

Preparing an Application for a Family Law Matter Consent Order

Form 17

Provincial Court Family Rules

Complete this form to ask the Provincial Court for a consent order about a family law matter.

When you apply for a consent order, you are asking the court to make an order about things that you and the other parties agree about. If you apply for a consent order, it usually means you can get the order without having to go to court. A judge reviews your application and, unless the judge has any questions about what you are asking for, approves your order without a court appearance.

A consent order about a family law matter may be made at any time, including:

- following consensual dispute resolution or mediation
- after an application about a family law matter and/or a reply with agreement is filed with the court

Family law matters include:

Parenting arrangements – how each guardian will parent their child, including each guardian's [parental responsibilities](#) for decision making about a child and the [parenting time](#) each guardian spends with a child. Parenting 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. 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.

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.

Guardianship of a child – 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.

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. You should have a lawyer look at your consent order before you sign it. You'll each need to have your own lawyer because lawyers aren't allowed to act for both people in a separation.

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 [Legal Aid BC](#) 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 you're asking the court for. You might need:

- birth dates, names, and other related information about the other party 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 Application for a Family Law Matter Consent Order form and draft Consent Order form ☐

These forms are 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 registry staff or staff at the Justice Access Centre or Family Justice Centre to refer you to someone who can help.

For the application, you need to complete and file the main part of the form and only the schedules that apply to your consent order.

Follow the instructions in the form. You will be given space to provide information that is important to support your orders.

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 and the draft consent order
- get each party to sign the draft consent order
- 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 Form 4](#) or [Guardianship Affidavit Form 5](#). 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 Application for a Family Law Matter Consent Order.

Step 2: File the Application for a Family Law Matter Consent Order form and draft Consent Order form at the Provincial Court Registry ☐

You must file at the [Provincial Court Registry](#):

- where the existing Provincial Court case with the same parties is filed, or
- nearest to where the child lives most of the time, if the case involves a child related issue, or
- nearest to where you live, if the case does not involve a child-related issue.

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 documents.

Step 3: Wait for a judge to review your application ☐

A judge reviewing an application for a consent order about a family law matter may do any of the following:

- approve the order without the need for the parties to come to court
- ask you to provide more information or evidence in writing or by coming to court
- make changes to the draft consent order and ask the parties to come to court to review and sign the changes
- reject the application with an explanation about why it was rejected

Depending on what you are asking for on your application, it may take the judge a few days to review your application. The registry staff will let you know when you can expect to hear back. If you have provided an email address in your address for service, they can usually

Tips for Completing the Form:



Registry location and court file number –

Copy this information from the top right corner of the Notice to Resolve a Family Law Matter or other document filed with the court.

If you don't have an existing court file, registry staff will give your case a file number when you file this document.

Information about the parties –

To help in completing this form, you must decide who is party 1 and who is party 2 (and who is party 3 if applicable). It does not matter to the court, it just helps to identify each of you for the rest of the questions in this form.

Put your names in the top lines, including your lawyer's name if you have a lawyer.

Provide the full name, date of birth and contact information for each party. The court needs to know where to send documents to you and how to reach each of you.

Provide your date of birth by indicating mmm/dd/yyyy example: Jan 12 1977 or January 12, 1977

If the date of birth of the other party is not known indicate Unknown

The quickest way for the court to contact you is by email. If you give an email address, the court 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.



About the application for a family law matter consent order–

Consider what issues you need a consent order to resolve. Select all the options that apply. See the front page for a refresher on what each issue type means.

A family justice counsellor or lawyer can help you to determine what issues you want a consent order to include if you are unsure of what you need.



Application for a Family Law Matter Consent Order

Form 17

Provincial Court Family Rules

Rule 81

Registry Location:

Court File Number:

Party 1: _____ Lawyer: _____

Party 2: _____ Lawyer: _____

Party 3: _____ Lawyer: _____

1. Party 1's contact information is as follows:

Full Name:	Date of Birth: (mmm/dd/yyyy)	
Contact Information		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. Party 2's contact information is as follows:

Full Name:	Date of Birth: (mmm/dd/yyyy)	
Contact Information		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

3. Party 3's contact information is as follows:

Complete only if applicable. If there is no additional party, you may leave this section blank.

Full Name:	Date of Birth: (mmm/dd/yyyy)	
Contact Information		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

4. We are applying for an order about the following family law matter(s) BY CONSENT:

Select all options that apply

- ☐ parenting arrangements, including parental responsibilities and parenting time
- ☐ child support
- ☐ contact with a child
- ☐ guardianship of a child
- ☐ spousal support
- ☐ property division in respect of a companion animal

Supporting documents –

You must prepare and file a [Consent Order Form 18](#). The consent order must be signed by each party.

For help drafting the consent order, you can check out the Provincial Court's [Family Law Act Orders Picklist](#). The picklist includes commonly used terms (provided to judges and court clerks) to use in the courtroom. They can be copied into your order and changed to meet your needs. A lawyer can also help draft the consent order.

You must also prepare additional material depending on:

- what type of family law matter order you need, and
- what information has already been filed with the court

For each type of family law matter you are applying for a consent order for, you will need different supporting material. Refer to the list to see what you need.

You only need to complete the schedules if an Application About a Family Law Matter and Reply to an Application About a Family Law Matter with agreement **have not** been filed in your case. If they have, just make sure your [Financial Statement Form 4](#) and [Guardianship Affidavit Form 5](#) are completed and current, if applicable.



5. The following supporting document(s) are being provided along with this application:

Select all options that apply, complete and file along with your application (if not already filed)

☐ **A draft Consent Order** signed by each party

AND

For an application about parenting arrangements:

Your consent order application must be supported by one of the following

- ☐ an Application About a Family Law Matter about parenting arrangement and Reply with agreement
- ☐ Schedule 1 of this Application for a Family Law Matter Consent Order (complete and attach Schedule 1)

For an application about child support:

Your consent order application must be supported by one of the following

- ☐ an Application About a Family Law Matter about child support and Reply with agreement
- ☐ Schedule 2 of this Application for Family Law Matter Consent Order (complete and attach Schedule 2)

and:

- ☐ a Financial Statement in Form 4, or agreement as to income, for each party as required by the instructions on the financial statement

For an application about contact with a child:

Your consent order application must be supported by one of the following

- ☐ an Application About a Family Law Matter about contact with a child and Reply with agreement
- ☐ Schedule 3 of this Application for Family Law Matter Consent Order (complete and attach Schedule 3)

For an application about guardianship of a child:

Your consent order application must be supported by one of the following

- ☐ an Application About a Family Law Matter about guardianship and Reply with agreement
- ☐ Schedule 4 of this Application for Family Law Matter Consent Order (complete and attach Schedule 4)

and:

- ☐ For each party applying to be appointed as a guardian of a child or children:
- ☐ 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
 - ☐ acknowledgement that each required party has initiated a criminal record check

Note: Each party applying to be appointed as a guardian of a child or children must file a Guardianship Affidavit in Form 5 before the court can make a final order for guardianship of a child.

For an application about spousal support:

Your consent order application must be supported by one of the following

- ☐ an Application About a Family Law Matter about spousal support and Reply with agreement
- ☐ Schedule 5 of this Application for Family Law Matter Consent Order (complete and attach Schedule 5)

and:

- ☐ a Financial Statement in Form 4 or agreement as to income for each party

For an application about property division in respect of a companion animal:

Your consent order application must be supported by one of the following

- ☐ an Application About a Family Law Matter about property division in respect of a companion animal and Reply with agreement
- ☐ Schedule 6 of this Application for a Family Law Matter Consent Order (complete and attach Schedule 6)

Identification of the child(ren) –

Include all of 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 the child when you are asking the court for decisions about them.

Filing location –

Select the reason why you are filing your form at this court registry. Refer to the list of courthouse locations on the BC Government website to find the right Provincial Court registry for you. If two locations are both close or the child resides equally in two different locations, you can decide which registry is closest for filing your application. If the other party doesn't agree, they can ask the court to transfer the file to the other location. It will then be up to the court to decide where the file is located.

Existing written agreements or court orders –

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 the issue your 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

Identification of child(ren)

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

- ☐ Our consent order does not ask for any order(s) about a child or children (*skip next section*)
- ☐ Our consent order is asking for an order(s) about the following child or children

Child's full name	Child's date of birth (mmm/dd/yyyy)	Party 1's relationship to child	Party 2's relationship to child	Child is currently living with

7. ☐ We understand that we must consider the child(ren)'s best interests with respect to each order we are asking the court to make about the child.

Filing registry

8. We are filing this form in the court registry:

Select only one of the options below

- ☐ where our existing case with the same party/parties is located
- ☐ closest to where the child lives most of the time, because our case involves a child-related issue
- ☐ closest to where a party lives because our case does not involve a child-related issue
- ☐ permitted by court order

Existing written agreements or court orders

9. There is an existing written agreement or court order about parenting arrangements, child support, contact with a child, guardianship or a child, spousal support, and/or property division in respect of a companion animal.

- ☐ Yes ☐ No

10. 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, a peace bond, restraining order, bail condition or other criminal order.

- ☐ Yes ☐ No

PARENTING ARRANGEMENTS

Complete this schedule if your consent order includes any terms about parenting arrangements, including parental responsibilities and parenting time.

Parenting 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.



Guardians –

Indicate, for each party, if you are a guardian of the child or are applying as part of the consent order to become a guardian of a child.

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 3 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.



Parenting 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.

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.

In your own words, explain what you have agreed to about the allocation of parenting responsibilities. The court will check to make sure what you agree to here is what the order you drafted means.

You do not need to use any special wording. The key is to be clear about what you agreed to that you want in the consent order.

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

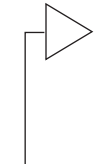


Parenting time –

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.

In your own words, explain what you have agreed to about the time the child(ren) will spend with each of you. You can give as much detail as you would like to ask the court to include in the consent 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. The court will check to make sure what you agree to here is actually what the order you drafted means.

You do not need to use any special wording. The key is to be clear about what you agreed to that you want in the consent order.



SCHEDULE 1 – PARENTING ARRANGEMENTS

This is Schedule 1 to the Application for a Family Law Matter Consent Order

Complete this schedule only if you are guardians of a child or children applying for a consent order about parenting arrangements for a child or children identified in section 6 of this application. Parenting arrangements include how each guardian 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. Party 1 is:

☐ 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 of a child, or under a will if the other parent dies. A person who is not a parent can become a guardian of a child by a court order or under a will.

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

2. Party 2 is:

☐ 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 of a child, or under a will if the other parent dies. A person who is not a parent can become a guardian of a child by a court order or under a will.

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

3. Complete only if there is an additional party. You may leave this section blank.

Party 3 is:

☐ 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 of a child, or under a will if the other parent dies. A person who is not a parent can become a guardian of a child by a court order or under a will.

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

Parental responsibilities

4. We consent to the parental responsibilities being exercised by us as follows:

Parenting Time

5. We consent to the child(ren) having parenting time with us 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.

If your consent order includes conditions on parenting time, explain what you have agreed to. If you do not need conditions on parenting time, you can leave this section blank.



Additional parenting arrangements –

Sometimes there are other things related to parenting arrangements that you would like included in your consent 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 guardians' 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](#)

If your consent order includes any additional parenting arrangements, explain what you have agreed to here. You do not need to use any special wording. The key is to be clear about what you agreed to that you are asking to have in the consent order. If you do not need any additional order terms about parenting arrangements, you can leave this section blank.



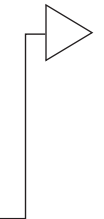
Best interests of the child –

When you make parenting arrangements, you must consider what is in the best interest of your 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 consent order about parenting arrangements.



Conditions on parenting time

6. *Complete only if you are asking for conditions on parenting time. You may leave this section blank.*

We consent to have the following conditions placed on the parenting time with the child(ren):

Additional parenting arrangements

7. *Complete only if there are additional order terms you agree to. You may leave this section blank.*

We consent to the following additional parenting arrangements:

Best interests of the child

8. We believe the parenting arrangements we consent to, including parental responsibilities and parenting time, are in the child(ren)'s best interests because:

CHILD SUPPORT –

Complete this schedule if your consent order includes any terms about child support.

[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.

Indicate the relationship for each party to the child or children the consent order for child support is about.

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.

Parenting time can be shared equally, split between the parents, with one or more children each living with a different parent, or the children may live only or primarily with one parent.

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 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 is being paid for the support of the child, how often and when these payments began or stopped.

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.

About the order –

Unpaid child support: If there is unpaid child support (arrears), tell the court what you have agreed to about the unpaid amount. For example, what amount you have agreed needs to be paid and how the remaining amount should be paid. It will be up to the court to decide if the order should be made.

SCHEDULE 2 – CHILD SUPPORT

This is Schedule 2 to the Application for a Family Law Matter Consent Order

Complete this schedule only if you are applying for a consent order about child support and/or special and extraordinary expenses for the child or children identified in Section 6 of this application.

1. Party 1 is:

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

2. Party 2 is:

- ☐ a parent or guardian of the child(ren)
- ☐ applying to be appointed as a 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. Complete only if there is an additional party. You may leave this section blank.

Party 3 is:

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

4. The child or children spend time with the parties as follows:

5. The current support arrangements are as follows:

Unpaid child support

6. Select only one of the options below

- ☐ We agree, there is no unpaid child support (arrears)
- ☐ We agree, as of _____ the amount of unpaid child support (arrears) is \$ _____
(mmm/dd/yyyy)

About the order

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

We consent to the following arrangements about the remaining unpaid child support (arrears):

Consent order about child support – 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 is undue hardship
- with the consent of both parties

Complete one of the options based on whether you consent to the monthly amount set out in the child support guidelines table OR another amount.

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

If you have agreed to an amount that is different from that set out in the child support guidelines table, indicate the monthly amount you have agreed to and explain the arrangements that have been made to support the child and why the court should order child support in the other amount.

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.



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 date of order –

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.



8. Select only one of the options below

☐ We consent to 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 6 of this application.
(name of paying party/parties)
List the name of each child you are asking for support for

☐ We consent to an order for ongoing child support to be paid by _____ in the monthly amount of \$ _____ which is different from that set out in the child support guidelines table for the following child(ren) identified in section 6 of this application:
(name of paying party/parties)
List the name(s) of each child you are asking for support for

because:
Explain what arrangements have been made for the support of the child(ren) and why the court should order child support in an amount different from that set out in the child support guidelines table

9. Select only one of the options below

- ☐ Each child we consent to an order for child support for is under 19 years of age
- ☐ The following child(ren) is/are 19 years of age or older and need(s) child support because of illness, disability or because they are full-time students:

Full name of child	Reason for child support <i>(select the applicable option)</i>
	<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 date of order

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)

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](#) or [family justice counsellor](#) or a lawyer.

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



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.

Identify if you are applying for an order for special and extraordinary expenses. If your consent order includes a term for special and extraordinary expenses, detail the annual amounts paid in the sections provided.

For more information, please see the fact sheet [Child Support](#) by the 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 financial statement form.

If you have a written agreement about the annual income of each party, the court may consider that amount for the purposes of calculating child support. You must provide the court a copy of the written agreement to the annual income and the income information required under section 21 of the [Federal Child Support Guidelines](#).

If you are required to file a Financial Statement but cannot complete it yet, you can apply to the court to file your application first using the [Application for Case Management Order Without Notice or Attendance Form 11](#). The court may be able to make an interim order without a complete financial disclosure.



Note: If your application is about an existing court order or written agreement that 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.

Calculations

11. Select only one of the options below

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

Special and extraordinary expenses

12. Select only one of the options below

- ☐ We are not applying for an order for special and extraordinary expenses for the child(ren).
- ☐ We consent to 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 children) are included in our order 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

- ☐ We have both completed a Financial Statement in Form 4, as required by the instructions in Form 4, or an agreement as to income.
- ☐ One or both of us is not able to complete a financial statement at this time and we are filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this consent order application be filed with a completed financial statement or agreement as to income.

IMPORTANT NOTE:

This consent order includes a request for an order for child support. Each party, as applicable, must provide financial information with the application by completing and filing a Financial Statement in Form 4 or an agreement as to income.

CONTACT WITH A CHILD

Complete this schedule if your consent order includes any terms about contact with a child.

[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 of 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 or you want the court to formalize the agreement with a consent order, 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

Contact with a child: You can apply to the court for a consent order about contact with a child. The order will usually include details about how the contact will happen.

In your own words, explain what you have agreed to about the contact with the child or children. The court will check to make sure what you agree to here is what the order you drafted means.

You do not need to use any special wording. The key is to be clear about what you agreed to that you want in the consent order.

Conditions on contact with a child: Sometimes, the court may only consider it in the best interests of the child for there to be conditions on the contact with the child, you may also want to be clear about what contact with the child will look like. If there are any conditions you have included in the consent order about contact with the child, explain them here. If you do not need conditions on the contact, you can leave this section blank.

You do not need to use any special wording. The key is to be clear about what you agreed to that you want in the consent order.

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 consent order about contact with a child.

SCHEDULE 3 – CONTACT WITH A CHILD

This is Schedule 3 to the Application for Family Law Matter Consent Order

*Complete this schedule only if you are applying for a consent order for a person who is **not a guardian** of the child or children to have contact with the child or children identified in Section 6 of this application. Contact with a child is the time a child spends with a person who is not their guardian.*

About the order

1. We consent to contact with the child(ren) as follows:

Complete only if you agree to have conditions on the contact. You may leave this section blank.

We consent to the following conditions being placed on the contact with the child(ren):

Best interests of the child

2. We believe the contact we consent to is in the child(ren)'s best interests because:

GUARDIANSHIP

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 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 –

Indicate who you agree to having as a guardian to your child or children. If there is more than one guardian for a child, each guardian must consent.

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 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 child(ren) 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, each party applying for guardianship of a child 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 come in. The registry will 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 4 – GUARDIANSHIP

This is Schedule 4 to the Application for Family Law Matter Consent Order

Complete this schedule only if you are applying for a consent order about guardianship of a child or children identified in Section 6 of this application.

Order about guardianship

1. ☐ We consent to having the following person(s) appointed as a guardian of the child or children:

Full name of person	Name of child(ren)	Relationship to the child

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

- ☐ We acknowledge that we must serve the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as we described in section 208 or 209 of the *Family Law Act*

Guardianship affidavit and supporting documents

4. ☐ We understand that each party applying for guardianship of a child is required to file a Guardianship Affidavit in Form 5 as described in Rule 27 before the court can make a final order about guardianship.

5. ☐ Each party applying for guardianship of a child has initiated or completed a criminal record check as required for the Guardianship Affidavit in Form 5.

6. Select only one of the options below

- ☐ Each party applying for guardianship of a child has completed the following documents and we are filing them along with this application:
☐ a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation*
☐ a request, in the form provided by the registry, to search the protection order registry
☐ One or more parties applying for guardianship of a child is not able to complete the required documents at this time and we are filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this application be filed with the additional documents.

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 consent 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 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 consent order about guardianship of a child.

Best interests of the child

7. We believe the consent order about guardianship for the child(ren) is in their best interests because:

SPOUSAL SUPPORT

Complete this schedule if the consent order includes any terms about spousal support.

[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](#) at www.gov.bc.ca.

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

Current support arrangements –

You do not need to use any special wording. Just explain to the court how the spouse 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.

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 the court for 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 your application).

To determine the entitlement to spousal support, the court will consider the objectives under section 161 of the [Family Law Act](#), as listed in the form. Select each option that applies to your family.

About the order –

Payor and recipient: Indicate which party is paying support and which party will be the recipient of support as included in the draft consent order.

Order about spousal support: 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 the order about spousal support you are asking the court to make and what type of payment schedule the consent order is to be for.

Calculations –

To calculate how much spousal support should be paid, you can use the [Spousal Support Advisory Guidelines](#), 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 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 and your spouse must each 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 application first but you will still need to give financial disclosure before you can get a final order.

Note: If your application is about an existing court order or written agreement that 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.

SCHEDULE 5 – SPOUSAL SUPPORT

This is Schedule 5 to the Application for a Family Law Matter Consent Order

Complete this schedule only if you are applying for a consent order about spousal support.

1. The current support arrangements are as follows:

2. We believe there is entitlement 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 of time

About the order

3. Spousal support is to be paid by _____ to _____
full name of payor full name of recipient

4. We consent to spousal support 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

5. *Select only one of the options below*

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

6. *Select only one of the options below*

- ☐ We have both completed a Financial Statement in Form 4 or an agreement as to income
- ☐ One or both of us is not able to complete a financial statement at this time and we are filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this consent order application be filed with a completed financial statement or agreement as to income

IMPORTANT NOTE:

This consent order includes a request for an order for spousal support. Each party, as applicable, must provide financial information with the application by completing and filing a Financial Statement in Form 4 or by filing an agreement as to income.

PROPERTY DIVISION IN RESPECT OF A COMPANION ANIMAL

Complete this schedule if the consent order includes any terms about property division in respect of a companion animal.

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 between the parties -

You can only ask for a court order under the *Family Law Act* for division of property in respect of a companion animal if you are (or were) spouses.

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

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 instead. Be sure to include the name of the companion animal and who you want to have ownership and possession of the 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 following factors that the court must consider:

- 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

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 6 – PROPERTY DIVISION IN RESPECT OF A COMPANION ANIMAL

This is Schedule 6 to the Application for a Family Law Matter Consent Order

Complete this schedule only if you are applying for a consent order about property division in respect of a companion animal.

Relationship between the parties

1. ☐ We are (or were) spouses.

Order about a companion animal

2. Our application is about the following companion animal(s):

Name of companion animal	Type of animal

About the order

3. We consent to an order for 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**.*

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

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