



GUIDEBOOK | PREPARING AN APPLICATION FOR A FAMILY LAW MATTER CONSENT ORDER

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information and tips for completing the Application for a Family Law Matter Consent Order Form 17. 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 32 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.

Safety planning

People can be most at risk of family violence when they first separate or at the start of a legal process.

Call 9-1-1 if you or your children are in immediate danger.

Even if you feel safe now, it is a good idea to have a personal safety plan. [VictimLinkBC](#) can help.

[VictimLinkBC](#) is a confidential, multilingual support program for victims of crime and trauma, available 24 hours a day, 7 days a week.

Victim service workers can provide crisis support, information and referrals to supports including safety planning, victim services, transition houses and counselling services.

Call or text: 1-800-563-0808 | Email: 211-VICTIMLINKBC@UWBC.CA

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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

Getting a court order when you agree

BC 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.

Getting a court order when you both agree is easier and less stressful than going to trial, and you usually don't have to attend a court appearance.

TIP: You can apply for a consent order at any time, including if you've already been involved with the court on the family law matter.

If you've reached an agreement with the other party about a family law matter, you may choose to formalize it as a court order. You can get an interim (temporary) or final consent order. You can use the Application for a Family Law Matter Consent Order if you both agree on the terms you want in your order.

A consent order has the same effect as an order made by a judge following a hearing or trial.



Before signing a consent order, you should each get independent legal advice.

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 your consent application and order, 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.

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. Look for a lawyer that provides unbundled services.

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)

Parenting arrangements include how each guardian will parent their child(ren), including each guardian's **parental responsibilities** for decision making about a child and the **parenting time** each guardian spends with a child. Parenting responsibilities can be shared by one or more guardians exclusively, separately, or jointly.

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.

Contact with a child is the time a child spends with **someone who is not their guardian**. This person could include a parent who is not a guardian to a child, or other people, like grandparents.

Guardianship is who is responsible for a child. Only guardians have parental responsibilities and parenting time with a child.

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

Property division in respect of a companion animal is who will have ownership and possession of a companion animal (family pet) 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 but this must be formalized in a written agreement, not a court order.

The [Family Law Act](#) applies to agreements and court orders about family law matters. The [Federal Child Support Guidelines](#) also apply to agreements and court orders about child support.



Go to the following sections of the Family Law Act for more information about what orders the court can make:

- [section 45 \[orders respecting parenting arrangements\]](#)
- [section 51 \[orders respecting guardianship\]](#)
- [section 59 \[orders respecting contact\]](#)
- [section 94 \[orders respecting property division\]](#)
- [section 149 \[orders respecting child support\]](#)
- [section 165 \[orders respecting spousal support\]](#)

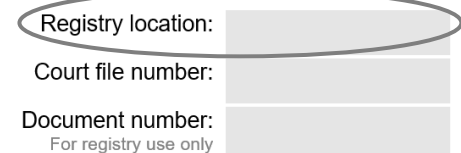
2 | Filling out the Application for a Family Law Matter Consent Order Form 17

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.

Registry location

Rule 7 states that you must file at the registry location:

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



Registry location:

Court file number:

Document number:

For registry use only

? What if the child splits their time between two homes, or is located between two court registries?

You can decide where to file your case.

? What if we have an existing case but we've moved?

You can apply to transfer your case to a new registry by filing an Application for Case Management Order Form 10 in the registry where your existing case is filed. Until your case has been transferred to the registry nearest to you, you need to keep filing where your existing case is filed.

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

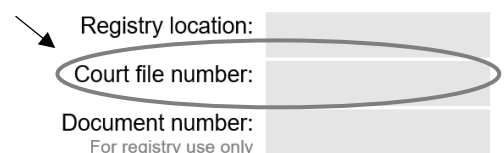
www.gov.bc.ca/courthouselocations

For a map of all B.C. Provincial Court locations visit: www.provincialcourt.bc.ca/locations-contacts

Court file number

Do you have an existing court file?

If so, copy the file number from the top right corner of any filed document. If you have an existing child protection case, a new court file number will be assigned for this family law case.



Registry location:

Court file number:

Document number:

For registry use only

Is this the first court document being filed?

If so, registry staff will give your case a file number when you file your document.

Part 1 | About the parties

Naming the parties

Copy your full name from the first document filed in your case with the court.

If this is the first document in your case:

- provide your legal names from your birth certificate or through [a legal name change](#)
- a maiden name or married name can be used as a legal family name unless the name was [legally changed](#)
- use full names, including middle names
- if you or the other party go by another name, such as a name you prefer to be called by, provide it after the full name by including AKA (also known as)

Example: If your legal name is Robert Paul Smith but you are known as Bob Smith, your name should be given as Robert Paul Smith AKA Bob Smith

- provide your date of birth and the other party's if you know it, you can indicate unknown if you don't

If your family law matter is about a child, you must name:

- all parents and current guardians of each child who is the subject of the family law matter,
- each other adult who the family law matter is about, for example, a grandparent, other family member or friend of the family, for an order appointing a guardian or contact with a child, and
- if your application is about guardianship of a child, under section 52 of the Family Law Act you must also give notice to each adult who the child usually lives with and who generally has care of the child.

NOTE: Remember, every party must agree to all terms of the order for you to apply for a consent order.

? Do I name an adult child who is the subject of the family law matter as a party?

No. List them under the part of the form for children who the family law matter is about.

If your family law matter is not about a child because you are applying for spousal support or property division in respect of a companion animal, you only need to name your spouse.

Part 2 | Family law matter consent order

Family law matter is a term that captures different matters specified under [Rule 2](#).

You can apply for a consent order about one or more family law matters. Every family is different. You may only need a court order about some issues.

To support your application, you will also need to provide the court with additional information. Even though the parties consent to the order, you must file the required additional supporting evidence based on your application to satisfy the court that the order should be made.

The required document(s) will depend on what's happened in your case.

This Part of the form will help you identify:

- the family law matter(s) you want a consent order about
- the documents that must be filed for the court to support your application

Select each family law matter you want a consent order about. For each family law matter selected, identify the supporting document(s) you will be relying on.

If you've never filed anything in court for the family law matter, you'll need to complete the applicable schedule for the Application for a Family Law Matter Consent Order form.

There may also be additional documents you need to file if you're applying for child support, spousal support, or guardianship of a child.

TIP: The schedule will help you to identify any additional documents you need to file.

If an Application About a Family Law Matter has already been filed, you might be able to use the documents you've already submitted.

- **If a Reply to that application was also filed and it agreed with everything** in the application, you can use it to support your consent order application.
- **If a Reply to that application was not filed, or they disagreed to an order that was requested**, you'll need to complete the applicable schedule for the Application for a Family Law Matter Consent Order form to indicate what you agree to.

After you've completed the main application, 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.

TIP: If you're unsure what you need a consent order about, talk to a family justice counsellor or lawyer. They can help you identify your legal and non-legal needs and determine what issues the court can help you resolve.



You must draft a Consent Order Form 18 and submit it along with this application and any supporting documents. The Consent Order must be signed by each party.

If you need help drafting the consent order, talk to a lawyer.

Part 3 | Relationship between the parties

It's important for the court to understand the nature of the relationship between the parties.

If the parties are/were spouses or living together in a marriage-like relationship, select the first option and provide the dates requested about the relationship.

TIP: If you don't know the exact date, select the year and month and the 1st of the month.

If the parties were not spouses or living together in a marriage-like relationship, describe the relationship between the parties. You don't have to use any special wording.

Part 4 | Identification of children

If your application is about a child, provide the details required by the table including:

- the child's legal name - usually their name from their birth certificate, unless they have had a legal name change
- the child's date of birth using the format requested of dd/mmm/yyyy, for example, 12 JAN 2011
- the child's relationship to each party, including yourself, using whatever wording best describes it, for example, indicate whether each party is a parent, guardian, step-parent, grandparent, etc. of the child
- who the child is currently living with

Best interests of the child

When parents, guardians and the court make decisions about guardianship, parenting arrangements or contact with a child, [section 37 of the Family Law Act](#) says they must consider the best interests of the child only.

Section 37 lists the factors that you or the court must think about when you're deciding what's in the best interests of the child. These factors include:

- the child's health and emotional well-being
- what the child thinks or wants, unless it would not be appropriate to consider them
- the nature and strength of the child's relationships with important people in their life
- the history of the child's care
- the child's need for stability, given their age and stage of development
- the ability of each person who wants guardianship, parenting time, parental responsibilities or contact with a child, to meet those responsibilities
- if there was any family violence, its impact on the child's safety, security or well-being, and how it may impair a person's ability to care for the child and meet their needs
- whether arrangements that need the child's guardians to cooperate are appropriate
- whether there are any other court proceedings that are relevant to the child's safety, security or well-being

An agreement or order is in the best interests of a child if it protects the child's physical, psychological and emotional safety, security and well-being to the greatest extent possible.



You will be asked to explain why the order you want is in the best interests of the child. Remember that a judge will only consider the best interests of the child when making an order, not what you think might be best for you.

Part 5 | Existing orders and agreements

It's important to know what agreements or orders were made in the past or if there are active court proceedings about similar issues. This ensures they do not conflict with any new court order or agreement, and to coordinate the proceedings where appropriate.

- **A court order** may be from the Provincial Court of BC or any other court, including the Supreme Court or another jurisdiction. An order can also be interim (temporary) or final.
- **A written agreement** includes a separation agreement or mediation agreement.

A court order, agreement or plan protecting one of the parties, or the child(ren), from another person usually requires the individual to have no contact, or limited contact, with the protected person or their children and/or family. It may be a criminal order or a child protection order, agreement or plan.



If you have an existing written agreement or court order, you must attach a copy to your application.

TIP: If you don't have a copy, contact the court location where the order was made or, for a child protection matter, the social worker assigned to your case.

Part 6 | Filing location

[Rule 7](#) sets out the requirements for which registry to use. These requirements help make sure there aren't multiple files about the same parties in different registries. It provides a fair and transparent way to determine where to locate a case when parties do not live in the same jurisdiction.

If the parties don't agree on where a case should be filed, the court can make a decision on application by a party using the [Application for Case Management Order Form 10](#).

Part 7 | Address for service

Each party must provide an address for service where they can receive notice or service of documents. You are also responsible for ensuring your address information is kept up-to-date.



The other party and the court will have access to the address for service and contact information. You do NOT need to provide your home address.

[Rule 175](#) sets out the requirements for an address for service.

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

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

Email Address: The quickest way for the court and the other party to contact you is by email. If you give an email address, the court and the other party can send documents or communicate with you by email instead of using mail.

If your address for service is outside British Columbia, you must include an email address.

TIP: Remember, if you agree to use email to receive court documents, you will get copies of court documents much faster than by mail. Make sure to check your junk box if you are expecting something from the court. Sometimes email filters will prevent you from receiving an important document.

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

TIP: If your address for service changes, you must file a [Notice of Address Change Form 46](#) and serve a copy on each other party as soon as possible.

NOTE: You must complete the main application and only the applicable schedule(s) identified in Part 2 of the main application. Review your response to Part 2 | Family law matter consent order. 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 are applying for a consent order about parenting arrangements, including parental responsibilities and parenting time.

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 | Guardian of the child

You can apply for parenting arrangements only if you are a guardian of a child or are applying to be a guardian of a child. Only a guardian can have parental responsibilities and parenting time.

? Who is a guardian of a child?

A child's parents are most often the child's guardians, but other people can be guardians too.

A parent who has never lived with a child is a guardian if:

- they have regularly taken care of the child,
- there is an agreement or court order that says they are a guardian of the child, or
- under a will if the other parent dies.

A person who is not a parent can become a guardian of a child by court order or under a will.

If you're not sure if you're a guardian of the child, talk to lawyer.

? What if my application is about more than one child and I am the guardian of one and applying to be the guardian of the other?

If this situation applies to you, select both options on the form. Your application must also include a completed Schedule 4.

? How do I apply for time with a child if I'm not their guardian?

If you aren't the child's guardian, you can apply for contact with a child. Contact with a child is the time a child spends with someone who is not their guardian, including a parent who is not a guardian, a grandparent, aunt or uncle, or another family member or friend.

Part 2 | Order about parenting arrangements

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

If there is more than one guardian for a child, an agreement or court order can help to make it clear who has certain parenting arrangements and when.

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.



Go to [section 37 of the Family Law Act](#) for a list of factors used to determine what is in the best interests of a child.

Order about parental responsibilities

Guardians make decisions about their child, including:

- daily care and supervision,
- education,
- medical treatment,
- receiving information about the child from others, and
- protecting the child's legal and financial interests.

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.

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.

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



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

TIP: If you get a court order that gives you all parental responsibilities for a child, it means that you get to make all decisions about the child and have full responsibility for the child. The child may have another guardian but the other guardian will not have parental responsibility for the child.

Order about parenting time

Parenting time is the time a child is in the care of a parent or guardian. It includes time when the parent is not present, for example when the child is at daycare or school. During parenting time, a guardian may exercise the parental responsibility of making day-to-day decisions affecting the child and having day-to-day care, control and supervision of the child. Parenting time can be shared equally, or one guardian can have the child more of the time.

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.

Talk to a lawyer if you need help figuring out what details you need to include.

Other orders about parenting arrangements

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?

Part 3 | 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 are applying for a consent order about child support and/or special or extraordinary expenses for the child or children.

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 the payor

The payor is the person who, under an agreement or order, must pay child support.

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, visit Do step-parents pay support? on the BC Government website.

Part 2 | Current circumstances

The questions in this Part will help the court understand a bit more about the care of the children.

For current support arrangements, include how much money is being paid for the support of the child, how often and when the payments started or stopped.

Your type of **parenting arrangement** and the **age of a child** may affect how child support is calculated.

Some common parenting arrangements include:

- children living primarily with one parent
- one or more children living with each parent, this is called **split parenting**
- each parent having almost equal care of the children over the course of the year, this is called **shared parenting**

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

week with one parent and the rest with the other, they live approximately 30% of the time with the first parent and 70% with the other.

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

You don't need to use any special wording to describe your parenting time. Just explain as clearly as you can what the current circumstances are.

A child, for the purposes of child support, includes a person who is 19 years of age or older who is unable because of illness, disability or another reason, to obtain the necessities of life or withdraw from the charge of the person's parents or guardians [\[section 146 of the Family Law Act\]](#).

Part 3 | Unpaid child support

Past child support payments that have not been made are called **arrears**. If you are making an application when there is already an order or agreement about child support, the court needs to know if there is any unpaid amount.

The court can reduce or cancel arrears if there is a good reason to. The court can also make an order about how the arrears will be paid, including setting up a payment schedule.

Fill in the date you are completing the application and any amount of unpaid child support. If the payments are up to date, or there isn't an order or agreement about child support, indicate '0'.

If there is any amount of unpaid child support, you must complete Question 6. Tell the court how you want the amount of unpaid support dealt with.

Part 4 | Order about child support

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

- ongoing support to be paid for the support of one or more children
 - in the amount set out in the child support guidelines (table amount)
 - in an amount different than the guideline amount
- special or extraordinary expenses
- start date for support

Ongoing support

If you are applying for child support, select only one of the first two options under Question 7. Fill in the name of the paying party and the additional information requested.

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 set a child support amount different from the guidelines if appropriate.

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.

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 7. List the expenses you are claiming for each child.

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.

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

The [Financial Statement Form 4](#) is usually used to disclose your financial information. The form includes a list of situations/circumstances to determine if financial disclosure is required by each party. Refer to the form to check if it is required for one or more parties.

If you agree on the annual income of a party who is required to disclose their financial information, you can file an agreement as to income instead of the Financial Statement. The agreement can be included as a term in your consent order as set out in the Consent Order Form 18. The agreement as to income **must be filed along with supporting income information** described in [section 21 of the Child Support Guidelines](#). This includes a copy of the party's:

- **tax return** and related schedules for each of the three most recent taxation years
- **notice of assessment** and reassessment for each of the three most recent taxation years
- **proof of income** from each source of income you currently have

The court may consider the agreed amount to be the person's income if the court thinks that the amount is reasonable based on the supporting income information.

If you can't complete your financial disclosure with your application for the consent order, 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 4 to indicate if you will be filing the financial information 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 are applying for a consent order about contact with a child.

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

NOTE: The person who wants contact with a child must be one of the parties for this application.

Part 1 | 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.

Think about the relationship with the 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

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 2 | 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 are applying for a consent order to appoint a new guardian for a child or to cancel an existing guardian's guardianship of a child.

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

? Who is a guardian of a child?

A child's parents are most often the child's guardians, but other people can be guardians too.

A parent who has never lived with a child is a guardian if:

- they have regularly taken care of the child,
- there is an agreement or court order that says they are a guardian of the child, or
- under a will if the other parent dies.

A parent can be added or removed as a guardian by agreement or court order. A person who is not a parent can become a guardian of a child by court order or under a will.

Only a guardian may have parental responsibilities and parenting time.

Before the court takes away a person's guardianship, they may:

- limit a guardian's parenting time
- order parenting time to be supervised
- limit the types of decisions a guardian can make

TIP: It's a good idea to talk to a lawyer before you make decisions about your future parenting arrangements or guardianship of a child.

Part 1 | Order about guardianship

Indicate if you are applying to be appointed as a guardian and/or for someone to no longer be the guardian of a child.

NOTE: Each guardian of the child, and each person who will be appointed as a guardian of a child, if applicable, must consent to the order about guardianship.

Part 2 | 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 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 in the best interests of the child. You don't need to use any special wording.

Part 3 | Indigenous ancestry of child(ren)

This Part helps you to identify any Indigenous ancestry of the child for the court and to identify any further requirements for notice of the application.

If a child is Indigenous, answer Question 4.

For an application about a Nisga'a child or Treaty First Nation child, [sections 208 and 209 of the Family Law Act](#) require that:

- the Nisga'a Lisims Government or Treaty First Nation to which the child belongs, be served with notice of the application
- the court must also consider any evidence or representations respecting:
 - Nisga'a laws and customs as provided in paragraph 94 of the Nisga'a Government Chapter of the Nisga'a Final Agreement
 - the laws and customs of the Treaty First Nation

NOTE: If your application is about a Nisga'a child or Treaty First Nation child, go to [Appendix A | Serving Nisga'a Lisims Government and Treaty First Nations](#) for more information about how to give notice including contact information.

Part 4 | Guardianship affidavit and supporting documents

There is another form that you must complete when you are applying for guardianship of a child. It is called [Guardianship Affidavit Form 5](#).

Before you can complete the affidavit, each person who is applying to be appointed as a guardian of a child must complete the following background checks referenced in the form:

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

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

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

- a [Consent for Child Protection Record Check](#), and
- a [Request for Protection Order Registry Search](#).

These forms to initiate your record checks must be filed with your application, or you need permission of the court to file your application without them. The record checks take time to complete and filing them with your application helps to reduce any delay in getting your court order.

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

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

TIP: You can get a copy of the forms by clicking on the name above if you are using an online version of this guidebook. If you aren't, go to www.gov.bc.ca/court-forms to access a PDF version or go to any Provincial Court registry to request a paper copy.

If you can't complete the consent and request for record check to file with your application, 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 required documents or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 5 | Spousal Support

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

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

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
- can prove entitlement to spousal support based on the objectives of spousal support, and
- you are applying in time



[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

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.



Go to [section 198 of the Family Law Act](#) for the laws about time limits

Talk to a lawyer if you're not sure about the timing of your application.

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

Part 1 | Entitlement to spousal support

A person is only entitled to spousal support in certain situations. It is not a right in every case.

Entitlement to spousal support is determined in consideration of the objectives under [section 161 of the Family Law Act](#) and listed in the form.

Select each option why you believe there is entitlement spousal support.

Part 2 | Current support

Explain to the court how the spouse you believe is entitled to support is currently being looked after financially. Include:

- how much money is being received or paid for the support of the spouse,
- how often payments are/were being made, and
- when the payments began or stopped

Part 3 | 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.

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.

Part 4 | 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 provide income information to support an application about spousal support.

The [Financial Statement Form 4](#) is usually used to disclose your financial information. The Financial Statement collects information about your income, expenses, assets and debts to help inform the court's decision.

If you agree on the annual income of a party who is required to disclose their financial information, you can file an agreement as to income instead of the Financial Statement. The agreement can be included as a term in your consent order as set out in the Consent Order Form 18. The agreement as to income **must be filed along with supporting income information** described in [section 21 of the Child Support Guidelines](#). This includes a copy of the party's:

- **tax return** and related schedules for each of the three most recent taxation years
- **notice of assessment** and reassessment for each of the three most recent taxation years
- **proof of income** from each source of income you currently have

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 are applying for a consent order about property division in respect of a companion animal.

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

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

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.

? What if the other party isn't my spouse?

If you're not a "spouse", you may be able to resolve your dispute about a companion animal by agreement or by going to the Civil Resolution Tribunal.

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.

? 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 | 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 2 | The facts

In determining whether to make an order in respect of a companion animal, the court must consider the factors set out in [section 97 \(4.1\) of the Family Law Act](#). The factors are listed on in the sidebar of the form, beside Question 2.

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
- ☐ a draft [Consent Order Form 18](#)
- ☐ a copy of any existing order, agreement or plan, if applicable
- ☐ [Financial Statement Form 4](#) or agreement as to income and supporting documents, if applicable,
- ☐ [Section 51 – Consent for Child Protection Record Search](#), if applicable
- ☐ [Request to search the Protection Order Registry](#), 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 along with a copy for the other party.



4 | Serving the application

Service is the act of giving or leaving documents with the required person.

Is your application about a support order or agreement that is filed with the Director of Maintenance Enforcement?

If so, you must serve a copy of the documents on the Director of Maintenance Enforcement. Contact the BC Family Maintenance Agency to find out how best to serve them. www.bcfma.ca/contact-us/

Do you have a guardianship application about a Nisga'a or Treaty First Nations child?

If so, under sections 208 and 209 of the [Family Law Act](#), you must serve the Nisga'a Lisims Government or Treaty First Nation with notice of the application. Go to [Appendix A | Serving Nisga'a Lisims Government and Treaty First Nations](#) for more information about how to give notice including contact information.

Proof of service

The court may need proof you had the application 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 | Judge review of application

A judge can make decisions based only on the information presented by the parties. In addition to your application, you can provide additional affidavit(s) as evidence.

Please ensure you have provided full responses to all parts of the form that apply to you. If your application is incomplete, your order may be delayed if you must submit further information or be scheduled for a court appearance to address the information that is missing.

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

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

Depending on what you are requesting on your application, it may take the judge a few days to review your application. The registry staff will let you know when you can expect to hear from them.

Appendix A: Serving Nisga'a Lisims Government and Treaty First Nations

If you are applying for an order about guardianship of a child and the child is a Nisga'a or Treaty First Nation child, you **must serve** the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in [section 208 or 209 of the Family Law Act](#).

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

Contact information is provided below for each nation. Please contact them directly to find out how they would prefer to receive a copy of the application.

Nisga'a Lisims Government

Contact: Office of the Designated Representative for Nisga'a

Email: janet.nisyok@nisganation.ca

Direct phone: (250) 975-5293

Phone: (250) 633-3000 or 1-866-633-0888 [toll free]

Mail address: PO Box 231 2000 Lisism Dr, New Aiyansh, BC V0J 1A0

Tsawwassen First Nation

Contact: Manager of Family Services, Tsawwassen First Nation

Email: <https://tsawwassenfirstnation.com/contact-us/>

Phone: (604) 943-2112 or 1-888-943-2112

Mail address: 1926 Tsawwassen Drive, Tsawwassen, BC, V4M 4G2

Maa-nulth First Nations

Huu-ay-aht First Nations

Contact: Shannon Zimmerman, Director of Child and Family Wellness

Email: shannon.z@huuayaht.org

Phone: (250) 723-0100

Mailing Address: 4644 Adelaide Street, Port Alberni, BC V9Y 6N4

Fax: (250) 723-4646

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations

Contact: Colleen Rudderham, Director of Community Services

Email: colleenr@kcfirstnations.com

Phone: (250) 332-5952

Mailing Address: 1250C Ironwood Street, Campbell River, BC V9W 6H5

Toquaht Nation

Contact: Lisa Morgan

Email: lisam@toquaht.ca

Phone: (250) 266-4400 [cell], (250) 726-4230, 1-877-726-2430 [toll free]

Mailing Address: PO Box 759, 1971 Peninsula Road, Ucluelet, BC V0R 3A0

Fax: (250) 726-4403

Uchucklesaht Tribe

Contact: Christina Lucas, Director of Human Services

Email: Christina.Lucas@uchucklesaht.ca

Phone: (250) 724-1832

Mailing Address: 5251 Argyle Street Suite A, Port Alberni, BC V9Y 1V1

Fax: (250) 724-1806

Yuułuʔiłʔatḥ Government

Contact: Gloria Valentine, Community Wellness Worker

Email: Gloria.Valentine@ufn.ca

Phone: (250) 726-7948

Contact: Cynthia Fitton, Director of Health and Social Services

Email: Cynthia.Fitton@ufn.ca

Phone: (778) 942-0579

Mailing Address: PO Box 699, Ucluelet BC, V0R 3A0

Tla'amin Nation

Contact: Manager, Child and Family Services

Email: familyservices@tn-bc.ca

Phone: (604) 413-7053

Mailing Address: 4779 Klahanie Road, Powell River, BC V8A 0C4

Fax: (604) 413-3232