

# Preparing a Reply to a Counter Application

## Form 8

### Provincial Court Family Rules

**Complete this form to reply to a counter application. A reply to a counter application must be filed within 30 days of you being served with the Reply to an Application About a Family Law Matter with Counter Application.**

A party who receives a counter application may do any of the following:

- agree to one or more of the orders requested in the counter application
- disagree with any order requested in the counter application, stating your reason for disagreement and proposing a new order

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

### Legal Assistance

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

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

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

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

### What you need to get started

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

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

- birth dates, names, and other related information about you and your children
- any agreements or court orders you already have about a family law matter
- if the other party is asking for child or spousal support, information about your income and, if you have it, the other party's income
- if the other party is asking for orders about children, information about your children's living arrangements, schedules and expenses

## Step 1: Complete the Reply to a Counter Application form

This form is available online at [www.gov.bc.ca/court-forms](http://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 you advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask the court registry staff or staff at the Justice Access Centre or Family Justice Centre to refer you to someone who can help.

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

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

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 Form 4](#). The instructions in this form and workbook will help you figure out if this applies to you. If it does, make sure you have completed the form and you file copies when you file the Reply to a Counter Application.

## Step 2: File the Reply to a Counter application form at the Provincial Court Registry

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

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

There are no fees for filing Provincial Court family matters.

## Step 3: Serve the Reply to a Counter application on the other party

You must serve a filed copy of your reply on the other party along with any other documents filed with the reply. The document(s) must be served in any 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

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

The court may need proof you had the documents served. The person serving the documents must complete a [Certificate of Service Form 7](#) so that you can prove service of the documents took place. 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: Attend the Family Management Conference

You should have already received instructions for scheduling your Family Management Conference. It is your first step with the court. Both your application and the other party's counter application will be before the court.

A family management conference is an informal and time-limited court appearance where the judge:

- assists the parties to identify the issues to be resolved
- explore 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 party, if a party does not show up or file a reply

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

# Tips for Completing the Form:

## Registry location and court file number –

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

## Information about the parties –

**Party names:** Copy the party names from the Application About a Family Law Matter.

## Replying to the other party's counter application –

Remember your options for replying to a counter application. You may:

- agree to one or more of the orders requested in the counter application
- disagree with any order requested in the counter application, stating your reason for disagreement and proposing a new order

The next two sections help to identify what you agree with and, what you disagree with and want a different order for.

Look at which schedule(s) are attached to the Reply to an Application About a Family Law Matter with Counter Application. For each Schedule 10-20 that the other party has filed, consider if you agree or disagree with the order(s) the other party is asking for.

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

## Agreement with counter application(s) –

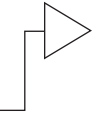
If you agree to an order the other party asked for in a schedule attached to their reply with counter application, then you need to complete this section. If there is no schedule for a family law matter, then the other party has not made a counter application for it.

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

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

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

Note: For each Schedule 10 – 20 the other party has completed, you will need to either agree or disagree. You can't do both.



# Reply to a Counter application

## Form 8

Provincial Court Family Rules

Rule 34

Registry Location:

Court File Number:

1. My name is \_\_\_\_\_ .  
(full name of party)

I am replying to the counter application made by \_\_\_\_\_ ,  
(full name of other party)

### Replying to the Other Party's Counter Application

#### Agreement with order(s)

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

*Refer to the Reply to an Application About a Family Law Matter with Counter Application schedules as referenced below to assist in completing this section.*

*Select all options that apply*

#### Parenting Arrangements

Parenting arrangements – new [see Schedule 11 of Counter Application]

- parental responsibilities
- parenting time
- conditions on parenting time

Parenting arrangements order/agreement – existing [see Schedule 12 of Counter Application]

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

#### Child Support

- child support – new [see Schedule 13 of Counter Application]
- child support order/agreement – existing [see Schedule 14 of Counter Application]

#### Contact with a child

- contact with a child – new [see Schedule 15 of Counter Application]
- contact order/agreement – existing [see Schedule 16 of Counter Application]

#### Guardianship of a child

- appointing a guardian of a child [see Schedule 17 of Counter Application]
- cancelling guardianship of a child [see Schedule 18 of Counter Application]

#### Spousal Support

- spousal support – new [see Schedule 19 of Counter Application]
- spousal support order/agreement – existing [see Schedule 20 of Counter Application]

#### Property division

- in respect of a companion animal – new [see Schedule 21 of Counter Application]
- companion animal agreement – existing [see Schedule 22 of Counter Application]

**Disagreement with application(s) –**

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

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

Note: For each schedule the other party has completed, you will need to either agree or disagree.



**Disagreement with order(s)**

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

*Refer to the Reply to an Application About a Family Law Matter with Counter Application schedules to assist in completing this section.*

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

**Parenting Arrangements**

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

- parental responsibilities
- parenting time
- conditions on parenting time

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

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

**Child Support**

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

**Contact with a child**

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

**Guardianship of a child**

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

**Spousal Support**

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

**Property division**

- in respect of a companion animal – new *[complete and attach Schedule 11]*
- companion animal agreement – existing *[complete and attach Schedule 12]*

**IMPORTANT NOTE:**

**If this family law case includes a counter application for support, you must provide your financial information with your reply, as required by the instructions on the financial statement, by completing and filing a Financial Statement in Form 4.**

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

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

## REPLY TO A COUNTER APPLICATION ABOUT PARENTING ARRANGEMENTS – NEW

Complete this schedule if the other party has made a counter application about parenting arrangements in Schedule 11 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

This schedule has three parts. You only need to complete the parts about the parenting arrangement orders you do not agree with. Select all the options in this list that apply (they should match what you put in section 3 Disagreement with Application) and complete the required parts.

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

### Part 1 – Reply to a Counter Application - Parenting Responsibilities –

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

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

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

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



### Best interests of the child –

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

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

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

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

### Part 2 – Reply to a Counter Application – Parenting time schedule –

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

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

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



**SCHEDULE 1 – REPLY TO A COUNTER APPLICATION ABOUT PARENTING ARRANGEMENTS – NEW**  
**This is Schedule 1 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a new counter application by the other party about parenting arrangements for the child or children. The order they applied for about parenting arrangements can be found in Schedule 11 of their Reply to an Application About a Family Law Matter with Counter Application.*

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

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

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

**PART 1 – Reply to a Counter Application – Parental Responsibilities**

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

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

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

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

**PART 2 – Reply to a Counter Application – Parenting Time Schedule**

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

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

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



### Best interests of the child –

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

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

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

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

### Part 3 – Reply to a Counter Application – Conditions on parenting time –

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

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

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

### Best interests of the child –

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

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

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

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

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

**PART 3 – Reply to a Counter Application – Conditions on Parenting Time**

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

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

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

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

## REPLY TO A COUNTER APPLICATION ABOUT PARENTING ARRANGEMENTS - EXISTING

Complete this schedule if the other party has made a counter application about existing parenting arrangements in Schedule 12 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

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

### Reason for application –

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

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

### Why you do not agree –

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

### What order should be made –

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

### Best interests of the child –

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

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

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

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

**SCHEDULE 2 – REPLY TO A COUNTER APPLICATION ABOUT PARENTING ARRANGEMENTS – EXISTING**

**This is Schedule 2 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a counter application by the other party to change or cancel an existing final order about parenting arrangements, or to set aside or replace all or part of an agreement about parenting arrangements, for the child or children. The order they applied for about parenting arrangements can be found in Schedule 12 of their Reply to an Application About a Family Law Matter with Counter Application.*

**1. Select only one of the options below**

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

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

**3. Select only one of the options below**

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

**Best interests of child**

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

## REPLY TO A COUNTER APPLICATION ABOUT CHILD SUPPORT – NEW

Complete this schedule if the other party has made a counter application about child support in Schedule 13 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

[Child support](#) is the amount of money a parent or guardian pays to another parent or guardian to help care for the child. 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](http://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 the Legal Aid BC.

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

### Why you do not agree –

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

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

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

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

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

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

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

**Undue hardship:** Sometimes the amount of child support determined under the Federal Child Support Guidelines, when combined with other circumstances, may create undue hardship for a person or their child. The court can make a child support order for an amount different from the Federal Child Support Guidelines. A party can ask if they believe paying or receiving the guideline table amount would make them suffer financially to an excessive amount because of specific circumstances. Either parent can claim undue hardship.

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

### Financial statement –

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

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

**SCHEDULE 3 – REPLY TO A COUNTER APPLICATION ABOUT CHILD SUPPORT – NEW**  
**This is Schedule 3 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a new counter application by the other party about child support. The order they applied for about child support can be found in Schedule 13 of their Reply to an Application About a Family Law Matter Application.*

**1. I am:**

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

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

*Select all options that apply and complete the required information*

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

*Explain below.*

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

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

- the amount would cause me undue hardship because:

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

- I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
- I have unusually high expenses to exercise parenting time or contact with the child(ren)
- I have a legal duty to support another person, such as an ill or disabled person or a former spouse
- I have a legal duty to support a dependent child from another relationship
- other undue hardship circumstances *(specify):*

- other reasons *(specify):*

**Financial statement**

**3. Select only one of the options below**

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

### **Calculations –**

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

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

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

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



## Calculations

4. *Select only one of the options below*

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

### **IMPORTANT NOTE:**

**This family law case includes a counter application about child support. You must provide your financial information with your reply to the counter application by completing and filing a Financial Statement in Form 4.**

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

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



## REPLY TO A COUNTER APPLICATION ABOUT CHILD SUPPORT– EXISTING

Complete this schedule if the other party has made a counter application about child support in Schedule 14 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

[Child support](#) is the amount of money a parent or guardian pays to another parent or guardian to help care for the child. 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](http://www.gov.bc.ca).

### Reason for application –

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

The court can only change or cancel an order if there has been a change in circumstances since the original court order was made, including evidence that was not available or not disclosed previously. If there was an existing agreement, the court can set aside all or part of the existing agreement and replace it with a new order if the court would make a different order on consideration of the matters set out in section 150 [determining child support] of the [Family Law Act](#).

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

### Why do you not agree –

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

### What order should be made –

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

### Calculations –

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

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

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

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

### Unpaid child support –

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

### Financial disclosure –

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

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

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

**SCHEDULE 4 – REPLY TO A COUNTER APPLICATION ABOUT CHILD SUPPORT – EXISTING**  
**This is Schedule 4 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a counter application by the other party to change or cancel an existing final order about child support, or to set aside or replace all or part of an existing agreement about child support. The order they applied for about child support can be found in Schedule 14 of their Reply to an Application About a Family Law Matter with Counter Application.*

**1. Select only one of the options below**

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

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

**3. Select only one of the options below**

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

**Calculations**

**4. Select only one of the options below**

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

**Unpaid child support**

**5. Select only one of the options below**

- I agree that the amount of unpaid child support (arrears) in the counter application is correct. The amount of unpaid child support (arrears) in the counter application is not correct.

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

**IMPORTANT NOTE:**

**This family law case includes a counter application to change an existing final order or agreement about child support. You must provide updated financial information with your reply to the counter application by completing and filing a Financial Statement in Form 4.**

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

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

## REPLY TO A COUNTER APPLICATION ABOUT CONTACT WITH A CHILD – NEW

Complete this schedule if the other party has made a counter application about contact with a child in Schedule 15 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

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

### Why you do not agree and what order should be made –

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

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

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

### Best interests of the child –

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

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

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

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



**SCHEDULE 5 – REPLY TO A COUNTER APPLICATION ABOUT CONTACT WITH A CHILD – NEW**  
**This is Schedule 5 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a new counter application by the other party about contact with a child or children. The order they applied for about contact can be found in Schedule 15 of their Reply to an Application About a Family Law Matter with Counter Application.*

1. I do not agree that the other party should have contact with the child(ren) as the other party requested. Instead, I ask that the other party's contact with the child(ren) be as follows:

*Select all options that apply and complete the required information*

no contact of any type

in person:

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

telephone communication

video communication

written communication

other method of communication (*specify*): \_\_\_\_\_

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

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

**Best interests of child**

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

## REPLY TO A COUNTER APPLICATION ABOUT CONTACT WITH A CHILD – EXISTING

Complete this schedule if the other party has made a counter application about contact with a child in Schedule 16 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

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

### Reason for the application –

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

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

### Why you do not agree –

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

### What order should be made –

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

### Best interests of the child –

When you ask for a court order involving a child, you must consider what is in the best 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 6 – REPLY TO A COUNTER APPLICATION ABOUT CONTACT WITH A CHILD – EXISTING**  
**This is Schedule 6 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a counter application by the other party to change or cancel an existing final order about contact, or to set aside or replace an existing agreement about contact with a child or children. The order they applied for about contact can be found in Schedule 16 of their Reply to an Application About a Family Law Matter with Counter Application.*

**1. Select only one of the options below**

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

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

**3. Select only one of the options below**

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

**Best interests of child**

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

## REPLY TO A COUNTER APPLICATION ABOUT BECOMING A GUARDIAN

Complete this schedule if the other party has made a counter application about becoming a guardian in Schedule 17 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

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

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

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

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

### Why you do not agree –

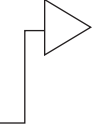
Explain why you do not agree with the other party's guardianship request using the options provided. It is helpful to the court if you include some detail about why you hold that belief. Consider the child's best interests when you give your reason. You do not need to use any special wording. The key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

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

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

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

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



**SCHEDULE 7 – REPLY TO A COUNTER APPLICATION ABOUT APPOINTING A GUARDIAN OF A CHILD OR CHILDREN**  
**This is Schedule 7 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a counter application by the other party to be appointed as a guardian of a child or children. The order they applied for about guardianship of a child can be found in Schedule 17 of their Reply to an Application About a Family Law Matter with Counter Application.*

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

*Select all options that apply and explain why*

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

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

other reason(s) (*specify*):



## REPLY TO A COUNTER APPLICATION ABOUT TERMINATING GUARDIANSHIP

Complete this schedule if the other party has made a counter application about cancelling guardianship of a child in Schedule 18 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

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

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

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

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

### Why you do not agree –

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

### Best interests of the child –

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

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

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

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

**SCHEDULE 8 – REPLY TO A COUNTER APPLICATION ABOUT CANCELLING GUARDIANSHIP OF CHILD OR CHILDREN**  
**This is Schedule 8 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a counter application by the other party to cancel guardianship of child or children. The order they applied for about cancelling guardianship can be found in Schedule 18 of their Reply to an Application About a Family Law Matter with Counter Application.*

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

*Select all options that apply and explain why*

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

the guardian is suitable to be a guardian because:

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

other reason(s) (specify):

**Best interests of child**

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

## REPLY TO A COUNTER APPLICATION ABOUT SPOUSAL SUPPORT - NEW

Complete this schedule if the other party has made a counter application about spousal support in Schedule 19 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

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

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

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

### Relationship to the other party –

You are a spouse if:

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

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

### Why you do not agree –

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

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

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

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



**SCHEDULE 9 – REPLY TO A COUNTER APPLICATION ABOUT SPOUSAL SUPPORT – NEW**  
**This is Schedule 9 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a new counter application by the other party about spousal support. The order they applied for about spousal support can be found in Schedule 19 of their Reply to an Application About a Family Law Matter with Counter Application.*

**1. Select only one of the options below**

- I am (or was) the other party's spouse
- I have never been the other party's spouse

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

*Select all options that apply and complete the required information*

- I do not believe the other party is entitled to spousal support  
*Explain below*

- my income is not what the other party claims it is
- my employment, training, health and ability to work is not what the other party claims it is  
*Explain below.*

- the other party's financial situation is not what they claim it is  
*Explain below*

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

- the other party's expenses are not what they claim them to be  
*Explain below*

- other reasons (specify):

### **What order should be made –**

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

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

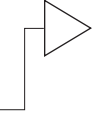


### **Calculations –**

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

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

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



### **Financial statement –**

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



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

Select all options that apply and complete the required information

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

### Calculations

4. Select only one of the options below

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

### Financial statement

5. Select only one of the options below

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

### IMPORTANT NOTE:

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

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

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

## REPLY TO A COUNTER APPLICATION ABOUT SPOUSAL SUPPORT - EXISTING

Complete this schedule if the other party has made a counter application about spousal support in Schedule 20 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

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

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

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

### Reason for application –

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

The court can only change or cancel an order or agreement if:

- there has been a change in circumstances since the original court order or written agreement was made,
- evidence was not available during the previous hearing that has become available, or
- there was a lack of financial disclosure discovered after the last order was made.

The court may also set aside all or part of an agreement for spousal support if the court is satisfied that:

- certain circumstances existed when the parties entered into the agreement [see section 164(3) of the [Family Law Act](#)] and the court would not make a different order on consideration of all of the evidence, or
- the agreement is significantly unfair [see section 164(5) of the [Family Law Act](#)].

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

### Unpaid spousal support –

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

### About the order –

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

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

### Calculations –

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

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

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

### Financial statement –

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

You must complete the [Financial Statement in Form 4](#). If you cannot complete it yet, you can apply to the court using the [Application for Case Management Order Without Notice or Attendance Form 11](#) to file your reply first but you will still need to give financial disclosure.



**SCHEDULE 10 – REPLY TO A COUNTER APPLICATION ABOUT SPOUSAL SUPPORT – EXISTING**  
**This is Schedule 10 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a counter application by the other party to change or cancel an existing final order about spousal support, or to set aside or replace all or part of an existing written agreement about spousal support. The order they applied for about spousal support can be found in Schedule 20 of their Reply to an Application About a Family Law Matter with Counter Application.*

**1. Select only one of the options below**

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

**Unpaid spousal support**

**2. Select only one of the options below**

- I agree that the amount of unpaid spousal support (arrears) in the counter application is correct
- The amount of unpaid spousal support (arrears) in the counter application is not correct.

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

**About the order**

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

**4. Select only one of the options below**

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

**Calculations**

**5. Select only one of the options below**

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

**Financial statement**

**6. Select only one of the options below**

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

**IMPORTANT NOTE:**

**This family law case includes a counter application to change or replace a final order or written agreement about spousal support. You must provide updated financial information with your reply to the counter application by completing and filing a Financial Statement in Form 4.**

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

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



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

Complete this schedule if the other party has made an application about property division in respect of a companion animal in Schedule 21 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

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

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

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

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

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

### Relationship to the other party:

You are a spouse if:

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

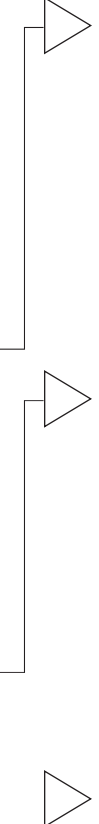
Indicate if you are (or were) a spouse to the other party or if you believe you have never been their spouse. If you believe you have never been their spouse, please describe your relationship to the other party. You don't need to use any special wording.

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

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

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

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



**SCHEDULE 11 – REPLY TO A COUNTER APPLICATION ABOUT PROPERTY DIVISION IN RESPECT OF A COMPANION ANIMAL – NEW**  
**This is Schedule 11 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a new counter application by the other party for a property division order in respect of a companion animal. The order they applied for about property division in respect of a companion animal can be found in Schedule 21 of their Reply to an Application About a Family Law Matter with Counter Application.*

1. Select only one of the options below

- I am (or was) the other party's spouse  
 I have never been the other party's spouse

Please describe your relationship to the other party:

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

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

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

## REPLY TO A COUNTER APPLICATION ABOUT A COMPANION ANIMAL AGREEMENT - EXISTING

Complete this schedule if the other party has made a counter application about property division in respect of a companion animal in Schedule 22 of their Reply to an Application About a Family Law Matter with Counter Application and you do not agree with the order they are asking the court to make.

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

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

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

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

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

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

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

**SCHEDULE 12 – REPLY TO A COUNTER APPLICATION ABOUT A COMPANION ANIMAL AGREEMENT – EXISTING**  
**This is Schedule 12 to the Reply to a Counter Application**

*This schedule must be completed only if you are disagreeing with a counter application by the other party to set aside or replace all or part of an existing written agreement about a companion animal. The order they applied for about property division in respect of a companion animal can be found in Schedule 22 of their Reply to an Application About a Family Law Matter with Counter Application.*

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

2. *Select only one of the options below*

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