you do not know any of this information about the other party, you can leave the question blank.

The other party will be asked to give their own financial information to the court. If they do not, the court may decide how much income a person makes or should be making. The court will look at the information you have provided about the other party's income. It will also look at information you know about things like the type of work they are doing or have done in the past, or any employment qualifications or training they have, to make this decision.

About the order –

How much and for how long spousal support is paid is determined by considering many factors. The decision to pay a regular amount each month over a certain number of months or years, or a lump sum amount may depend on many factors including the ability of a spouse to pay it all at once. An order about spousal support should be tailored to the specific circumstances of you and your spouse.

Indicate whether you or the other party is the paying party for the order about spousal support you are asking the court to make and what type of payment schedule the order about spousal support should include.

SCHEDULE 19 – COUNTER APPLICATION SPOUSAL SUPPORT – NEW
This is Schedule 19 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are making a new counter application about spousal support.

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

- ☐ there are 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

Current arrangements

2. The current support arrangements are as follows:

Income and earning potential

3. My current employment situation, training, health and ability to work are as follows:

4. *Select only one of the options below*

- ☐ I do not know the income of the other party
- ☐ I believe the other party's annual income is \$ _____

5. I know the following facts about the other party's employment, training, health and ability to work:

If you do not have any information, please leave this section blank

About the order

6. I am applying for an order for spousal support to be paid by _____ as follows:

Select all options that apply and complete the required information

- ☐ in the amount of \$ _____ per month to commence on _____ until _____
- ☐ in a lump sum of \$ _____
- ☐ other (specify): _____

Calculations –

To calculate how much spousal support should be paid, you can use the [Spousal Support Advisory Guidelines](#), or DIVORCEmate's free spousal support calculator at www.mysupportcalculator.ca.

You can also talk with a [child support officer](#) (they can also help with spousal support), [family justice counsellor](#) or a lawyer.

If you are not providing a calculation of spousal support with your counter application, please explain to the court your reason why not.

Financial statement –

It is impossible for the court to decide a fair and proper amount for spousal support without complete, true and up-to-date financial information. You must complete the [Financial Statement Form 4](#). If you cannot complete it yet, you can apply to the court using the [Application for Case Management Order Without Notice or Attendance Form 11](#) to file your counter application first but you will still need to give financial disclosure before you can get a final order.

Calculations

7. Select only one of the options below

- ☐ I am attaching calculations showing how much spousal support I believe should be paid according to the Spousal Support Advisory Guidelines
- ☐ I am not attaching calculations because:

Financial statement

8. Select only one of the options below

- ☐ I am filing a Financial Statement in Form 4 with this counter application
- ☐ I am not able to complete a Financial Statement at this time. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this counter application be filed with a completed Financial Statement

IMPORTANT NOTE TO THE PARTIES:

This family law case includes a counter application about spousal support. You must provide your financial information with your counter application or reply to this counter 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

COUNTER APPLICATION SPOUSAL SUPPORT - EXISTING

Complete this schedule if there has been a court order or written agreement about spousal support. If there has never been a court order or written agreement about spousal support, you must complete Schedule 19 instead of this one.

[Spousal support](#) is money that one spouse pays to another spouse for their financial support after separation. It is different from child support. The purpose of spousal support is to help meet the on-going financial needs of a financially dependent spouse for a defined time.

If you have an agreement or order about spousal support that includes a term that the spousal support can or will be reviewed on a specified date, after a specified period of time or after a specified event, or you are applying for a review of spousal support because you or your spouse has started receiving or is eligible to start receiving benefits under a pension, you may instead complete the [Request for Scheduling Form 39](#) to request a court appearance to conduct the review the spousal support.

Under section 168 and 169 of the [Family Law Act](#), at a review of spousal support a court can do one or more of the following:

- confirm that the terms about spousal support in the agreement or order remain appropriate
- set aside (cancel) all or part of the agreement or terminate (cancel) the order
- make a new order for spousal support under section 165 of the [Family Law Act](#).

Asking for a review of spousal support under section 168 and 169 of the [Family Law Act](#) is different from asking to change or cancel an existing agreement or order about spousal support.

If you are not sure how to proceed, we recommend you talk with a [child support officer](#) (they can also help with spousal support), [family justice counsellor](#) or a lawyer.

For more information about spousal support and referrals to other spousal support resources, visit the [BC Government website](#) at www.gov.bc.ca.

We recommend that you talk to a lawyer before you make any final decisions about spousal support.

Copy of final order or written agreement –

The court needs to have a copy of the existing order or written agreement about spousal support so they can consider how any order that is made might impact the other parts of the existing order or written agreement. Include the date the court made the order or the date the written agreement was signed.

Note: If your order or written agreement is filed with the Director of Maintenance Enforcement, you must serve a copy of the application on the director. The Director of Maintenance Enforcement can be served by mailing the documents to the postal address provided by the director. Contact the [BC Family Maintenance Agency](#) to find out how best to serve them.

Existing final order –

If you have an existing order, you must complete this section. You can apply to change the existing order if you still need an order about spousal support, but you want something different, or to cancel the existing order. Select the option that fits your situation.

An order about spousal support that was made in the past may not make sense anymore. The court can only change or cancel an order if:

- there has been a change in the condition, means, needs or other circumstances of either spouse since the order about spousal support was made;
- evidence of a substantial nature that was not available during the previous hearing has become available;
- evidence of a lack of financial disclosure by either spouse was discovered after the last order was made.

Select the option that fits your situation and explain to the court what has changed that makes the existing order no longer appropriate.

Existing agreement –

If you have an existing agreement, you must complete this section. You can apply to set aside (cancel) the existing agreement or to replace the existing agreement if you need an order about spousal support but you want something different.

Select the option that fits your situation.

SCHEDULE 20 – COUNTER APPLICATION SPOUSAL SUPPORT – EXISTING
This is Schedule 20 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are making a counter application to change or cancel an existing final order about spousal support or to set aside or replace all or part of an existing written agreement about spousal support.

1. ☐ I am attaching a copy of the existing final order or written agreement about spousal support made on _____
[mmm/dd/yyyy]

Existing final order

2. *Complete only if you have an existing order. You may leave this section blank.*

- ☐ I am applying for the existing final order about spousal support to be:
- ☐ changed
 - ☐ cancelled

Since the final order about spousal support was made, circumstances have changed as follows:

Select all option that apply and complete the required information

- ☐ 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:

- ☐ I believe the other party's 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):

Existing agreement

3. *Complete only if you have an existing agreement. You may leave this section blank.*

- ☐ I am applying for the existing written agreement about spousal support to be:
- ☐ set aside
 - ☐ replaced

I believe the agreement should be set aside or replaced because:

The [Family Law Act](#) has rules about setting aside or replacing an agreement about spousal support with a new order. The court may set aside an agreement about spousal support or set aside and replace an agreement about spousal support with an order made under Division 4 of Part 7 of the [Family Law Act](#) if:

- if the court is satisfied that one or more of the following circumstances [set out in section 164 (3) of the [Family Law Act](#)] existed when the parties entered into the agreement:
 - o a spouse failed to disclose income, significant property or debts, or other information relevant to the negotiation of the agreement;
 - o a spouse took improper advantage of the other spouse's vulnerability, including the other party's ignorance, need or distress;
 - o a spouse did not understand the nature or consequences of the agreement;
 - o other circumstances that would under the common law cause all or part of a contract to be voidable;and the court would not make a different order on consideration of all the evidence, or;
- if on consideration of the following matters [set out in section 164 (5) the [Family Law Act](#)], the court is satisfied that the agreement is significantly unfair:
 - o the length of time that has passed since the agreement was made;
 - o any changes, since the agreement was made, in the condition, means, needs or other circumstances of a spouse;
 - o the intention of the spouses, in making the agreement, to achieve certainty;
 - o the degree to which the spouses relied on the terms of the agreement;
 - o the degree to which the agreement meets the objectives set out in section 161 [objectives of spousal support].

Explain to the court why you believe the agreement should be set aside or replaced.

About the order –

You must complete this section if you are asking the court to change your existing court order about spousal support or replace your existing agreement about spousal support.

Explain what you need the new court order to say about spousal support. You do not need to use any special wording. The key is to be clear about what part of the existing order or agreement you want to keep and what may need to be changed.

Unpaid spousal support –

If the existing spousal support amount has not always been paid, indicate how much you believe is still owing (in arrears). Be sure to include the date when the calculation goes up to.

If there is unpaid spousal support (arrears), tell the court if you are asking to have them reduced, and if so, what amount you want them reduced to, why, and how the remaining amount should be paid. It will be up to the court to decide if the order should be made.

Calculations –

To calculate how much spousal support should be paid, you can use the [Spousal Support Advisory Guidelines](#), and DIVORCEmate's free spousal support calculator at www.mysupportcalculator.ca.

You can also talk with a [child support officer](#) (they can also help with spousal support), [family justice counsellor](#) or a lawyer.

If you are not providing a calculation of spousal support with your counter application, please explain to the court your reason why not.

Financial statement –

It is impossible for the court to decide a fair and proper amount for spousal support without complete, true and up-to-date financial information. You must complete the [Financial Statement Form 4](#). If you cannot complete it yet, you can apply to the court using the [Application for Case Management Order Without Notice or Attendance Form 11](#) to file your counter application first but you will still need to give financial disclosure before you can get a final order.

About the order

4. Complete only if you are applying to change or replace an existing final order or written agreement about spousal support. You may leave this section blank.

I am applying for the final order or agreement about spousal support to be changed or replaced as follows:

Unpaid spousal support

5. As of _____, the amount of unpaid spousal support (arrears) was \$ _____.
[mmm/dd/yyyy]

6. Complete only if there is unpaid spousal support. You may leave this section blank.

Select only one of the options below.

- ☐ I am not applying to reduce the amount of unpaid spousal support (arrears).
☐ I am applying to reduce the amount of unpaid spousal support (arrears) to \$ _____ because:

7. Complete only if there is unpaid spousal support. You may leave this section blank.

I am applying for an order that the remaining unpaid spousal 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): _____

Calculations

8. Select only one of the options below

- ☐ I am attaching calculations showing how much spousal support I believe should be paid according to the Spousal Support Advisory Guidelines
☐ I am not attaching calculations because:

Financial statement

9. Select only one of the options below

- ☐ I am filing a Financial Statement in Form 4 with this counter application.
☐ I am not able to complete a Financial Statement at this time. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this counter application be filed with a completed Financial Statement.

IMPORTANT NOTE TO THE PARTIES:

This family law case includes a counter application about spousal support. You must provide your financial information with your counter application or reply to this counter 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

COUNTER APPLICATION ABOUT PROPERTY DIVISION IN RESPECT OF A COMPANION ANIMAL – NEW

Complete this schedule if there has never been a court order or written agreement about property division in respect of a companion animal. If there is already a written agreement about property division in respect of a companion animal, you must complete Schedule 22 instead of this one.

A **companion animal** is often a family pet. Section 1 of the [Family Law Act](#) defines a companion animal as an animal that is kept primarily for the purpose of companionship. Section 3.1 of the [Family Law Act](#) states that a companion animal is not:

- a guide dog or service dog within the meaning of the [Guide Dog and Service Dog Act](#);
- an animal that is kept as part of a business;
- an animal that is kept for agricultural purposes.

If you are unsure if your animal is a companion animal under the *Family Law Act*, you should talk to a lawyer.

Property division in respect of a companion animal - who will have ownership and possession of a companion animal when spouses separate. The court may only make an order for ownership and possession of a companion animal **by one spouse**. Spouses may agree out of court to share ownership and possession of a companion animal.

Section 92 of the [Family Law Act](#) provides that spouses may make agreements respecting the division of property, including agreements to jointly own a companion animal, share possession of a companion animal or give exclusive ownership or possession of a companion animal to one of the spouses.

If you and your spouse want to try to reach an agreement about a companion animal, including an agreement to share ownership or possession, you can find more information about how to reach an agreement on the [BC Government website](http://www.gov.bc.ca) at www.gov.bc.ca.

About the order –

Remember the court may only make an order for ownership and possession of a companion animal **by one spouse**. Under section 97 of the [Family Law Act](#), the court cannot declare that the spouses jointly own the companion animal, or require the spouses to share possession of the companion animal.

Please list each companion animal you want a court order for. Include the animal's name and type of animal, for example, cat, dog, rabbit, etc.

You must also choose which party you want to have sole ownership and possession of the animal, you or the other party. Select only one option for each animal.

The facts –

What are the facts that support what you are asking the court to order?

Section 97(4.1) of the [Family Law Act](#) sets out the factors that the court must consider. They are detailed in this question on the form. You should consider these factors in explaining to the court why you believe the court should make the order you are asking for.

Give a short summary of the facts. You do not need to use any special wording. The key is to be clear about what you mean and why you are asking the court to make the order.

Talk to a lawyer if you need help deciding what facts you need to present to the court to support your application.

SCHEDULE 21 – COUNTER APPLICATION ABOUT PROPERTY DIVISION IN RESPECT OF A COMPANION ANIMAL – NEW

This is Schedule 21 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are or were a spouse of the other party and you are making a new counter application for a property division order about a companion animal.

About the order

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

*Note: 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**.*

Name of companion animal	Type of animal	To [party] Select only one option for each animal
		<input type="checkbox"/> Myself <input type="checkbox"/> Other party
		<input type="checkbox"/> Myself <input type="checkbox"/> Other party
		<input type="checkbox"/> Myself <input type="checkbox"/> Other party
		<input type="checkbox"/> Myself <input type="checkbox"/> Other party

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

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*

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

COUNTER APPLICATION COMPANION ANIMAL AGREEMENT – EXISTING

Complete this schedule if there is a written agreement about ownership and possession of the companion animal. If there has never been a written agreement about the companion animal, you must complete Schedule 21 instead of this one. A final court order about property division in respect of a companion animal cannot be changed or replaced.

A **companion animal** is often a family pet. Section 1 of the [Family Law Act](#) defines a companion animal as an animal that is kept primarily for the purpose of companionship. Section 3.1 of the [Family Law Act](#) states that a companion animal is not:

- a guide dog or service dog within the meaning of the [Guide Dog and Service Dog Act](#);
- an animal that is kept as part of a business;
- an animal that is kept for agricultural purposes.

Property division in respect of a companion animal - who will have ownership and possession of a companion animal when spouses separate. The court may only make an order for ownership and possession of a companion animal **by one spouse**. Spouses may agree out of court to share ownership and possession of a companion animal.

Section 92 of the [Family Law Act](#) provides that spouses may make agreements respecting the division of property, including agreements to jointly own a companion animal, share possession of a companion animal or give exclusive ownership or possession of a companion animal to one of the spouses.

Copy of the written agreement –

The court needs to have a copy of the existing written agreement about the companion animal so they can consider how any order that is made might impact the other parts of the written agreement. Include the date the written agreement was signed.

Existing written agreement –

You can apply to set aside (cancel) the existing agreement or to replace (change) the existing agreement with a court order if you need a different property division order respecting a companion animal. Select the option that fits your situation.

The [Family Law Act](#) has rules about setting aside or replacing an agreement about property division with a new order. The court may set aside an agreement about property division in respect of a companion animal or set aside and replace an agreement about property division in respect of a companion animal with an order made under Division 4 of Part 5 of the [Family Law Act](#):

- if the court is satisfied that one or more of the following circumstances [set out in section 93(3) of the [Family Law Act](#)] existed at the time the parties entered into the agreement:
 - a spouse failed to disclose significant property or debts, or other information relevant to the negotiation of the agreement;
 - a spouse took improper advantage of the other spouse's vulnerability, including the other party's ignorance, need or distress;
 - a spouse did not understand the nature or consequences of the agreement;
 - other circumstances that would under the common law cause all or part of a contract to be voidable; and the court would not make a different order on consideration of all the evidence, or;
- if on consideration of the following matters [set out in section 93(5) of the [Family Law Act](#)], the court is satisfied that the agreement is significantly unfair:
 - the length of time that has passed since the agreement was made;
 - the intention of the spouses, in making the agreement, to achieve certainty;
 - the degree to which the spouses relied on the terms of the agreement.

Explain to the court why you believe the agreement should be set aside or replaced. You do not need to use any special wording. The key is to be clear about your reasons.

About the order –

Remember the court may only make an order for ownership and possession of a companion animal **by one spouse**. Under section 97 of the [Family Law Act](#), the court cannot declare that the spouses jointly own the companion animal, or require the spouses to share possession of the companion animal.

You do not need to use any special wording. The key is to be clear about the order you want the court to make. Be sure to include the name of the companion animal and who you want to have ownership and possession of the animal.

SCHEDULE 22 – COMPANION ANIMAL AGREEMENT – EXISTING

This is Schedule 22 to the Reply to an Application About a Family Law Matter with Counter Application

Complete this schedule only if you are making a counter application to set aside or replace all or part of an existing written agreement about a companion animal.

1. ☐ I am attaching a copy of the existing written agreement about a companion animal made on _____
(mmm/dd/yyyy)

Existing agreement

2. I am applying for the existing written agreement about a companion animal to be:

- ☐ set aside
☐ replaced

I believe the agreement should be set aside or replaced because:

About the order

3. *Complete only if you are applying for the court to make an order to replace the existing written agreement about a companion animal. You may leave this section blank.*

*Note: 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**.*

I am applying for the agreement about a companion animal to be replaced with an order as follows: