Preparing an Application About a Family Law Matter

Form 3

Provincial Court Family Rules

Complete this form to ask the Provincial Court for an order about a family law matter. If your nearest court registry is an early resolution registry, this form is used when you have already met the early resolution requirements.

Use this form if you need:

- a new order about a family law matter, if you have never had an order or agreement about the family law matter
- to change or cancel all or part of an existing final order about a family law matter
- to set aside or replace all or part of an agreement about a family law matter

Is your nearest court registry an early resolution registry? If so, be sure to let the Justice Access Centre where you attended for your needs assessment know you are planning to file your application. They will send the court registry proof of your participation or exemption in the early resolution requirements so that you can file your application.

Family law matters include:

Parenting arrangements – how each guardian will parent their child(ren), including each guardian's parenting 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 interest of the child.

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for the child(ren). A child has the right to be supported by both parents, whether or not 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, elders, aunts and uncles, or a family friend.

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.

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

- Form 12, Application About a Protection Order, or
- Form 15, Application About Priority Parenting Matter, and
- Form 3, Application About a Family Law Matter, if you also want to resolve a family law matter.

Legal Assistance

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

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

Legal Aid, Duty Counsel and Family Advice Lawyers – To find out if you qualify for free legal advice or representation, contact the Legal 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 are 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 About a Family Law Matter form ☐

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

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

You need to complete and file the main part of the form and only the schedules that apply to your application.

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

To prepare the form for filing:

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

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

Step 2: File the Application About a Family Law Matter 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
- 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: Arrange for service of the Application About a Family Law Matter on each other party ☐

Normally, each other party named in the Application About a Family Law Matter must be given a copy of the following documents by personal service:

- the Application About a Family Law Matter;
- instructions about how to file a reply and obtaining Form 6 for filing a reply, and;
- any other documents you filed with the Application About a Family Law Matter, including a Financial Statement if applicable.

Personal service requires that an adult (at least 19 years old) who is not a party hand-deliver the documents to the party to be served.

Note: If your application is to change, cancel, set aside or replace a written agreement about child support or spousal support 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 Family Maintenance Enforcement Program to find out how best to serve them.

The court may need proof you had the documents personally served. The person serving the documents must complete a Certificate of Service Form 7 so that you can prove personal service of the document. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.

Step 4: Schedule your Family Management Conference ☐

The other party has 30 days from the date they are served to file their reply.
If the other party files a reply, the court registry will provide you with a copy of the reply along with instructions on how to schedule your family management conference. Your first step with the court will be to attend a family management conference.

If the other party does not file a reply within 30 days of them being served, you can take steps to have your case heard by the court without the other party. You can schedule the family management conference by:

- filing the Certificate of Service
- following the scheduling instructions provided by the court registry

Note: You will need to be ready to provide your file number, the names of the parties in your case, your name, and your availability to attend court.

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

Step 5: Attend the Family Management Conference ☐

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

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

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

Tips for Completing the Form:

Registry location and court file number –
Copy this information from the top right corner of the 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 –

Party names: Copy your full name from the first document filed in your case with the court. If this is the first document in your case:

- provide your legal names from your birth certificate or through a legal name change
- a maiden name or married name can be used as a legal family name unless the name was legally changed
- use full names, including your middle names
- if you or the other party go by another name, such as a usual name you would prefer to be called by, you can include it after the full name by including AKA (also known as)
  Example: If your legal name is Robert Paul Smith but you are known as Bob Smith, your name should be given as Robert Paul Smith AKA Bob Smith

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

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

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

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

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

If you do not have an address or contact information for the other party, complete as much information as you do know. Talk to the court registry staff about how they might be able to help you find contact information.

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

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

You only need to fill in the contact information you know about the other party. You may leave any part of the contact information blank.

Who to give notice to: In a family law case, there are specific people who must be served with notice of your application. This person or persons is the other party or parties. It is important that each other party know that you are making this application to the court and are given a chance to talk to the court. To give notice, you will need to arrange for each person to be personally served with the application documents by an adult (over 19 years old) other than yourself.

- If your family law matter is about a child, you will need to give notice to each parent and/or guardian of the child.
- If your family law matter is not about children, you only need to give notice to your spouse.
- You will also need to give notice to any other adult who the family law matter is about, such as a grandparent, other family member or friend of the family.

Note: If there are more than two other parties involved in your family law matter, you can add a page with their name and contact information.

Application About a Family Law Matter

Registry Location:
Court File Number:

Form 3
Provincial Court Family Rules
Rule 24

This Application About a Family Law Matter has been filed in Provincial Court. It provides notice to each party, and the court, of the family law matters to be resolved with the help of the court and may include

- an application for a new order about a family law matter to be made by the court,
- an application to change or cancel all or part of an existing final order about a family law matter, or
- an application to set aside or replace all or part of an existing agreement about a family law matter.

If you choose to reply, you or your lawyer must file a completed Reply to an Application About a Family Law Matter in Form 6 within 30 days after the date you were served with the application.

To file your reply, you may be required to file a Financial Statement if this application is about child support and/or spousal support. In an early resolution registry, you must also have met the early resolution requirements, as applicable.

If you do not file a Reply to an Application About a Family Law Matter within the 30 day period referred to above, you will not be entitled to receive notice of any part of the case, including any conference, hearing or trial, and orders may be made in your absence.

Information about the parties

1. My name is _____ (full name of person). My date of birth is _____ (mmm/dd/yyyy).

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

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

2. ☐ I understand the following people must be given notice of my application:

- all parents and current guardians of each child who is the subject of the family law matter
- my spouse, if I am applying for spousal support
- each other adult who the application about a family law matter is about

They are the other party/parties in this case. To give notice, they must each be served with a copy of this document and any supporting documents.

3. The other party is _____. Their date of birth is _____ (mmm/dd/yyyy or unknown).
Their contact information, as I know it, is:

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

Additional party (Complete only if applicable. You may leave this section blank)

Full Name:		Date of Birth:
Contact Information		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Lawyer's statement –
If you are a lawyer completing this form on behalf of a client, you must acknowledge that you have complied with the requirements of section 8 of the *Family Law Act* regarding the duties of dispute resolution professionals.

Initial requirements –
Different requirements apply depending on your filing registry location.

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

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

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

Family justice registry: If you are filing in a family justice registry, you can file your application now, but you will need to complete a needs assessment and parenting education program before a court appearance can be scheduled.

Parenting education program registry: If you are filing in a parenting education program registry, you can file your application now, but you will need to complete a parenting education program, or be exempt from completion, before a court appearance can be scheduled.

Make an application –
Consider what issues you need a court order to resolve. Select all the options that apply but remember that you can only select up to one option under each heading. 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 the court can help you resolve if you are unsure of what you need.

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

If not, you are asking for a new order.

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 you are asking the court to help with now. This includes:

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

Protection or restraining orders: The court needs to know if there are any other orders with protective conditions between the parties. This includes:

- any family law protection order from Provincial Court, BC Supreme Court, or another jurisdiction
- any child protection or supervision orders 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

Lawyer's statement

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

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

Initial requirements

5. I am filing my application in:

- ☐ an early resolution registry and I have met the following requirements:
  The requirements have been met if you completed or participated in, or if you were granted an exemption from completing or participating in, the following: Select all options that apply.
  - ☐ needs assessment
  - ☐ parenting education program
  - ☐ consensual dispute resolution
- ☐ a family justice registry and I understand I will be required to participate in a needs assessment and complete a parenting education program, unless exempt, before a family management conference can be scheduled
- ☐ a parenting education program registry and I understand I will be required to complete a parenting education program, unless exempt, before a family management conference can be scheduled
- ☐ none of the above

Make an application

6. I am applying for a court order about the following family law matter(s):
Select all options that apply, complete and attach the required schedule(s)

Parenting arrangements

- ☐ parenting arrangements – new *[complete and attach Schedule 1]*
  including parental responsibilities and parenting time
- ☐ parenting arrangements order/agreement – existing *[complete and attach Schedule 2]*
  including parental responsibilities and parenting time

Child support

- ☐ child support – new *[complete and attach Schedule 3]*
- ☐ child support order/agreement – existing *[complete and attach Schedule 4]*

Contact with a child

- ☐ contact with a child – new *[complete and attach Schedule 5]*
- ☐ contact order/agreement – existing *[complete and attach Schedule 6]*

Guardianship of a child

- ☐ appointing a guardian of a child *[complete and attach Schedule 7]*
- ☐ cancelling guardianship of a child *[complete and attach Schedule 8]*

Spousal support

- ☐ spousal support – new *[complete and attach Schedule 9]*
- ☐ spousal support order/agreement – existing *[complete and attach Schedule 10]*

Existing written agreements or court orders

7. There is an existing written agreement or court order about parenting arrangements, child support, contact with a child, guardianship of a child, and/or spousal support:

☐ Yes ☐ No

If yes, attach a copy of the order(s) to your application

8. There is an existing court order protecting one of the parties, the child(ren), or restraining contact between the parties, including a protection order, child protection or supervision order, peace bond, restraining order, bail condition and other criminal order

☐ Yes ☐ No

If yes, attach a copy of the order(s) to your application

Relationship between the parties –
Describe how you and the other party are related or connected to one another. It is the reason you have named them as the other party. For example: You were dating and are both parents of the child OR The other party is your child and you are the grandparent to the children named in the application.

You do not need to use any special wording. Just describe your relationship or connection in your own words. If there is more than one other party, be clear about your relationship or connection to each of them.

Spouses/lived together: Say if you and the other party are or were married spouses, live together or have lived together in the past in a marriage-like relationship.

If you can, provide specific dates where possible. If you do not know a specific date, provide the month and year.

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

- the child's legal name - usually their name from their birth certificate, unless they have had a legal name change
- the child's date of birth
- 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.

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

Relationship between the parties

9. The parties are:

Describe how you and the other party/parties are related for the purposes of this family law application

10. I am or have been spouses, or live or have lived together in a marriage-like relationship, with the other party:

Specify which other party if there is more than one: _____
(name of other party)

☐ Yes ☐ No

If yes, please complete all options below that apply to the parties

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

Date of marriage: _____
(mmm/dd/yyyy)

Date of separation: _____
(mmm/dd/yyyy)

Note: Spouses may be separated despite continuing to live in the same residence [Family Law Act s.3(4)]

Identification of child(ren)

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

☐ My application does not ask for any order(s) about a child or children *(skip section 12)*

☐ My application is asking for an order(s) about the following child or children:

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

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

About us

13. *You may choose to complete this section or leave this section blank*

I would like to share the following information with the court about the cultural, linguistic, religious and spiritual upbringing and heritage of my family, including, if the child is an Indigenous child, the child's Indigenous identity:

PARENTING ARRANGEMENTS – NEW

Complete this schedule if there has never been a court order or written agreement about parenting arrangements for the child. If there is a court order or written agreement about parenting arrangements for the child, even if you are not the guardian the agreement or order is about, you must complete Schedule 2 instead of this one.

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

If you are not the child's guardian and you are not applying to become the child's guardian, but you want to spend time with the child, you may ask for **contact with a child**. Complete Schedule 5 or Schedule 6, as applicable, to ask for your order. If you are not sure if you are a guardian of the child, you may want to get some legal advice to confirm.

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

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

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

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

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

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

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

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

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

SCHEDULE 1 – PARENTING ARRANGEMENTS – NEW

This is Schedule 1 to the Application About a Family Law Matter

Complete this schedule only if you are a guardian of a child or, are applying to be appointed as a guardian of a child, making a new application about parenting arrangements for a child or children identified in section 11 of this application.

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

1. I am:

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

Parenting responsibilities

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

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

☐ I am applying for an order that gives me all parental responsibilities for the following child(ren):
List the name of each child you are requesting all parental responsibilities for

☐ I am applying for an order for the parental responsibilities to be exercised by the guardians as follows:

Parenting time

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

3. I am applying for an order about the allocation of parenting time as follows:
Select all options that apply and complete the required information. You may leave a section blank.

☐ I am asking for the child(ren) to spend time with me as follows:

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

☐ I am asking for the child(ren) to spend time with the other guardian(s) as follows:

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

- how you and the other guardian will communicate with each other
- exchange and transport of the children between guardians
- where the children and/or 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 parental responsibilities or parenting time if the child's needs change

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

The following resources may be helpful:

Department of Justice Parenting Plan Checklist

Provincial Court BC – FLA Picklist

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

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

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

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

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

☐ I am asking to have the following conditions placed on the other guardian's time with the child(ren):

Parenting arrangements

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

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

Best interests of child

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

PARENTING ORDER/WRITTEN AGREEMENT - EXISTING

Complete this schedule if there is any existing court order or written agreement about parenting the child, even if it is not about you as the guardian. If there is no existing court order or written agreement about parenting the child, you must complete Schedule 1 instead of this one.

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

Guardian –
If you are not the child's guardian and you are not applying to become the child's guardian, but you want to spend time with the child, you may ask for **contact with a child**. Complete Schedule 5 or Schedule 6, as applicable, to ask for your order. If you are not sure if you are a guardian of the child, you may want to get some legal advice or legal information to confirm.

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

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

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

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

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

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

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

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

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

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

SCHEDULE 2 – PARENTING ORDER/AGREEMENT – EXISTING
This is Schedule 2 to the Application about a Family Law Matter

Complete this schedule only if you are making an application to change or cancel all or part of an existing final order about parenting arrangements, or to set aside or replace all or part of an agreement about parenting arrangements, of the child or children identified in section 11 of this application.

1. I am:

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

2. ☐ I am attaching a copy of the existing final order or agreement about parenting arrangements made on: _____ (mmm/dd/yyyy)

Existing final order

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

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

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

Existing agreement

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

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

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

About the order

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

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

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

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

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

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

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

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

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

- how you and the other guardian will communicate with each other
- exchange and transport of the children between guardians
- where the child 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

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

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

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

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

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

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

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

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

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

Best interests of child

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

CHILD SUPPORT – NEW

Complete this schedule if there has never been a court order or written agreement about child support. If there has ever been a court order or written agreement about child support, you must complete Schedule 4 instead of this one.

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for the child. A child has the right to be supported by both parents, whether the parents ever lived together, or the parent has ever lived with the child.

For more information about child support and referrals to other child support resources, visit the BC Government website at www.gov.bc.ca.

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

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

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

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

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

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

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

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

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

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

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

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

You can also talk with a child support officer or family justice counsellor.

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

SCHEDULE 3 – CHILD SUPPORT – NEW
This is Schedule 3 to the Application About a Family Law Matter

Complete this schedule only if you are making a new claim for child support and/or special and extraordinary expenses for the child or children identified in section 11 of this application.

1. I am:

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

2. The other party is:

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

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

4. The current support arrangements are as follows:

5. *Select only one of the options below*

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

6. I know the following facts about the other party's employment, training, health and ability to work:
If you do not have any information, please leave this section blank.

About the order

7. ☐ I am applying for an order for ongoing support to be paid by _____
(name of paying party)
in the monthly amount set out in the child support guidelines table for the following child(ren) identified in section 11 of this application:
List the name(s) of each child you are asking for support for

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

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

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

You can also talk with a child support officer, family justice counsellor or a lawyer.

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

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

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

Select the reason you are applying for undue hardship and complete Part 4 and 5 of the Financial Statement Form 4.

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

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

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

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

8. *Select only one of the options below*

☐ Each child I am 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 full-time students:

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

Start of payment(s)

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

Child support payments should start on _____ because:
(mmm/dd/yyyy or event)

Calculations

10. *Select only one of the options below*

☐ I am attaching calculations showing how much child support I believe should be paid according to the child support guidelines

☐ I am not attaching calculations because:

Undue hardship

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

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

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

☐ I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living

☐ I have unusually high expenses to exercise parenting time or contact with the child(ren)

☐ I have a legal duty to support another person, such as an ill or disabled person or a former spouse

☐ I have a legal duty to support a dependent child from another relationship

☐ other undue hardship circumstances *(specify)*:

Special and extraordinary expenses

12. *Select only one of the options below*

☐ I am not applying for an order for special and extraordinary expenses for the child(ren).

☐ I am applying for an order for special and extraordinary expenses under section 7 of the child support guidelines. The following special or extraordinary expenses (net of tax credits, subsidies, deductions, credits and contributions from the child(ren)) are included in my application for child support:

Financial statement –
It is impossible for the court to decide a fair and proper amount for child support without complete, true and up-to-date financial information. To determine if you must complete a Financial Statement Form 4 to disclose your financials, refer to the list here to see if it applies to your application. If you must 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.

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

Financial statement

13. *Select only one of the options below*

☐ I am filing a Financial Statement in Form 4 with this application because the following applies to my situation:
Select all options that apply

- ☐ I am the payor
- ☐ there is split or shared parenting time
- ☐ there is a child 19 years old or over for whom support is being applied for
- ☐ a party has been acting as a parent to a child of the other party
- ☐ the paying parent earns more than $150,000 per year
- ☐ there is an application for special or extraordinary expenses for a child
- ☐ I am claiming undue hardship

☐ I am not required to file a Financial Statement at this time as none of these situations apply to me

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

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes a claim for support. You must provide your financial information with your reply to this claim by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

CHILD SUPPORT ORDER OR WRITTEN AGREEMENT – EXISTING

Complete this schedule if there has been a court order or written agreement about support for the child. It does not matter how old it may be, or if it is still being followed. If there has never been a court order or written agreement about support for the child, you must complete Schedule 3 instead of this one.

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for the child. A child has the right to be supported by both parents, whether the parents ever lived together, or the parent has ever lived with the child.

For more information about child support and referrals to other child support resources, visit the BC Government website at www.gov.bc.ca.

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE 4 – CHILD SUPPORT ORDER OR WRITTEN AGREEMENT – EXISTING
This is Schedule 4 to the Application About a Family Law Matter

Complete this schedule only if you are making an application to change or cancel all or part of an existing final order about child support, or to set aside or replace all or part of an existing agreement about child support, for the child or children identified in section 11 of this application.

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

Select only one of the options below

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

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

Existing final order

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

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

☐ changed
☐ cancelled

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

Select all options that apply and complete the required information

☐ my financial situation has changed
☐ I believe the other party's financial situation has changed
☐ the special and extraordinary expenses for the child(ren) have changed as follows:

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

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

☐ other changes or circumstances (specify):

Existing agreement

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

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

☐ set aside
☐ replaced

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

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

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

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

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

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

You can also talk with a child support officer, family justice counsellor or a lawyer.

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

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

Financial statement –
It is impossible for the court to decide a fair and proper amount for child support without complete, true and up-to-date financial information. To determine if you must complete a Financial Statement Form 4 to disclose your financials, refer to the list here to see if it applies to your application. 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.

About the order

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

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

Unpaid child support

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

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

Select only one of the options below.

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

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

I am applying for an order that the remaining unpaid child support (arrears) be paid as follows:

Select all options that apply and complete the required information

- ☐ at a rate of $ _____ per month
- ☐ in a lump sum
- ☐ other (specify): _____

Calculations

9. *Select only one of the options below*

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

Start of payment(s)

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

The order about child support should start on _____ (mmm/dd/yyyy) because:

Financial statement

11. *Select only one of the options below*

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

Select all options that apply

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

IMPORTANT NOTE TO THE PARTIES:
If this family law case includes an application to change or replace an order or agreement for child support, you must provide financial information with your application or reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

CONTACT WITH A CHILD – NEW

Complete this schedule if there has never been a court order or written agreement about contact with the person making this application and the child. If there has been a court order or written agreement about contact with the child, you must complete Schedule 6 instead of this one.

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

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

A parent can become a guardian of a child through a court order or by an agreement with all 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, the person who believes they should have contact with the child can apply for a court order. The court will make a decision about contact with the child based on the best interests of the child.

About the order –

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

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

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

Best interests of the child –

When you ask for a court order involving a child, you must consider what is in the best interest 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 contact order.

SCHEDULE 5 – CONTACT WITH A CHILD – NEW
This is Schedule 5 to the Application About a Family Law Matter

Complete this schedule only if you are not a guardian of the child or children and you are making a new application about contact with the child or children identified in section 11 of this application.

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

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

2. I am applying for an order for contact with the following child(ren) identified in section 11 of this application:
List the name of each child you want to have contact with

About the order

3. I am applying for contact with the child(ren) as follows:
Select all options that apply and complete the required information

☐ in person:
Provide specific dates or events requested, or dates and times that would be most suitable

☐ telephone communication
☐ video communication
☐ written communication
☐ other method of communication *(specify)*: _____

Complete if applicable. You may leave this section blank.
I am willing to have the following conditions placed on my contact with the child(ren):

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

Best interests of child

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

CONTACT ORDER OR WRITTEN AGREEMENT – EXISTING

Complete this schedule if there has been a court order or written agreement about contact with the child. It does not matter how old it may be, or if it is still being followed. If there has never been a court order or written agreement about contact with the child, you must complete Schedule 5 instead of this one.

Contact with a child is the time a child spends with someone who is not their guardian.
A parent is a child's guardian if:

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

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

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

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

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

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

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

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

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

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

SCHEDULE 6 –CONTACT ORDER OR WRITTEN AGREEMENT – EXISTING
This is Schedule 6 to the Application About a Family Law Matter

Complete this schedule only if you are making an application to change or cancel an existing final order about contact, or to set aside or replace all or part of an existing agreement about contact, with a child or children identified in section 11 of this application.

1. I am:

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

2. ☐ I am attaching a copy of the existing final order or agreement made on _____
(mmm/dd/yyyy)

Existing final order

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

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

☐ changed
☐ cancelled

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

Existing agreement

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

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

☐ set aside
☐ replaced

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

About the order

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

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

Select all options that apply

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

Provide specific dates or events requested, or dates and times that would be most suitable

☐ telephone communication
☐ video communication
☐ written communication
☐ other method of communication (specify):

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

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

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

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

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

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

Best interests of child

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

BECOME A GUARDIAN FOR A CHILD OR CHILDREN

A guardian is responsible for a child. Only guardians have parental responsibilities and parenting time with a child.

A parent is a child's guardian if:

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

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

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

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

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

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

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

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

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

Guardianship affidavit and supporting documents –
There is another form that you must complete when you are applying for guardianship of a child. It is called Guardianship Affidavit Form 5. Before you can complete the affidavit, you must complete the following background checks referenced in the form:

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

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

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

- a Section 51 - Consent for Child Protection Record Check, and
- a Request for Protection Order Registry Search.

Give them to the court registry with your application. The registry will let you know when the results arrive and give you copies to attach to your affidavit.

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

SCHEDULE 7 – APPOINTING A GUARDIAN OF A CHILD OR CHILDREN
This is Schedule 7 to the Application About a Family Law Matter

Complete this schedule only if you are making an application to be appointed as a guardian of a child or children identified in section 11 of this application.

Order about guardianship

1. ☐ I am applying to be appointed as a guardian of the following child(ren) identified in section 11 of this application:
List the name of each child you want to be appointed as a guardian of

Indigenous ancestry of child(ren)

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

2. Is the child or children Indigenous? ☐ Yes ☐ No ☐ Unknown
If yes, please select the option(s) below that best describe(s) the child(ren)'s Indigenous ancestry
- ☐ First Nation
- ☐ Nisga'a
- ☐ Treaty First Nation
- ☐ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous
- ☐ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous

3. *Complete the following statement only if the child is a Nisga'a child or a Treaty First Nation child*
- ☐ I acknowledge that I must serve the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the *Family Law Act*

Guardianship affidavit and supporting documents

4. ☐ I understand that I am required to file a Guardianship Affidavit in Form 5 as described in Rule 26 before the court can make a final order about guardianship

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

6. *Select only one of the options below*
- ☐ I am filing the following required documents along with this application
  - ☐ a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation*
  - ☐ a request, in the form provided by the registry, to search the protection order registry
- ☐ I am not able to complete the required documents at this time. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement that this application be filed with the additional documents.

CANCEL GUARDIANSHIP OF A CHILD OR CHILDREN

A guardian is responsible for a child. Only guardians have parenting responsibilities and parenting time with a child.

A parent is a child's guardian if:

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

A parent can become a guardian of a child through a court order or by an agreement with all of 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 after separation and each will have parenting time and parental responsibilities. This does not mean that parents must have equal time or responsibility for a child. An agreement or order about parenting arrangements can make all of a child's guardians share parenting responsibilities or parenting time. Or it can make only one or more guardians responsible for parenting decisions and time with the child to the exclusion of all other guardians.

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

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

Order about guardianship –
List the name of each guardian whose guardianship you are applying to have cancelled and the child you are requesting they no longer be a guardian of.

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

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

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

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

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

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

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

SCHEDULE 8 – CANCELLING GUARDIANSHIP OF A CHILD OR CHILDREN
This is Schedule 8 to the Application About a Family Law Matter

Complete this schedule only if you are making an application to cancel the guardianship of a child or children identified in section 11 of this application.

Order about guardianship

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

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

2. I am:
- ☐ a guardian of the child(ren)
- ☐ applying to be appointed as a guardian of the child(ren)

Indigenous ancestry of child

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

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

If yes, please select the option(s) below that best describe(s) the child(ren)'s Indigenous ancestry
- ☐ First Nation
- ☐ Nisga'a
- ☐ Treaty First Nation
- ☐ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous
- ☐ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous

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

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

Best interests of child

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

SPOUSAL SUPPORT - NEW

Complete this schedule if there has never been a court order or written agreement about spousal support. If there has ever been a court order or written agreement about spousal support, you must complete Schedule 10 instead of this one.

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

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

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

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

You can apply for spousal support if:

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

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

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

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

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

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

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

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

SCHEDULE 9 – SPOUSAL SUPPORT – NEW
This is Schedule 9 to the Application About a Family Law Matter

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

Entitlement to spousal support

1. I believe that I am, or the other party is, entitled to spousal support for the following reason(s):
Select all options that apply

☐ there are economic advantages or disadvantages to the spouses arising from the relationship or breakdown of the relationship
☐ to share the financial consequences arising from caring for the children during the relationship, beyond the duty to provide sup port for the child
☐ to relieve economic hardship of the spouses arising from the breakdown of the relationship
☐ to help each spouse become financially independent within a reasonable period

Current arrangements

2. The current support arrangements are as follows:

Income and earning potential

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

4. *Select only one of the options below*

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

5. I know the following facts about the other party's employment, training, health and ability to work:
If you do not have any information, please leave this section blank

About the order

6. I am applying for an order for spousal support to be paid by _____ (name of paying party) as follows:
Select all options that apply and complete the required information

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

Calculations –
To calculate how much spousal support should be paid, you can use the Spousal Support Advisory Guidelines, 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 reasons why not.

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

Calculations

7. *Select only one of the options below*

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

Financial statement

8. *Select only one of the options below*

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

IMPORTANT NOTE TO THE PARTIES:

This family law case includes an application about spousal support. You must provide your financial information with your application or reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

SPOUSAL SUPPORT - EXISTING

Complete this schedule if there has been a court order or written agreement about spousal support. If there has never been a court order or written agreement about spousal support, you must complete Schedule 9 instead of this one.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE 10 – SPOUSAL SUPPORT – EXISTING
This is Schedule 10 to the Application About a Family Law Matter

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

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

Existing final order

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

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

- ☐ changed
- ☐ cancelled

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

Select all options that apply and complete the required information

☐ my financial situation has changed

☐ I believe the other party's financial situation has changed

☐ my employment, training, health and/or ability to work has changed as follows:

☐ I believe the other party's employment, training, health and/or ability to work has changed as follows:

☐ my household expenses have changed as follows:

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

☐ other changes or circumstances *(specify)*:

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

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

- if the court is satisfied that one or more of the following circumstances [set out in section 164 (3) of the *Family Law Act*] existed when the parties entered into the agreement:
  - a spouse failed to disclose income, significant property or debts, or other information relevant to the negotiation of the agreement;
  - a spouse took improper advantage of the other spouse's vulnerability, including the other party's ignorance, need or distress;
  - a spouse did not understand the nature or consequences of the agreement;
  - other circumstances that would under the common law cause all or part of a contract to be voidable;

  and the court would not make a different order on consideration of all the evidence, or;
- if on consideration of the following matters [set out in section 164 (5) the *Family Law Act*], the court is satisfied that the agreement is significantly unfair:
  - the length of time that has passed since the agreement was made;
  - any changes, since the agreement was made, in the condition, means, needs or other circumstances of a spouse;
  - the intention of the spouses, in making the agreement, to achieve certainty;
  - the degree to which the spouses relied on the terms of the agreement;
  - the degree to which the agreement meets the objectives set out in section 161 [objectives of spousal support].

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

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

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

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

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

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

You can also talk with a child support officer (they can also help with spousal support), family justice counsellor or a lawyer.
If you are not providing a calculation of spousal support with your application, please explain to the court your reasons why not.

Existing agreement

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

☐ I am applying for the existing written agreement about spousal support to be:

☐ set aside

☐ replaced

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

About the order

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

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

Unpaid spousal support

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

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

Select only one of the options below.

☐ I am not applying to reduce the amount of unpaid spousal support (arrears)

☐ I am applying to reduce the amount of unpaid spousal support (arrears) to $ _____ because:

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

I am applying for an order that the remaining unpaid spousal support (arrears) be paid as follows:

Select all options that apply and complete the required information

☐ at a rate of $ _____ per month

☐ in a lump sum

☐ other (specify): _____

Calculations

8. *Select only one of the options below*

☐ I am attaching calculations showing how much spousal support I believe should be paid according to the Spousal Support Advisory Guidelines

☐ I am not attaching calculations because:

Financial statement –

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

Financial statement

9. *Select only one of the options below*

☐ I am filing a Financial Statement in Form 4 with this application

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

IMPORTANT NOTE TO THE PARTIES:

This family law case includes an application about spousal support. You must provide your financial information with your application or reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate