Form
17

Application for a Family Law Matter Consent Order Form 17

Provincial Court Family Rules

You can complete and file most family forms online using the Family Law Act Online Forms Service.

Access the service at justice.gov.bc.ca/apply-for-family-order.

The free service includes guided pathways that ask you questions and put your answers into the required court forms. When you're finished, you can save and file your forms electronically or print them to file in person.

A PDF version of this form is available online for download at www.gov.bc.ca/court-forms.

For courthouse locations, addresses, and contact information visit: www.gov.bc.ca/courthouselocations

Need assistance with how to complete this form?
Refer to the guidebook if you need more information about applying for a consent order about a family law matter and how to complete this form. Find it online, with interactive links, at www.gov.bc.ca/court-forms or pick up a printed copy from your local court registry.

Family law:
The Provincial Court Family Rules set out the steps that you must take and the forms you must complete in a family law case. These rules apply to cases in Provincial Court about matters under the Family Law Act and the Family Maintenance Enforcement Act.

You can find the Rules and Acts on the BC Laws website at www.bclaws.gov.bc.ca.

Preparing an Application for a Family Law Matter Consent Order Form 17

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 party agree about.

Family law matters include:

- 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

If you apply for a consent order, it usually means you can get the order without having to go to court. **A judge will review your application and draft consent order and may do the following**:

(a) approve and sign the consent order without the parties' attendance at court
(b) give directions to obtain further information or evidence, including to require that the parties attend court
(c) make changes to the draft consent order and, if the parties consent to the changes, require that the parties attend the registry to review and sign the changes
(d) reject the application with reasons

Note: Even though the parties consent to the order, you must file the required additional supporting evidence based on your application to satisfy the court that the order should be made.

For an application about child support or spousal support, income information necessary to determine the amount of the order must be included with the application. Each party, as applicable, may file a Financial Statement Form 4 or an agreement as to income and supporting income information described in section 21 of the Child Support Guidelines [s. 15 (2) Child Support Guidelines].

For an application appointing a guardian of a child, each party applying to be appointed as a guardian of a child must provide the court with evidence using the Guardianship Affidavit Form 5 respecting the best interests of the child [s. 51 Family Law Act and Rule 26] with the required record checks attached as exhibits.

NOTE: You will not have to fill out every page of this form.
Depending on the consent order about a family law matter that you need, you must complete a minimum of 4 pages and a maximum of 12 pages and a draft consent order.

Need legal help?

It's important to understand the law and make sure you have the right information. If you don't, it can make solving your problem harder. Getting advice from a lawyer can help. You can find a lawyer through:

Legal Referral Service
Visit https://bclegal.help/ or call at 604-687-3221 to consult a lawyer for up to 15 minutes for free

Legal Aid, Duty Counsel and Family Advice Lawyers
Visit https://legalaid.bc.ca or call 1-866-577-2525

Legal Services and Resources
Visit the ClickLaw Legal Services page at www.clicklaw.bc.ca/services

Filling out the form and preparing to file it

You need to **complete the main application (4 pages) and each schedule that applies to your application, and a draft consent order**. You may also be required to complete a financial statement or documents to support a guardianship affidavit.

Make sure you follow the instructions in the form and include all the required information. You don't need to use any special wording. Try to be clear and concise.

If you complete the form by hand, be sure it's readable.

Remember to have each party sign the consent order.

To be completed and filed for all family law matters	❑ **Main application (4 pages)** ❑ **Copy of any existing orders or agreements** ❑ **Draft** Consent Order Form 18
+ **Schedules or forms for specific family law matters, as applicable** **Note:** If the parties have a filed Application About a Family Law Matter Form 3 requesting the order and a Reply to an Application About a Family Law Matter Form 6 agreeing to the order, no additional schedule needs to be filed for the specific family law matter	**Parenting arrangements** ❑ Schedule 1 (2 pages), if applicable
	Child support ❑ Schedule 2 (2 pages), if applicable ❑ Financial Statement Form 4, if applicable
	Contact with a child ❑ Schedule 3 (1 page), if applicable
	Guardianship of a child ❑ Schedule 4 (2 pages) To appoint a new guardian: ❑ Section 51 – Consent for Child Protection Record Search ❑ Request to search the Protection Order Registry ❑ Guardianship Affidavit Form 5
	Spousal support ❑ Schedule 5 (1 page), if applicable ❑ Financial Statement Form 4
	Property division in respect of a companion animal ❑ Schedule 6 (1 page), if applicable

How do I prepare the form for filing?

- collect the completed application, schedules and any existing orders or agreements referenced in the form
- collect any additional forms that must be filed with the application **including the signed 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 or secure each package of documents together

Filing the application at the registry

After you've filled out your form, you must file it at the Provincial Court Registry:

- where the existing Provincial Court case with the same parties is filed (you already have a court file number)
- 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

File the form:

- electronically using the FLA Online Forms Service
- in person at the court registry
- by mail
- by email, as referenced in Notice to the Profession and Public NP 28 Current Court Operations, or
- by fax filing using the Fax Filing Cover Page Form 52

There are no fees for filing Provincial Court family documents.

Be sure to bring all copies of the documents to the registry if you are filing in person.

The registry clerk will review your package to make sure it's complete before filing it. They'll give you each a copy for your records.

Judge review of application

A judge can make decisions based only on the information presented by the parties. In addition to your application, you can provide evidence. Your evidence includes any additional affidavit(s), including the Financial Statement or Guardianship Affidavit as applicable.

Please ensure you have provided full responses to all parts of the form that apply to you.

A judge reviewing an application for a case management order without notice or attendance may do any of the following:

- approve and sign the order without the need for you to come to court
- ask you to provide more information or evidence in writing or by coming to court to give that information
- make changes to the draft consent order and, if you consent to the changes, require you to review and sign the changes
- reject the application with an explanation

Depending on what you are requesting 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 from them.

Application for a Family Law Matter Consent Order

Form 17

Provincial Court Family Rules
Rule 81

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Application for a Family Law Matter Consent Order provides information to the court about the parties and the family law matter(s) they are requesting a consent order about without the parties' attendance at court.

Please read before completing the form:

- The parties must complete the main application and only the applicable schedule(s) identified in Part 2 of the main application. The parties are also required to draft a Consent Order Form 18 and submit it to the court with this application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

An application for a consent order can be made at any time, including following consensual dispute resolution or mediation, or after filing an application about a family law matter and/or reply to an application about a family law matter with agreement to one or more orders applied for in the application.

Part 1 | About the parties

1. The following parties are applying for an order about a family law matter by consent:

	Full name of party	**Date of birth** (dd/mmm/yyyy)
Party 1:		
Party 2:		
Party 3:		
Party 4:		

Part 2 | Family law matter consent order

You may apply for an order about one or more family law matters by consent. An application for an order by consent is reviewed by a judge without the parties' attendance at court.

For each family law matter you are applying for a consent order about, you will need to provide different supporting documents. The documents you must provide will depend on:

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

Select each family law matter you want a consent order about and identify the supporting document(s) you will be relying on for this application. If the supporting document(s) is not already filed with the court, you will need to file it with this application.

The Reply Form 6 with agreement means a Reply to an Application About a Family Law Matter in Form 6 with agreement to one or more orders applied for in the application.

2. We are **applying for an order** about the following family law matter(s) **by consent**:

☐ **Parenting arrangements**, including parental responsibilities and parenting time

Identify the supporting document(s) you will be relying on for this application.
Select only one option.

- ☐ Application About a Family Law Matter Form 3 about parenting arrangements and Reply Form 6 with agreement
- ☐ Schedule 1 of this application → *Complete **Schedule 1***

☐ **Child support**

Identify the supporting documents you will be relying on for this application.
Select only one option.

- ☐ Application About a Family Law Matter Form 3 about child support and Reply Form 6 with agreement
- ☐ Schedule 2 of this application → *Complete **Schedule 2***

AND

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

If a Financial Statement or agreement as to income has not already been filed, you must file it with this application. See Schedule 2 for more information.

❑ **Contact with a child**

Identify the supporting document(s) you will be relying on for this application. Select only one option.

- ❍ Application About a Family Law Matter Form 3 about contact with a child and Reply Form 6 with agreement
- ❍ Schedule 3 of this application → *Complete **Schedule 3***

❑ **Guardianship of a child** - Appointing a **new guardian** or **cancelling guardianship** of a child

Identify the supporting documents you will be relying on for this application. Select only one option.

- ❍ Application About a Family Law Matter Form 3 about guardianship of a child and Reply Form 6 with agreement
- ❍ Schedule 4 of this application → *Complete **Schedule 4***

AND, *for each party applying to be appointed as a guardian of a child*

- a Consent for Child Protection Record Check
- a request to search the protection order registry
- acknowledgement in the Application, Reply or Schedule 4 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.

If the documents required to support a guardianship application have not already been filed, you must file them with this application. See Schedule 4 for more information.

❑ **Spousal Support**

Identify the supporting document you will be relying on for this application. Select only one option.

- ❍ Application About a Family Law Matter Form 3 about spousal support and Reply Form 6 with agreement
- ❍ Schedule 5 of this application → *Complete **Schedule 5***

AND

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

If a Financial Statement or agreement as to income has not already been filed, you must file it with this application. See Schedule 5 for more information.

❑ **Property division in respect of a companion animal**

Identify the supporting document(s) you will be relying on for this application. Select only one option.

- ❍ Application About a Family Law Matter Form 3 about property division in respect of a companion animal and Reply Form 6 with agreement
- ❍ Schedule 6 of this application → *Complete **Schedule 6***

3. ❑ A **draft Consent Order** Form 18 signed by each party, or their lawyer, is submitted with this application and supporting document(s) for review without attending before the court

You must also provide the court with a draft consent order along with this application and any supporting document(s).

IMPORTANT NOTE:

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

- approve and sign the consent order without the need for the parties to attend court
- ask the parties to provide more information or evidence, in writing or by attending court to give that information
- make changes to the draft consent order, and if the parties consent to the changes, require that the parties attend the registry to review and sign the changes
- reject the application with an explanation

Part 3 | Relationship between the parties

4. *Select each option that applies and provide the additional information as applicable. You may identify the parties using the party number from Part 1.*

❑ Party ____ and Party ____ are (or were) **spouses**. The parties were **married** or have **lived together** in a marriage-like relationship.

Complete the information below about the spousal relationship, as applicable. You may leave a field blank if it does not apply.

Date on which the parties began to live together in a marriage-like relationship (dd/mmm/yyyy):

Date of marriage (dd/mmm/yyyy):

Date of separation (dd/mmm/yyyy):

Spouses may be separated even if they continue to live in the same residence [s. 3(4) *Family Law Act*].

❑ The parties have never been spouses.

*Please **describe the relationship** between the parties*

Part 4 | Identification of children

5. *Select the correct option below and provide the additional information if applicable*

❑ Our consent order is **not about a child** or children *(skip to **Part 5**)*

❑ Our consent order is about **the following child** or children:

Provide the requested information below for each child

Child's full name	**Child's date of birth** (dd/mmm/yyyy)	**Parties' relationship to the child** (example Party 1 mother; Party 2 father)	**Child currently living with** (name of person)

A child's residence is usually where they live at least 40% of the time. If a child currently splits their time between two residences, include both.

6. ❑ We understand that we must consider the **best interests of the child** with respect to each order we are asking the court to make about the child. The "best interests of the child" is a legal test used to decide what would best protect the child's physical, psychological, and emotional safety, security and well-being [s. 37 *Family Law Act*].

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

Part 5 | Existing orders and agreements

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

❑ **Yes (see attached copy)** ❑ **No**

Include any order (interim or final), agreement or plan from any level of court and any location.

8. There is an **existing court order, agreement or plan protecting** one of the parties or the child(ren), or restraining contact between the parties, including:

- a protection order,
- an order, agreement or plan involving child protection services, or
- a peace bond, restraining order, bail condition or other criminal order.

❑ **Yes (see attached copy)** ❑ **No**

If yes, you must attach a copy of any order, agreement or plan to this application for filing.

Part 6 | Filing location

9. We are filing this application in the court registry:

Select only one of the options below

❑ Where the **existing case** with the same party/parties is located. We already have a court file number.

❑ Closest to **where the child lives** most of the time, because our case involves a child-related issue

❑ Closest to **where we live** because the case does not involve a child-related issue

❑ Permitted by **court order**

Rule 7 sets out these requirements for which registry to use.

Talk to the court registry to see if there is already an existing case at a court location.

Part 7 | Address for service

10. The parties' **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to. Select the party/parties to whom the address applies and complete the fields.

❑ Party 1 ❑ Party 2 ❑ Party 3 ❑ Party 4

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

❑ Party 1 ❑ Party 2 ❑ Party 3 ❑ Party 4

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

❑ Party 1 ❑ Party 2 ❑ Party 3 ❑ Party 4

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

❑ Party 1 ❑ Party 2 ❑ Party 3 ❑ Party 4

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

Schedule 1 | Parenting Arrangements

Complete this schedule only if you are applying for a consent order about parenting arrangements, including parental responsibilities and parenting time.

Part 1 | Guardian of the child

1. *Select the option that applies to your situation*

Party 1 is: ❑ the **child's guardian** ❑ **applying to be appointed** as the child's guardian

Party 2 is: ❑ the **child's guardian** ❑ **applying to be appointed** as the child's guardian

Party 3 is: ❑ the **child's guardian** ❑ **applying to be appointed** as the child's guardian

Party 4 is: ❑ the **child's guardian** ❑ **applying to be appointed** as the child's guardian

Note: If a party is applying to be appointed as the child's guardian, the order must be requested in Part 2 of the main application and the supporting document(s) identified must be provided.

ⓘ Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 39 *Family Law Act*].

For information about who is a guardian of a child, see the guidebook.

Part 2 | Order about parenting arrangements

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

Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the *Family Law Act*.

2. We are applying for a **consent order about parental responsibilities** as follows:
List the details of the order you are asking for. You may leave this question blank.

ⓘ Parental responsibilities can be set up so they can be exercised by:

- One or more guardians only,
- Each guardian acting separately, or
- All guardians acting together.

[s. 40 *Family Law Act*]

3. We are applying for a **consent order about parenting time** as follows:
List the details of the order you are asking for. You may leave this question blank.

4. We are applying for a consent order about

- the **implementation of an order** about parenting arrangements made under the *Family Law Act*, or
- the **means for resolving disputes** about an order about parenting arrangements made under the *Family Law Act*,

as follows:
List the details of the order you are asking for. You may leave this question blank.

Part 3 | Best interests of the child

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

List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the *Family Law Act*.

The parties and the court must consider the best interests of a child when making a decision about parenting arrangements.

For more information, see the guidebook.

Schedule 2 | Child Support

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

Part 1 | About the payor

1. The **payor** is:

- ❑ a parent or guardian of the child(ren)
- ❑ a person standing in the place of a parent to the child(ren) (for example, a step-parent)
- ❑ other *(specify)*:

ⓘ A child has the right to be supported by both parents, whether the parents ever lived together, or the parent has ever lived with the child.

Other guardians and stepparents may also be responsible for paying child support [s. 147 *Family Law Act*].

Part 2 | Current circumstances

2. The **current support arrangements** are as follows:

3. The child(ren) **currently spend time** with each party as follows:

4. *Select only one of the options below*

- ❑ Each child we are applying for an order for child support for is **under 19 years** of age
- ❑ The following child(ren) is/are **19 years of age or older** and need(s) child support because of illness, disability, or because they are a full-time student:

Full name of child	Reason for child support Select the applicable option		
	❑ illness	❑ disability	❑ student
	❑ illness	❑ disability	❑ student

ⓘ A child, for the purposes of child support, includes a person who is over 19 years of age, and is unable because of illness, disability or another reason to obtain the necessities of life or withdraw from the charge of their parents [s. 146 *Family Law Act*].

Part 3 | Unpaid child support

5. *Select only one of the options below and complete the required information, as applicable*

- ❑ We agree there is **no unpaid child support** (arrears)
- ❑ We agree, as of *(date)* _____, the amount of **unpaid child Support** (arrears) is $ _____

6. *Complete only if there is unpaid child support. You may leave this question blank.*
We **consent** to the following arrangements **about the remaining unpaid child support** (arrears):

ⓘ On application, a court may reduce or cancel unpaid child support that is owing (arrears) under an agreement or order about support if satisfied that it would be grossly unfair not to reduce or cancel the arrears [s. 174 *Family Law Act*].

The court may order that support be paid in different ways [s. 170 *Family Law Act*].

Part 4 | Order about child support

The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table according to the number of eligible children and the income of the spouse against whom the order is sought, and the amount, if any, determined for section 7 special or extraordinary expenses [s. 3 Federal Child Support Guidelines].

7. *Select each applicable option and complete the requested information*

- ❑ We consent to an order for ongoing **child support** to be paid by *(name of party)* _____ in the **monthly amount set out in the child support guidelines** for _____ *(number)* child(ren)
- ❑ We consent to an order for ongoing **child support** to be paid by *(name of party)* _____ in the monthly amount of $ _____, which is **different from that required by the child support guidelines** because:

  _____

  _____

  _____
- ❑ We consent to an order for **special or extraordinary expenses** under section 7 of the child support guidelines. The following special or extraordinary expenses are included in our order for child support:
  List the expenses you are including

  _____

  _____

  _____

For more information about how to calculate the amount payable for child support, see the guidebook.

The court may order child support in an amount different from the guidelines if appropriate [s. 150 *Family Law Act* and s. 10 Child Support Guidelines].

For more information about what can be included as special or extraordinary expenses, see the guidebook.

8. We agree child support payments should **start on** _____ **because**:
Date (dd/mmm/yyyy) or event

_____

_____

_____

Part 5 | Income information

The Financial Statement Form 4 is used to provide financial information to the court in support of an application for an order about child support.

Where both parties agree on the annual income of a party, the parties may instead file an agreement as to income and supporting income information described in section 21 of the Child Support Guidelines, for the court to consider [s. 15 (2) Child Support Guidelines].

Depending on your parenting situation and circumstances, one or both parties are required to provide financial information.

9. One or both parties are **required to provide income information** to the court by filing a Financial Statement in Form 4 or an agreement as to income with supporting income information.
Select only one of the options below

- ❑ We are **filing our financial information**, as required, with this application.
- ❑ We are **not able to file** a Financial Statement in Form 4 or agreement as to income as required with this application.
  We are filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the income information be provided with this application. We understand we will still be required to file the income information at a later date.

Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 15 to 25 Child Support Guidelines].

For more information about who is required to provide financial information and how it can be provided, see the guidebook.

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

IMPORTANT NOTE:

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

Schedule 3 | Contact with a child

Complete this schedule only if you are applying for a consent order about contact with a child.

Part 1 | Order about contact with a child

1. We consent to the child(ren) having **contact <u>with a person who is not their guardian</u>** as follows:

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

The person seeking contact with a child must be one of the parties.

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

The order may require the parties to transfer the child under the supervision of, or require contact with the child to be supervised by, another person [s. 59 *Family Law Act*].

Part 2 | Best interests of the child

2. We believe the contact with a child that we consent to is in the **best interests of the child(ren)** because:
List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the *Family Law Act*.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Schedule 4 | Guardianship of a child | Appointing a guardian or terminating guardianship

Complete this schedule only if you are applying for a consent order to appoint a new guardian for a child or to cancel an existing guardian's guardianship of a child.

Please read before completing this schedule:

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) [s. 51 *Family Law Act*]. Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 40].

The *Family Law Act* provides that while a child's parents are living together and after the child's parents separate, each parent will continue to be the child's guardian and will have parental responsibilities with respect to the child [ss. 39 and 40]. This does not mean that parents must have equal responsibility for a child.

An agreement or order about parenting arrangements can give parental responsibilities to one or more guardians only, each guardian acting separately, or all guardians acting together [s.40]. You can use Schedule 1 to apply for an order about parenting arrangements.

In some cases, it may not be appropriate for a parent or guardian to remain a guardian. An agreement or order can provide that a parent is not the child's guardian [s.39].

Usually, a child's parent is also the child's guardian, but not always. For more information about who is a guardian, see the guidebook.

Part 1 | Order about guardianship

1. *Select each option that applies*

❑ We consent to **appoint the following person as a guardian** of the child(ren):

Full name of party/parties

❑ We consent to **terminate following person's guardianship** of the child(ren):

Full name of party/parties

The court may appoint a person as a child's guardian or terminate a person's guardianship of a child [s. 51 *Family Law Act*].

Part 2 | Best interests of the child

2. We believe the consent order about guardianship of a child is in the **best interests of the child(ren)** because:

List your reasons

If a child is 12 or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 *Family Law Act*].

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the *Family Law Act*.

The parties and the court must consider the best interests of a child when making a decision about guardianship of a child.

For more information, see the guidebook.

Part 3 | Indigenous ancestry of child(ren)

3. Is the child or children **Indigenous**?

- ❍ **Yes** → *go to **next question***
- ❍ **No** → *Skip ahead to **Part 4***
- ❍ **Unknown** → *Skip ahead to **Part 4***

4. *Complete this question only if a child is Indigenous.*
If not, you may leave this question blank.
Please select the option below that best describes the **child(ren)'s Indigenous ancestry**:

- ❑ First Nation
- ❑ Nisga'a
- ❑ Treaty First Nation, including:
  - Tsawwassen First Nation
  - Maa-nulth First Nations:
    - Huu-ay-aht First Nations
    - Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
    - Toquaht Nation
    - Uchucklesaht Tribe
    - Yuułuʔiłʔatḥ Government
  - Tla'amin Nation
- ❑ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous
- ❑ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous

A guardian's parental responsibilities include making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity [s. 41 *Family Law Act*].

IMPORTANT NOTE ABOUT A NISGA'A OR TREATY FIRST NATION CHILD:

If the child is a Nisga'a or Treaty First Nation child, you **must serve** the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the *Family Law Act*.

To serve them notice, they must receive a copy of this application.

For more information about serving Nisga'a Lisims Government or the Treaty First Nation to which the child belongs, see the guidebook.

Part 4 | Guardianship affidavit and supporting documents - Complete this part only if you are applying to be appointed as a guardian

A party applying to be appointed as a guardian of a child must provide the court with evidence using the Guardianship Affidavit in Form 5 respecting the best interests of the child regardless of whether there is consent to the application [s. 51 *Family Law Act* and Rule 26].

5. ❑ We understand that each person applying to be appointed as a guardian of a child is required to **file a Guardianship Affidavit** in Form 5 as described in Rule 26 **before the court can make a final order** about guardianship.

6. ❑ A **criminal record check has been initiated or completed** for each person applying to be appointed as a guardian as required for the Guardianship Affidavit.

7. *Select only one of the options below*

- ❍ We are **filing the following required documents** along with this application:
  - a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation* for each person applying to be appointed as a guardian of a child
  - a request, in the form provided by the registry, to search the protection order registry, for each person applying to be appointed as a guardian of a child
- ❍ We are **not able to file the required documents** with this application.
  We are filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the documents be filed with this application. We understand we will still be required to file the documents at a later date.

To complete Form 5, you are required to attach the results from various record checks as exhibits.
The record checks must be initiated at the time of filing this application.

For more information about how to complete a record check, including where to find the forms, see the guidebook.

You must file a consent and request for record check or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 5 | Spousal Support

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

Part 1 | Entitlement to spousal support

1. We believe there is **entitlement to spousal support** for the following reason(s):
Select all options that apply

- ❑ To recognize **economic advantages or disadvantages** to the spouses arising from the relationship or breakdown of the relationship
- ❑ To share the **financial consequences** arising from caring for the children during the relationship, beyond the duty to provide support for the child
- ❑ To **relieve economic hardship** of the spouses arising from the breakdown of the relationship
- ❑ To help each spouse **become financially independent** within a reasonable period

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

Part 2 | Current support

2. The **current support** arrangements are as follows:

The court must take into consideration the conditions, means, needs and other circumstances of each spouse when determining spousal support [s. 162 *Family Law Act*].

Part 3 | Order about spousal support

3. We consent to an **order for spousal support** to be paid by *(name of paying party)* as follows:

- ❑ **Monthly payments** of $ to commence on *(date)* until *(date)*
- ❑ **Lump sum** payment of $
- ❑ **Other** *(specify)*:

The court may order a spouse to pay an amount the court considers appropriate as spousal support after taking into consideration section 160 [duty to provide support for entitled spouse] [s. 165 *Family Law Act*].

The order may include when and how payments are to be made [s. 170 *Family Law Act*].

Part 4 | Income and earning potential information

4. We are **required to provide income information** to the court by filing a Financial Statement in Form 4 or an agreement as to income with supporting income information.
Select only one of the options below

- ❑ We are **filing our financial information**, as required, with this application.
- ❑ We are **not able to file** a Financial Statement in Form 4 or agreement as to income as required with this application.
  We are filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the income information be provided with this application. We understand we will still be required to file the income information at a later date.

Spousal support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may attribute income in an amount the court considers appropriate [ss. 212 and 213 *Family Law Act*].

You must each file a Financial Statement Form 4 or Agreement as to Income, or an Application for Case Management Order Without Notice or Attendance Form 11.

IMPORTANT NOTE:

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

Schedule 6 | Property division in respect of a companion animal

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

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

1. We consent to a **property division order for sole ownership and possession of the companion animal(s)** as follows:

Name of companion animal	Type of animal	To [party] Select one option for each animal
		❑ Party 1 ❑ Party 2
		❑ Party 1 ❑ Party 2
		❑ Party 1 ❑ Party 2
		❑ Party 1 ❑ Party 2

Under section 97 of the *Family Law Act*, the court may only make an order for ownership and possession of a companion animal **by one spouse.**

Part 2 | The facts

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

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