Preparing an Application for a Family Law Matter Consent Order

Provincial Court (Family) Rules
Early Resolution and Case Management Registry – VICTORIA ONLY

This is the form you need to complete to ask the Provincial Court for a consent order about a family law matter.

When you apply for a consent order, you are asking the court to make an order about things that you and the other parties agree about. If you apply for a consent order, it usually means you can get the order without you having to go to court. A judge reviews your application and, unless the judge has any questions about what you are asking for, approves your order without a court hearing.

A consent order about a family law matter may be made at any time, including:

- following consensual dispute resolution or mediation
- after a claim and/or a reply with agreement is filed with the court

Family law matters include:

Parenting arrangements – how each guardian will parent their child(ren), including each guardians' parenting responsibilities for decision making about a child and the parenting time each guardian spends with a child. Parenting responsibilities may be shared or exercised separately. The only thing you can consider in making your parenting arrangements is what is in the best interest of the child.

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for the child(ren). A child has the right to be supported by both parents, whether or not the parents ever lived together or the parent has ever lived with the child.

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

Guardianship – who is responsible for a child. Only guardians have parental responsibilities and parenting time with a child. An agreement or order about parenting arrangements can say a child's guardians share parental responsibilities or parenting time, or it can say one guardian is responsible for more of the parenting decisions and has more of the parenting time with the child.

Spousal support – money that one spouse pays to another spouse for their financial support after separation. A person is not entitled to spousal support in every case.

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 family law case. Getting advice from a lawyer can help.

Lawyers – To find a lawyer or to have a consultation with a lawyer for up to 30 minutes for a fee of $25, 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, or visit the Justice Access Centre

Legal Services and Resources – Visit Clicklaw at www.clicklaw.bc.ca/helpmap to find other free and low-cost legal services in your com-munity

What you need to get started

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

You will need:

- Birth dates, names, and other related information about the other party and your children
- Any agreements or court orders you already have about a family law matter
- Information about the date you got married, started living together, separated and got divorced, if applicable If you are asking for child or spousal support, information about your income and, if you have it, the other party's income
- If you are asking for orders about children, information about your children's living arrangements, schedules and expenses

Step 1: Complete the Application for a Family Law Matter Consent Order form and draft Consent Order form ☐

These forms are available online at www.gov.bc.ca/court-forms or at any Provincial Court Registry.

You can complete the forms online and print them for filing. You can also complete them by hand. If you complete them by hand, be sure it's readable. Registry staff and Justice Access Centre staff can help you with the forms but they cannot complete the forms for you. If you need help filling in the forms and do not have a lawyer, ask the Justice Access Centre to refer you to someone who can help.

For the application, you need to complete and file the main part of the form and only the schedules that apply to your consent order.

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

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 and the draft consent order
- get each party to sign the draft consent order
- print or make 3 copies of all documents except the draft Consent Order: one set for you, one set for the Court, and one set for the other party
- staple each package of documents together
- bring all copies of the package to the court registry for filing

You may also need to complete a Financial Statement in Form D or guardianship Affidavit in Form 34. 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 bring in completed copies of those forms when you file the Family Law Matter Claim.

Step 2: File the Application for a Family Law Matter Consent Order form and draft Consent Order form at the Provincial Court Registry ☐

You must go to the Provincial Court Registry:

- nearest to where your child lives most of the time, or
- nearest to where the party who is filing lives, if the family law matter does not involve a child-related issue, or
- where the existing Provincial Court family law case is filed

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

There are no fees for filing Provincial Court family matters.

Step 3: Wait for a judge to review your application ☐

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

- grant the order without the need for the parties to come to court
- ask you to provide more information in writing or by coming to court to give that information
- make changes to the draft consent order and ask the parties to come to court 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 back from them. If you have provided an email address in your address for delivery, they can usually let you know the results of your application by email.

TIPS FOR COMPLETING THE FORM:

Registry Location and Court File Number –
Copy this information from the top right corner of the Notice to Resolve a Family Law Matter or other document filed with the court.

If you don't have an existing court file, registry staff will give your case a file number when you file this document.

Party 1/Party 2 –
To help in completing this form, you will need to decide who is party 1 and who is party 2. It does not matter to the court, it just helps to identify each of you for the rest of the questions in this form.

Put your names in the top lines, including your lawyer's name if you have a lawyer.

Provide the contact information for each party. The court needs to know where to send documents to you and how to reach each of you.

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

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

Request for Consent Order –
Consider what issues you need a consent order to resolve. Select all the options that apply. See the front page for a refresher on what each issue type means.

A family justice counsellor or lawyer can help you to determine what issues you want a consent order to include if you are unsure of what you need.

Supporting material –
You must prepare and file a Consent Order Form 20. The consent order must be signed by each party.

For help drafting the consent order, you can check out the Provincial Court's Family Law Act Orders Picklist. The picklist includes commonly used terms (provided to judges and court clerks) to use in the courtroom. They can be copied into your order and changed to meet your needs.

You must also prepare additional material depending on:

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

For each type of family law matter order you are applying for a consent order for, you will need different supporting material. Refer to the list to see what you need.

You only need to complete the schedules if a claim and reply with agreement have not been filed in your case. If they have, just make sure your financial disclosure and affidavits are completed and current, if applicable.

APPLICATION FOR A FAMILY LAW MATTER CONSENT ORDER

Provincial Court (Family) Rules
Early Resolution and Case Management Registry

Registry Location:
Court File Number:

Party 1: Lawyer:

Party 2: Lawyer:

1. Party 1's contact information is as follows:

Full Name:		Date of Birth:
Contact Information		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. Party 2's contact information is as follows:

Full Name:		Date of Birth:
Contact Information		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

3. We are requesting the following type of family law matter order BY CONSENT:

- ☐ parenting arrangements
- ☐ child support
- ☐ contact with a child
- ☐ guardianship of a child
- ☐ spousal support

4. The following supporting material is being provided along with this application:

Select all that apply, complete and file along with your application, if not already filed

- ☐ **A draft Consent Order** signed by all parties

For an application for parenting arrangements:

Your consent order application must be supported by one of the following

- ☐ a Family Law Matter Claim for parenting arrangement and Reply with Agreement
- ☐ Schedule 1 of this Application for Family Law Matter Consent Order (Complete and attach Schedule 1)

For an application for child support:

Your consent order application must be supported by one of the following

- ☐ a Family Law Matter Claim for child support and Reply with Agreement
- ☐ Schedule 2 of this Application for Family Law Matter Consent Order (Complete and attach Schedule 2)

and:

- ☐ a Financial Statement in Form D for each party as required by the instructions on the financial statement

For an application for contact with a child:

Your consent order application must be supported by one of the following

- ☐ a Family Law Matter Claim for contact with a child and Reply with Agreement
- ☐ Schedule 3 of this Application for Family Law Matter Consent Order (Complete and attach Schedule 3)

Identification of the children –

Include all of the children you and the other party have together that are under 19 and any other children that:

- you are acting as a parent for (for example, as a step-parent)
- you or the other party are guardians of,
- are over the age of 18 and are unable to be financially independent because of disability, illness or schooling,
- are the subject of the claim, such as your grandchildren

You do not need to include children over the age of 18 that cannot legally rely on you for financial help.

To fill out the table indicate:

- 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
- the child's relationship to each party, including yourself, using whatever wording best describes it
- who the child is currently living with (you can use the name of the person or their relationship to the child)

The "best interests of the child" is a test that the court uses to make decisions about children. Before making a decision, both parents and courts must consider the child's physical, psychological and emotional safety, security and well-being. Always think about the best interests of your child when you are asking the court for decisions about them.

For an application for guardianship of a child:

Your consent order application must be supported by one of the following

- ☐ a Family Law Matter Claim for guardianship and Reply with Agreement
- ☐ Schedule 4 of this Application for Family Law Matter Consent Order (Complete and attach Schedule 4)

and:

- ☐ an Affidavit in Form 34 for each party applying to become a guardian of a child with the following exhibits attached:
- a copy of a record check from the Ministry of Children and Development
- a protection order record check from the protection order registry
- a criminal record check

For an application for spousal support:

Your consent order application must be supported by one of the following

- ☐ a Family Law Matter Claim for spousal support and Reply with Agreement
- ☐ Schedule 4 of this Application for Family Law Matter Consent Order (Complete and attach)

and:

- ☐ a Financial Statement in Form D or agreement as to income for each party

Identification of child(ren)

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

- ☐ Our consent order does not ask for any order(s) about a child or children. (Skip next section)
- ☐ Our consent order is asking for an order(s) about the following child or children

Child's Full Legal Name	Child's Date of Birth	Child's Relationship to Party 1	Child's Relationship to Party 2	Child is currently living with

6. ☐ **We understand that we must consider the child(ren)'s best interests with respect to each order about the child(ren) we are asking the court to make. An agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being.**

PARENTING ARRANGEMENTS

Complete this schedule if your consent order includes any terms about parenting time or parental responsibilities.

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

Guardians –

Indicate, for each party, if you are a guardian of the child or are applying as part of the consent order to become a guardian of a child.

If you are not the child's guardian and you are not applying to become the child's guardian but you want to spend time with the child, you may ask for contact with a child. Complete Schedule 3 to ask for your order. If you are not sure if you are a guardian of the child, you may want to get some legal advice to confirm.

Time with the children –

Parenting time 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.

In your own words, explain what you have agreed to about the time the child(ren) will spend with each of you. The court will check to make sure what you agree to here is actually what the order you drafted means.

You do not need to use any special wording. The key is to be clear about what you agreed to that you want in the consent order.

Conditions on parenting time: Consider if you or the other party need any conditions on your parenting time. Conditions may include things like where the parenting time will take place or who else should or should not be around during parenting time.

If your consent order includes conditions on parenting time, explain what you have agreed to. If you do not need conditions on parenting time, you can leave this section blank.

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 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.

In your own words, explain what you have agreed to about the allocation of parenting responsibilities. The court will check to make sure what you agree to here is actually what the order you drafted means.

You do not need to use any special wording. The key is to be clear about what you agreed to that you want in the consent order.

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 interest of your child(ren). Every family situation is unique and the court needs to know why you believe the order you are asking for is best for your child(ren).

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 consent parenting order.

SCHEDULE 1 – PARENTING ARRANGEMENTS

This is Schedule 1 to the Application for a Family Law Matter Consent Order

Complete this schedule only if you are guardians filing a consent order about parenting arrangements for a child or children identified in Section 5 of this application.

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

1. Party 1 is:

☐ a guardian of the child(ren)

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

A parent who has never lived with their child is a guardian if they have regularly taken care of the child, there is an agreement or court order that says they are a guardian, or under a will if the other parent dies.

☐ applying to become a guardian of the child(ren)

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

2. Party 2 is:

☐ a guardian of the child(ren)

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

A parent who has never lived with their child is a guardian if they have regularly taken care of the child, there is an agreement or court order that says they are a guardian, or under a will if the other parent dies.

☐ applying to become a guardian of the child(ren)

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

3. We consent to the child(ren) spending time with us as follows:

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

We consent to have the following conditions placed on the parenting time with the children:

5. We consent to the parenting responsibilities being exercised by us as follows:

6. We believe the parenting arrangements we consent to are in the child(ren)'s best interests because:

CHILD SUPPORT – NEW

Complete this schedule if your consent order includes any terms about child support.

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for the child(ren). A child has the right to be supported by both parents, whether or not the parents ever lived together or the parent has ever lived with the child.

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

Relationship to the child(ren) –

Although parents have the primary responsibility to pay child support, other guardians and step-parents may be responsible for paying child support. If you are a step-parent, and you need more information about step-parents and child support, see the fact sheet Step-parents Rights and Responsi-bilities by the Legal Services Society.

Indicate the relationship, for each party, to the child or children the consent order for child support is about.

Living Arrangements –

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

Parenting time may be shared equally by the parents, split between the parents, with one or more children each living with a different parent, or the children may live only or primarily with one parent.

If the child lives with more than one parent or guardian try to describe the amount of time they live 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 living arrangements are different for each child, try to be clear about the amount of time a time each child lives with each parent.

Current Support Arrangements –

You do not need to use any special wording. Just explain to the court how the child(ren) are currently being looked after financially. Include: how much money is being paid for the support of the children, how often and when these payments began or stopped.

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 is undue hardship

Child Support Order –

Indicate which party is the paying party for the child support consent order you are asking the court to make and for which child(ren) you are asking the child support consent order to be for.

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

You can also talk with a Child Support Officer at the Justice Access Centre.

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

SCHEDULE 2 – CHILD SUPPORT

This is Schedule 2 to the Application for a Family Law Matter Consent Order

Complete this schedule only if you are filing a consent order for child support and/or special and extraordinary expenses for the child or children identified in Section 5 of this application.

1. Party 1 is:

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

2. Party 2 is:

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

3. The child(ren):

- ☐ live with Party 1 all the time
- ☐ live with Party 2 all the time
- ☐ live with Party 1 and Party 2 as follows:

- ☐ other *(specify):*

4. The current support arrangements are as follows:

5. ☐ We consent to support to be paid by _____ in the amount set out in the child support guidelines table for the following child(ren) identified in Section 5 of this application:
name of paying party

List the name(s) of each child you are asking for support for

Starting payments –
You need to tell the court when you think the payments should start and why.

Responsibility for support –
The duty to pay child support may not end when a child turns 19 if the child is unable to support themselves financially because of illness, disability or they are still going to school. This information is important for the court to know when they are making an order 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 child support itself. The Federal Child Support Guidelines say that each parent or guardian must help pay for the special and extraordinary expenses for a child. Usually, the amount is shared in proportion to the incomes of the parents or guardians. Either parent or guardian can claim special and extraordinary expenses.

If your consent order includes a term for special and extraordinary expenses, detail the annual amounts paid in the sections provided.

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

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. To determine if you must complete a Financial Statement Form D to disclose your financials, refer to the financial statement form.

If you have agreed in writing to the annual income of each party required to disclosure their financial information to the court, the court may consider that amount for the purposes of calculating child support. You will need to provide the court a copy of the written agreement to the annual income and the income information required under section 21 of the Federal Child Support Guidelines.

6. *Select only one of the options below*

- ☐ We are attaching calculations showing how much child support we believe should be paid according to the child support guidelines
- ☐ We are not attaching calculations

7. Child support payments in this amount should start on _____ (date) because:

8. *Select only one of the options below*

- ☐ The child(ren) are all under 19 years of age
- ☐ The following child(ren) are 19 years of age or older and need child support because of illness, disability or because they are full-time students:

Full Legal Name of Child	**Child's date of birth**	**Reason for child support (illness, disability, student)**

9. *Select only one of the options below*

- ☐ We are not asking for an order for special and extraordinary expenses for the child(ren).
- ☐ We consent to an order for special and extraordinary expenses in accordance with section 7 of the child support guidelines. The following special or extraordinary expenses are included in our order for child support:

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

IMPORTANT NOTE:

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

CONTACT WITH A CHILD

Complete this schedule if your consent order includes any terms about contact with a child or children.

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

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

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

Children often have important relationships with people other than their parents, including grandparents, relatives, and others close to the child. Usually these relationships are facilitated by the parents or guardians.

If an agreement is not possible, the person who believes they should have contact with the child can apply for a court order. The court will make a decision about contact with the child based on the best interests of the child.

Contact order –

You can apply to the court for a consent order for contact with a child. The order will usually include details about how the contact will happen.

In your own words, explain what you have agreed to about the contact with the child or children. The court will check to make sure what you agree to here is actually what the order you drafted means.

You do not need to use any special wording. The key is to be clear about what you agreed to that you want in the consent order.

Conditions –

Sometimes, the court may only consider it in the best interests of the child(ren) for there to be conditions on contact with the child(ren). If there are any conditions you have included in the consent order about contact with the child(ren), explain them here. If you do not need conditions on the contact, you can leave this section blank.

You do not need to use any special wording. The key is to be clear about what you agreed to that you want in the consent order.

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(ren). 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(ren).

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 3 – CONTACT WITH A CHILD

This is Schedule 3 to the Application for Family Law Matter Consent Order

Complete this schedule only if you are filing a consent order for a person who is ***not a guardian*** *of the child or children to have contact with the child or children identified in Section 5 of this application.*

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

1. We consent to contact with the child or children as follows:

Complete if applicable
We consent to the following conditions being placed on the contact with the child(ren):

2. We believe the contact we consent to is in the child(ren)'s best interests because:

GUARDIANSHIP

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

A parent is a child's guardian if:

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

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

The Family Law Act provides that generally both parents 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.

Guardianship Order –

Indicate who you agree to having as a guardian to your child or children. If there is more than one guardian for a child, each guardian must consent.

Affidavit Form 34 –

There is an extra form that you have to complete when you are applying for guardianship. It is called Affidavit Form 34. Before you can complete the affidavit, you must complete the following background checks referenced in the form:

- A Ministry of Children and Family Development record check
- A protection order record check from the protection order registry, and
- A criminal record check

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

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

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

Give them to the court registry where you will be filing your application. The registry will let you know when the results from the record checks come in. The registry will then give you copies to attach to your affidavit.

If you want to get an order quickly and you don't have time to get all the background checks first, you can apply to the court to be able to file the claim without the completed affidavit and request an interim order.

This interim order will last 90 days. During this time, you must get the background checks and fill out and file the affidavit.

Best interests of the child –

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

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 consent guardianship order.

SCHEDULE 4 – GUARDIANSHIP

This is Schedule 4 to the Application for Family Law Matter Consent Order

Complete this schedule only if you are filing a consent order for guardianship of a child or children identified in Section 5 of this application.

1. We consent to the following person(s) to become a guardian of the child or children:

Full Legal Name of Person	Name of child(ren)	Relationship to the child

2. *Select only one of the options below*

☐ Each person we are making an application to have become a guardian has completed an Affidavit in Form 34 and we are filing it along with this consent order application.

☐ A person we are making an application to have become a guardian is not able to complete an Affidavit in Form 34 at this time and we have completed an Application for Case Management Order Without Notice or Appearance requesting this consent order application be filed without a complete affidavit.

3. We believe the consent guardianship order respecting the child(ren) is in their best interests because:

SPOUSAL SUPPORT

Complete this schedule if the consent order includes any terms 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.

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

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

Current support arrangements –

You do not need to use any special wording. Just explain to the court how the spouse entitled to support is currently being looked after financially. Include: how much money is being paid for the support of the spouse, how often and when these payments began or stopped.

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 the court for spousal support, and
- you are applying in time (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).

Select the option(s) that applies to your family.

Payor and recipient –

Indicate which party is paying support and which party will be the recipient of support as included in the draft consent order.

Spousal support order –

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

Indicate the spousal support consent order you are asking the court to make and what type of payment schedule the spousal support order is to be for.

For help calculating spousal support, you can use the Spousal Support Advisory Guidelines, DIVORCEmate's free spousal support calculator at www.mysupportcalculator.ca, or talk to a lawyer.

Financial disclosure –

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 D. If you cannot complete it yet, you can apply to the court to file your claim first but you will still need to give financial disclosure before you can get a final order.

SCHEDULE 5 – SPOUSAL SUPPORT

This is Schedule 5 to the Application for a Family Law Matter Consent Order

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

1. The current support arrangements are as follows:

2. We believe there is entitlement to spousal support for the following reason(s):

Select all options that apply

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

3. Spousal support is to be paid by _____ (full name of payor) to _____ (full name of recipient)

4. We consent to spousal support as follows:

Select all that apply and complete the required information

- ☐ in the amount of $ _____ per month to commence on _____ (date) until _____ (date)
- ☐ in a lump sum of $ _____
- ☐ other (specify): _____

5. *Select only one of the options below*

- ☐ We are attaching calculations showing how much spousal support we believe should be paid
- ☐ We are not attaching calculations

6. *Select only one of the options below*

- ☐ We have both completed a Financial Statement in Form D or agreement as to income
- ☐ One or both of us is not able to complete a financial statement at this time and we have completed an Application for Case Management Order Without Notice or Appearance requesting this consent order application be filed without a completed financial statement or agreement as to income

IMPORTANT NOTE:
This consent order includes a request for an order for support. Each party, as applicable, must provide financial information with the application by completing and filing a Financial Statement in Form D or by filing an agreement as to income.