



GUIDEBOOK | PREPARING A REPLY TO A COUNTER APPLICATION

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information and tips for completing the Reply to a Counter Application Form 8. It provides information in addition to what's in the form instructions and content. It contains helpful information and links to other resources and information. We recommend using the online version available at www.gov.bc.ca/court-forms or scan the QR code to access it.



If you prefer to have a physical copy of this guidebook, you can print it out. You may choose to print only specific pages. The printed guidebook is 25 pages total.

Tips for completing court forms

A court form is a tool for you to communicate your information to the court and the other party. The forms help you provide the information the court will need to make an informed decision.

1. **Take your time to read each question and instruction.** Don't rush. Make sure you understand what is asked before answering.
2. **Write your answers in clear and simple language.** You don't need to use special wording or legal terms.
3. **Stick to the facts. Present them in a logical order.** Avoid unnecessary details or explanations unrelated to your case.
4. **Provide complete answers to each question.** If a question has multiple parts, answer each part.
5. **Be accurate.** Especially names and dates. You should follow the date format in the instructions, usually dd/mmm/yyyy, for example 12/MAY/2024.
6. **Ask for help.** If you're unsure how to answer a question or fill out a section, ask for help.
7. **Review the form before filing.** Once you've completed the form, review it to make sure you haven't missed anything or made any errors. It's a good idea to ask a trusted friend, family member, or other person to review it. They may catch any mistakes you missed.

Help navigating the court forms

If you're unsure about how to answer a question or fill out a section of the form, ask for help.

- Court registry, [Justice Access Centre](#) or [Family Justice Centre](#) staff can help answer questions about the forms. They can't help filling out your forms or give advice about legal problems.
- [Justice Access Centres](#) and [Family Justice Centre](#) staff can support you in navigating and completing court forms. For more information about their services, including how to reach them, visit www.gov.bc.ca/family-justice-services-division.
- Only lawyers can fill out a court form for you, tell you what to write, or give you advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask court registry staff, Justice Access Centre or Family Justice Centre staff to refer you to someone who can help. There are some lawyers who might be able to help you for free.

Table of Contents

Tips for completing court forms.....	1
Help navigating the court forms.....	1
1 Getting started	4
Resolving your case without going to court.....	4
Provincial Court Family Rules.....	4
Resolving a family law matter	4
2 Filling out the Reply to a Counter Application Form 8.....	5
Registry location and Court file Number	6
Part 1 About the parties.....	6
Part 2 Replying to the other party's counter application	6
Schedule 1 	7
Part 1 Reason you disagree	7
Part 2 Existing final order or agreement.....	7
Part 3 Order about parenting arrangements, including parental responsibilities and parenting time	7
Part 4 Best interests of the child	9
Schedule 2 	10
Part 1 About you	10
Part 2 Reason you disagree	10
Part 3 Existing final order or agreement.....	11
Unpaid child support.....	11
Part 4 Order about child support.....	11
Ongoing support.....	11
Special or extraordinary expenses	12
Undue Hardship	13
Start date for support payments	13
Part 5 Income information	13
Schedule 3 	14
Part 1 Reason you disagree	14
Part 2 Existing final order or agreement.....	14

Part 3 Order about contact with a child	14
Part 4 Best interests of the child	15
Schedule 4 	16
Part 1 Reason you disagree – Best interests of the child.....	16
Schedule 5 	17
Part 1 Relationship between the parties.....	17
Part 2 Reason you disagree.....	17
Part 3 Existing final order or agreement.....	17
Unpaid spousal support	17
Part 4 Order about spousal support.....	18
Part 5 Income and earning potential information	18
Schedule 6 	19
Part 1 Relationship between the parties.....	19
Part 2 Reason you disagree.....	20
Part 3 Existing final order or agreement.....	20
Part 4 Order about property division in respect of a companion animal	20
Part 5 The facts	20
3 Filing the form.....	22
4 Serving the written response	22
Proof of service.....	23
5 Attending the Family Management Conference.....	23

This guidebook provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer for legal advice about your own situation. Registry staff, Justice Access Centre or Family Justice Centre staff, and the Provincial Court cannot provide legal advice.

1 | Getting started

Resolving your case without going to court

Going to court is not the only way to resolve a family issue. B.C. laws encourage people to try to resolve their family law disputes out of court through agreement and family dispute resolution processes.

There are formal dispute resolution processes such as mediation, parenting coordination and collaborative family law to help people reach agreement on family law issues.

Agreement can also be reached on your own or through informal dispute resolution, such as negotiation between lawyers.

The Association of Family and Conciliation Courts' Professional British Columbia Chapter (AFCC-BC) provides a Parenting Plan Guide to help develop parenting plans. Find the guide at www.afccbc.ca/resources.

[Justice Access Centre](#) or [Family Justice Centre](#) staff can provide you with more information about the court process and other ways to resolve a family law dispute.

A lawyer can help you determine the best process for a particular issue.

Provincial Court Family Rules

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

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

Resolving a family law matter

Family law matters are defined under [Rule 2](#) as:

- Parenting arrangements, including parental responsibilities and parenting time
- Child support
- Contact with a child
- Guardianship of a child
- Spousal support
- Property division in respect of a companion animal (family pet)

The Reply to a Counter Application Form 8 is used to reply to counter application about a family law matter that is part of the other party's reply to your application about a family law matter.

In your reply, you can:

- 1) **Indicate what you agree with.** State which part(s) of the other party's application you agree with. This helps the court and the other party understand where there is agreement from both parties.
- 2) **Disagree and suggest a different order.** If you don't agree with what the other party has proposed, you have an opportunity to propose a different order that you believe should be made.

You can't add a counter application. If there's a family law matter that neither party filed an application about, you can change your application to add it. Go to [Division 5 \[Changing a Filed Document\] of Part 12 \[General Rules\]](#) of the rules for more information about changing your application.

NOTE: You will not have to fill out every page of the Reply to Counter Application Form 8. Depending on the order about a family law matter the other party applied for, you must complete a minimum of 2 pages and a maximum of 8 pages.



You must file your reply within 30 days of being served unless the court allows something different.

? What if I need more time to prepare my reply?

The rules allow you to apply to the court using the [Application About a Case Management Order Without Notice or Attendance Form 11](#) to ask for permission to waive or modify any requirement under the rules. This may include delaying completing a registry requirement until after you file your reply, filing your reply before filing additional required forms, or allowing more time to file the reply.



2 | Filling out the Reply to a Counter Application Form 8

Here you'll find information to help you complete the form. Each section corresponds to a different part of the form. It includes information and tips to help you navigate the form and court process with confidence.

To complete the reply, you'll need to refer to the other party's counter application.

Review their application carefully, including any attachments. It'll explain what order they want the court to make and why they think it should be made.

You can:

- agree to one or more of the orders requested in the counter application
- if you don't agree, explain why and suggest a different solution for the same problem



If you want an order about something other than a family law matter you must file your own application. The form you use to file your application will depend on the type of issue you need resolved.

Registry location and Court file Number

Rule 7 states that you must file at the registry location where the existing Provincial Court case with the same parties is filed.

Copy the registry location and court file number from the reply with counter application you received.

For a list of court registry locations, addresses, and contact information visit:

www.gov.bc.ca/courthouselocations

Registry location:

Court file number:

Document number:
For registry use only

Part 1 | About the parties

Copy the names of the parties from the reply with counter application.

Part 2 | Replying to the other party's counter application

This Part of the form is used to identify:

- the family law matter(s) the other party made a counter application about
- the additional schedule(s) of the form you must complete to reply to the other party's application

Refer to Part 6 of the main part of the other party's reply.

Remember, you can use your reply to:

- indicate what you agree with
- disagree and suggest a different order

For each family law matter listed under Question 4, you must select one of the options.

Step 1: Review the other party's reply. Identify the family law matters they have made a counter application about and refer to the attached schedule that details the order.

Step 2: Decide whether you agree or disagree with what they are requesting. Refer to their attached schedule for the specific order they want.

Step 3: Under Question 4 on your reply to a counter application, go through the list of family law matters. For each one they did not apply for, select 'Not applicable'. For each one they applied for, indicate either agree or disagree. You can't do both.

If you disagree, make a note of the schedule you need to complete.

After you've completed the main reply, you'll need to complete each schedule identified in this part based on your selections. You can make note of them in the table found in the instructions for the form.

NOTE: You must complete the main reply (2 pages) and only the applicable schedule(s) identified in Part 2 for each family law matter the other party requested that you disagree with. Review your response to Part 2 | Replying to the other party's counter application. You can remove any schedule(s) from the form that do not apply to you. Look for the schedule number at the top of the first page of the schedule and on the footer at the bottom of each page.

Schedule 1 | Parenting Arrangements

Complete this schedule only if you disagree with all or part of the order about parenting arrangements, including parental responsibilities and parenting time, applied for by the other party on Schedule 7 or Schedule 8 of their Reply to an Application About a Family Law Matter with Counter Application.

Parental responsibilities and parenting time together are known as parenting arrangements. Parenting arrangements are how each guardian will parent their child. The only thing you can consider in making your parenting arrangements is what is in the best interests of the child.

Part 1 | Reason you disagree

Explain why you don't agree with what the other party has requested.

A judge makes decisions about parenting arrangements based only on the best interests of the child. This means that when the judge is deciding on parenting arrangements, they have to consider what is best for the child, not the child's parents or guardians.

You don't need to use any special wording. The key is to be clear about why you disagree.

Part 2 | Existing final order or agreement

Complete this Part only if the other party has applied for their order about parenting arrangements using Schedule 8 because there's an existing final order or written agreement about parenting arrangements.

Schedule 8 | Parenting Arrangements

Existing final order or written agreement

The other party is asking for an order to be made about an existing order or written agreement about parenting arrangements. Do you want the existing order or written agreement to continue to be in place or do you want it changed or replaced with something different than what the other party requested?

If you want the order or written agreement to remain in place, you've completed your reply to this family law matter.

If you want to change or replace the order or written agreement, you must complete Part 3 and 4 about the order you're requesting.

Part 3 | Order about parenting arrangements, including parental responsibilities and parenting time

The court can make orders under Division 2 [Parenting arrangements] of Part 4 [Care of and time with children] of the Family Law Act.

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.**



Go to [section 41 of the Family Law Act](#) for a list of parental responsibilities.

Parental responsibilities may be shared with the **guardians cooperating** to make decisions jointly, exercised by **only one guardian**, or divided between **more than one guardian** with each having parental responsibility over different decisions. You must carefully consider what is best for the child.

Parenting time is the time each guardian spends with a child. Guardians can arrange parenting time in any way that is in the best interests of the child.

When you ask to change an order or replace a written agreement, you can:

- **add** something new
- **remove** something you don't need or that isn't working
- **change** the wording of something so it works for you

You don't need to use any special wording.

Try to be clear about how you want each guardian involved in decision making about the child and which decisions you want each guardian to be able to make. If there is more than one child, be clear if there are differences in how parental responsibilities apply to each child.

An order about parenting time can have as much detail as you need, including:

- which days or times a child will spend with each parent, including holidays, vacations, and other significant days
- where parenting time takes place,
- changes to and communication about a parenting time schedule,
- a child's participation in extra-curricular activities, religious or cultural events during parenting time.

The court can also make orders about:

- the implementation of an order about parenting arrangements, and
- the means for resolving disputes between guardians about an order about parenting arrangements

This may include the use of family dispute resolution processes such as parenting coordination or mediation.

Consider how you might want to try to resolve any disagreements about what is in the best interests of the child for the decisions you'll need to make together with the other guardian. What would be helpful if there is a conflict?

You might not need to change all the order terms. When you are answering this question, be very clear about what you need the new order to do or not do, or what order you want the agreement replaced with.

Part 4 | Best interests of the child

You must always think about the best interests of the child when you are asking the court for decisions about them.

Every family situation is unique. In this Part, you must explain why you believe the order you are asking for is best for the child.

Remember that a judge must only consider the best interests of the child when making an order about parenting arrangements.



Go to [section 37 of the Family Law Act](#) for the list of factors that you or the court must think about when you're deciding what's in the best interest of the child.

You can also return to the [Information about children](#) section of this guidebook for a summary of the factors.

List the reasons the order is in the best interests of the child. You don't need to use any special wording.

Schedule 2 | Child support

Complete this schedule only if you disagree with all or part of the order about child support applied for by the other party on Schedule 9 or Schedule 10 of their Reply to an Application About a Family Law Matter with Counter Application.

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for the child. Each parent or guardian has a duty to provide support for the child, with some exceptions.

Section 149 of the Family Law Act states that an application for child support may be made by:

- a child's parent or guardian
- the child or a person acting on behalf of the child, or
- if the right to apply for an order assigned to a minister under the Employment and Assistance Act or the Employment and Assistance for Persons with Disabilities Act, the minister to whom the right is assigned in the name of the government or the name of the person who made the assignment.

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

Part 1 | About you

Although parents have the primary responsibility to pay child support, other guardians and step-parents may be responsible for paying child support.

This Part is used to identify your relationship to the child(ren) for the purposes of child support.

If the other party has requested an order for you to pay child support because they believe you are the child's parent or guardian, but you do not agree with this, you can ask for a parentage test to determine your relationship to the child.

Part 2 | Reason you disagree

An order about child support may include an order for any of the following:

- ongoing support to be paid by the other party or by you
- special or extraordinary expenses
- the amount payable to be different than the guideline amount because it would cause undue hardship
- start date for support

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

A calculation for child support is based on:

- your income, if applicable
- the other party's income, if applicable

- the number of children who need support
- the parenting arrangements for the children
- other factors such as when a child is 19 or over, when the parent paying support has an income over \$150,000, or when there is undue hardship

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 don't have all the information to calculate child support, you don't have to provide an estimate at this time. Select the option that applies.

Explain why you don't agree with what the other party has requested. Select each option that applies and provide the additional information requested.

Part 3 | Existing final order or agreement

Complete this Part only if the other party has applied for their order about parenting arrangements using Schedule 10 because there's an existing final order or written agreement about child support. ↘

The other party is asking for an

Schedule 10

Child Support

Existing final order or written agreement

order to be made about an existing order or written agreement about child support. Do you want the existing order or written agreement to continue to be in place or do you want it changed or replaced with something different than what the other party requested?

Unpaid child support

Past child support payments that have not been made are called **arrears**. The court needs to know if there is any unpaid amount on the existing order or written agreement.

The other party indicated how much unpaid child support they believe is owing. Indicate if you agree or disagree. If you believe the amount was not correct, fill in the date and any amount of unpaid child support you believe is owing.

Part 4 | Order about child support

Remember, an order about child support may include an order for any of the following:

- ongoing support to be paid by the other party or by you
- special or extraordinary expenses
- the amount payable to be different than the guideline amount because it would cause you undue hardship
- start date for support

Ongoing support

If you are applying for child support, select the first option under Question 5. Fill in the name of the paying party and the number of children you are asking to have them pay child support for.

It is helpful for both the court and the other party if you include the amount you expect to be payable for child support based on your circumstances and the other party's income.

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 don't have all the information to calculate child support, you don't have to provide an estimate at this time. Select the option that applies.

Special or extraordinary expenses

There are expenses, often called "special" or "section 7" expenses, which are not included in the guideline table amount for child support. These are costs of raising a child that go above and beyond what is covered by the guideline table amount for child support.

[Section 7](#) of the Child Support Guidelines say that each parent or guardian must help pay for the expenses. They can be applied for on top of the guideline table amount for child support. Usually, the amount is shared in proportion to the incomes of the parents or guardians. Either parent or guardian can claim special or extraordinary expenses.

Some expenses are considered reasonable and necessary. This includes:

- childcare expenses
- medical and dental premiums
- health related expenses that are not covered by insurance (the balance remaining after the insurance pays)

School and extracurricular activity expenses must be "extraordinary" to be considered on top of child support.

Expenses for primary or secondary school and for extracurricular activities are extraordinary and should be included if:

- it is more than you can reasonably pay based on your income and the amount of child support you receive
- it is not more than you can reasonably pay, but it is extraordinary when you take into account:
 - your income and the amount of child support you receive
 - the nature and number of educational programs and extracurricular activities
 - the overall cost of the educational programs and activities
 - any special needs and talents of the child
 - any other similar factors that are considered relevant



[Section 7](#) of the Child Support Guidelines defines special or extraordinary expenses and explains how the expense is shared.

If you are applying for special or extraordinary expenses, select the second option under Question 5. List the expenses you are claiming for each child.

Undue Hardship

Sometimes the child support amount set by the guidelines creates an undue hardship for a person or their child. The court can set a child support amount different from the guidelines on application for undue hardship from either parent. [\[Section 10 of the Federal Child Support Guidelines\]](#).

It may be that the payor asks to pay less or the recipient asks to be paid more. They may think the guideline amount will cause too much financial hardship because of their situation.

Some examples of undue hardship include:

- a parent who took on debt while the family was together, which is making it difficult to pay child support
- a parent lives far away from the children and must pay the cost of travel for themselves or the children to and from visits which they would not be able to afford if they also pay the full guideline amount
- a person has children in more than one household that they are required to support, and they would not have enough money to pay the full guideline amount for all the children

If you are applying for an order to change the guideline amount payable because of undue hardship, select the last option under Question 5. Identify each reason why you are claiming undue hardship.

Start date for support payments

You need to tell the court when you think the child support payments should start. 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 ongoing child support.

Part 5 | Income information

The court requires financial information to be able to decide on a fair and proper amount for child support.

If you can't complete the Financial Statement Form 4 to file with your reply, you can apply to the court to file your application first using the [Application for Case Management Order Without Notice or Attendance Form 11](#). Use Question 7 to indicate if you will be filing the Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 3 | Contact with a child

Complete this schedule only if you disagree with all or part of the order about contact with a child applied for by the other party on Schedule 11 or Schedule 12 of their Reply to an Application About a Family Law Matter with Counter Application.

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

Part 1 | Reason you disagree

Explain why you don't agree with what the other party has requested.

A judge makes decisions about contact with a child based only on the best interests of the child. This means that when the judge is deciding on contact with a child, they have to consider what is best for the child, not the child's parents or guardians.

You don't need to use any special wording. The key is to be clear about why you disagree.

Part 2 | Existing final order or agreement

Complete this Part only if the other party has applied for their order about parenting arrangements using Schedule 12 because there's an existing final order or written agreement about contact with a child.

Schedule 12

Contact with a child

Existing final order or written agreement

The other party is asking for an order to be made about an existing order or written agreement about contact with a child. Do you want the existing order or written agreement to continue to be in place or do you want it changed or replaced with something different than what the other party requested?

- If you want the order or written agreement to remain in place, you've completed your reply to this family law matter.
- If you want to change or replace the order or written agreement, you must complete Part 3 and 4 about the order you're requesting.

Part 3 | Order about contact with a child

An order about contact with a child usually includes details about how the contact will happen. Contact can happen in person, by telephone or video, using email or text messaging, or using any other method of communication.

Select the applicable option(s) to indicate what contact you'd like with the child.

Think about your relationship with your child and their parents/guardians. Include as much detail as you believe the order should include to help ensure the contact occurs as you'd like it to, such as:

- days and times that regular ongoing contact would be most suitable
- specific dates or events requested, including cultural events, birthdays, or other special occasions

You might need the order to include some additional information about the contact with the child to help ensure everything goes smoothly for you and so the parents/guardians are comfortable. This may include:

- supervised visits
- contact only in a specific location
- how the child is transferred to you and back to the parent/guardian
- things a person must do or not do while they have contact with the child

Use Question 4 to add any additional detail you'd like added as terms of the order. You don't need to use any special wording. Try to be as clear as possible about what you need the order to include.

Part 4 | Best interests of the child

You must always think about the best interests of the child when you are asking the court for decisions about them.

Every family situation is unique. In this Part, you must explain why you believe the order you are asking for is best for the child.

Remember that a judge must only consider the best interests of the child when making an order about contact with a child.



Go to [section 37 of the Family Law Act](#) for the list of factors that you or the court must think about when you're deciding what's in the best interest of the child.

You can also return to the [Information about children](#) section of this guidebook for a summary of the factors.

List the reasons the order is in the best interests of the child. You don't need to use any special wording.

Schedule 4 | Guardianship of a child

Complete this schedule only if you disagree with all or part of the order about guardianship of a child applied for by the other party on Schedule 13 of their Reply to an Application About a Family Law Matter with Counter Application.

A guardian is a person who is responsible for a child's care and upbringing.

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).

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

Part 1 | Reason you disagree – Best interests of the child

You must always think about the best interests of the child when you are asking the court for decisions about them.

Every family situation is unique. In this Part, you must explain why you believe the order requested by the other party is **not** best for the child.

Remember that a judge must only consider the best interests of the child when making an order about guardianship of a child.



Go to [section 37 of the Family Law Act](#) for the list of factors that you or the court must think about when you're deciding what's in the best interest of the child.

You can also return to the [Information about children](#) section of this guidebook for a summary of the factors.

List the reasons the order is not in the best interests of the child. You don't need to use any special wording.

Schedule 5 | Spousal support

Complete this schedule only if you disagree with all or part of the order about spousal support applied for by the other party on Schedule 14 or Schedule 15 of their Reply to an Application About a Family Law Matter with Counter Application.

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

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

Part 1 | Relationship between the parties

Under the Family Law Act, only a spouse is entitled to spousal support.



Section 3 of the Family Law Act defines a spouse as a person who:

- is married to another person,
- has lived with another person in a marriage-like relationship for a continuous period of at least two years, or
- has lived with another person in a marriage-like relationship and has a child with the other person

Select the option that applies.

Part 2 | Reason you disagree

How much and for how long spousal support is paid is determined by considering many factors. The exact amount is usually based on your circumstances and your incomes.

Explain why you don't agree with what the other party has requested. Select each option that applies and provide the additional information requested.

Part 3 | Existing final order or agreement

Complete this Part only if the other party has applied for their order about parenting arrangements using Schedule 15 because there's an existing final order or written agreement about spousal support. ↘

The other party is asking for an

Schedule 15

Spousal Support

Existing final order or written agreement

order to be made about an existing order or written agreement about spousal support. Do you want the existing order or written agreement to continue to be in place or do you want it changed or replaced with something different than what the other party requested?

Unpaid spousal support

Past spousal support payments that have not been made are called **arrears**. The court needs to know if there is any unpaid amount on the existing order or written agreement.

The other party indicated how much unpaid spousal support they believe is owing. Indicate if you agree or disagree. If you believe the amount was not correct, fill in the date and any amount of unpaid spousal support you believe is owing.

Part 4 | Order about spousal support

How much and for how long spousal support is paid is determined by considering many factors.

The decision to pay a regular amount each month over a certain number of months or years, or a lump sum amount may depend on many factors including the ability of a spouse to pay it all at once.

An order about spousal support should be tailored to the specific circumstances of you and your spouse.

Fill in the name of the paying party and complete the information about the payments.

It is helpful for both the court and the other party if you include the amount you expect to be payable for spousal support based on your circumstances and your incomes.

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

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

If you don't have all the information to calculate spousal support, you don't have to provide an estimate at this time. Select the option that applies.

Part 5 | Income and earning potential information

The court requires financial information to be able to decide on a fair and proper amount for spousal support.

Each party must complete a [Financial Statement Form 4](#) to support an application about spousal support. The Financial Statement collects information about your income, expenses, assets and debts to help inform the court's decision.

If you can't complete the Financial Statement 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](#). Use Question 6 to indicate if you will be filing the Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 6 | Property division in respect of a companion animal

Complete this schedule only if you disagree with all or part of the order about property division in respect of the companion animal applied for by the other party on Schedule 16 or Schedule 17 of their Reply to an Application About a Family Law Matter with Counter Application.

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

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

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

Property division in respect of a companion animal is about who will have ownership and possession of a companion animal when spouses separate.

The court may only make an order for ownership and possession of a companion animal **by one spouse**. Spouses may agree out of court to share ownership and possession of a companion animal.



I want to share ownership and possession of our companion animal. How can we reach an agreement?

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

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

Part 1 | Relationship between the parties

The Family Law Act can only be used to resolve disputes about property division in respect of a companion animal if the parties were spouses.

You're a "spouse" if:

- you were legally married to your former partner, or
- you were unmarried but lived together in a marriage-like relationship for two or more years with your former partner.

Select the option that applies.

Part 2 | Reason you disagree

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

Part 3 | Existing final order or agreement

Complete this Part only if the other party has applied for their order about parenting arrangements using Schedule 17 because there's an existing written agreement about the companion animal.

The other party is asking for an order to be made about an

Schedule 17	Property division in respect of a companion animal	Existing written agreement
-------------	--	----------------------------

existing written agreement about the companion animal. Do you want the existing written agreement to continue to be in place or do you want it replaced with something different than what the other party requested?

If you want the written agreement to remain in place, you've completed your reply to this family law matter.

If you want to change or replace the order or written agreement, you must complete Part 4 and 5 about the order you're requesting.

Part 4 | Order about property division in respect of a companion animal

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

List each companion animal you want a court order for.

Include the animal's name and type of animal, for example, cat, dog, rabbit, etc.

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

Part 5 | The facts

In determining whether to make an order in respect of a companion animal, the court must consider the following factors set out in [section 97 \(4.1\) of the Family Law Act](#):

- the circumstances in which the companion animal was acquired
- the extent to which each spouse cared for the companion animal
- any history of family violence
- the risk of family violence
- a spouse's cruelty, or threat of cruelty, toward an animal
- the relationship that a child has with the companion animal
- the willingness and ability of each spouse to care for the basic needs of the companion animal

- any other circumstances the court considers relevant

List the facts you want the court to consider.

Include any relevant information about the factors set out in [section 97 \(4.1\) of the Family Law Act](#) when you explain why you believe the court should make the order you are asking for. You don't need to use any special wording. The key is to be clear about what you mean and why you are asking the court to make the order.

3 | Filing the form

You can file the form:

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



There are no fees for filing Provincial Court family documents.

For courthouse locations, addresses, and contact information visit:

www.gov.bc.ca/courthouse-locations

You must file:

- ☐ the completed application form
 - ☐ including each applicable schedule
- ☐ [Financial Statement Form 4](#), if applicable
- ☐ [Application for Case Management Order Without Notice or Attendance Form 11](#), if applicable

Refer to the table in the form instructions or look for the  or  icon in your form to check what you need to include for your specific application.

TIP: If you are filing in person, you must print or make extra copies of the form for filing. One set for you, one set for the court, and one set for each other party. **Be sure to bring all copies of the documents to the registry.**

The registry clerk will review your form to make sure it's complete before filing it. **A document is filed once the court registry applies a court stamp to it.**

You'll be given a copy for your records and a copy for the other party.

4 | Serving the written response

It is important that each other party is aware of what step is being taken in the case. Service is the act of giving or leaving documents with the required person.

There are two types of service – personal service and ordinary service.

You must serve each other party with a copy of the filed written response.

The application can be served by **ordinary service to the address of service** for each party.

A party's **address for service** is the address they have provided to the court.

Ordinary service means that a party must be served to their address for service in one of the following ways:

- by leaving the documents at the party's address for service
- by mailing the documents by ordinary mail to the party's address for service
- by mailing the documents by registered mail to the party's address for service
- if the party's address for service includes an email address, by emailing the documents to that email address
- if the party's address for service includes a fax number, by faxing the documents to that fax number

[Rule 179](#) sets out when a document is considered to have been served depending on which method of service is used. For example, a document served after 4:00pm is actually considered to have been served the next day. A document served by ordinary mail is considered served 14 days after it is mailed. Check first!

The rules about service are found in [Part 12 Division 4 of the Provincial Court Family Rules](#).

Proof of service

The court may need proof you had the written response served. The person serving the documents must complete a [Certificate of Service Form 7](#) so that you can prove service of the documents. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.



5 | Attending the Family Management Conference

Family management conferences are being conducted by telephone, audioconference or videoconference. Do not attend the courthouse in person.



What if I can't attend court by telephone, audioconference or videoconference?

You can request the court's permission to attend court using a different method of attendance by filing an [Application for Case Management Order without Notice or Attendance Form 11](#). Be sure to file the form as soon as possible to give the court time to review your application and respond.

At the family management conference, the judge:

- 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

Have you talked to a lawyer?

If you do not have a lawyer for your family law matter, you may qualify for free help from family duty counsel or a family advice lawyer to prepare for your court appearance, even if you do not qualify for a legal aid lawyer. For contact information, visit www.legalaid.bc.ca/fdc or call 1-866-577-2525.

It is best to contact them at least 3 weeks before your court appearance.

If you can't afford to pay a lawyer for your whole family law case, you can still get help with parts of it from a lawyer, including coaching for your court appearance. Look for a lawyer that provides unbundled services.

Going to court can be stressful. Here are some things you can do to help yourself get prepared:

- Organize your documents before your court date and bring them with you
- Talk to a lawyer.
- Invite a trusted friend, family member, or advocate to attend court with you to provide you with support. The Provincial Court has Support Person Guidelines. You can find more information about them at www.provincialcourt.bc.ca/about-the-court/court-innovation/SupportPersonGuidelines.
- Visit the Provincial Court's resources at the link below to learn more about going to court, including protocols, what to expect in court, and tips for preparing: www.provincialcourt.bc.ca/about-the-court/preparing-for-court

? Can I get help in another language?

Free spoken-language interpreters for people who do not speak English and visual language interpreters for people who are deaf or hard of hearing are available **for all family law court appearances**.

It's important to let **court registry staff know as soon as possible** that you need an interpreter. If they can't arrange an interpreter in time, the judge may have to re-schedule your case.

The [Family Justice Centre](#) and [Justice Access Centre](#) staff can arrange a **free** interpreter for meetings with a Family Justice Counsellor or their other services.

For most things that go on outside the courtroom, you'll need to find your own interpreter. Some people ask a friend or family member. Others hire a professional interpreter.