

Application for Order Under the Family Maintenance Enforcement Act Form 35

Provincial Court Family Rules

You can complete and file most family forms online using the Family Law Act Online Forms Service.

Access the service at justice.gov.bc.ca/apply-for-family-order.

The free service includes guided pathways that ask you questions and put your answers into the required court forms. When you're finished, you can save and file your forms electronically or print them to file in person.



A PDF version of this form is available online for download at www.gov.bc.ca/court-forms.

For courthouse locations, addresses, and contact information visit:

www.gov.bc.ca/courthouselocations

Family law:

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.

Preparing an Application for Order Under the *Family Maintenance Enforcement Act* Form 35

Complete this form if you need an order under the Family Maintenance Enforcement Act about the enforcement of an order about child support or spousal support.

This form is usually used once enforcement actions have already been started and may be used to challenge enforcement actions taken outside the court by the BC Family Maintenance Agency. The form provides options depending on the circumstances of the case and the enforcement action taken.

You should contact the BC Family Maintenance Agency before preparing this form to see if they can help. You may be able to reach an agreement without going to court.

Visit their website at www.bcfma.ca or contact them by telephone at 1-800-663-3455.

Note: A challenge of an enforcement action does not mean that the support order will be changed. If you want your order changed, you must also file the [Application About a Family Law Matter Form 3](#). If you are in an early resolution registry, you will start the process for changing your order about support by filing a [Notice to Resolve a Family Law Matter Form 1](#).



Need legal help?

It's important to understand the law and make sure you have the right information. If you don't, it can make solving your problem harder. Getting advice from a lawyer can help. You can find a lawyer through:

Lawyer Referral Service

Visit www.accessprobono.ca/our-programs/lawyer-referral-service or call at 604-687-3221

Legal Aid, Duty Counsel and Family Advice Lawyers

Visit <https://legalaid.bc.ca/> or call 1-866-577-2525

Legal Services and Resources

Visit the ClickLaw HelpMap at www.clicklaw.bc.ca/helpmap



Filling out the form and preparing to file it

Make sure you follow the instructions in the form and include all the required information.

If you complete the form by hand, be sure it's readable.

How do I prepare the form for filing?

- collect the completed application and copy of any applicable order as set out in the form
- print or make copies of all documents: one set for you, one set for the court, and one set for each other party
- staple or secure each package of documents together



Signing the affidavit with a commissioner for taking affidavits

If you are filing an affidavit in support of this application, you must meet with a commissioner for taking affidavits and sign the document in front of them.

The affidavit in support is used to present evidence to the court. It contains facts that you must swear under oath or affirm to be true.

Lawyers and notaries are all commissioners for taking affidavits. The court registry also has staff who are commissioners for taking affidavits who can help swear or affirm your affidavit for free.



Filing the application at the registry

You must file at the [Provincial Court Registry](#) where the existing Provincial Court case with the same parties is filed.

File the form:

- electronically 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.

Be sure to bring all copies of the documents to the registry if you are filing in person.

The registry clerk will review your package to make sure it's complete before filing it. They'll give you a copy for your records.



Serving the application

Serve a copy of the application on each other party.

If the creditor is enrolled with the BC Family Maintenance Agency, you must also serve the Director of Maintenance Enforcement.

If you are the debtor's employer, and you are applying to terminate a notice of attachment, you must serve both parties and the Director of Maintenance Enforcement.

They must all be served with at least 7 days' notice of the date and time of the appearance unless the court has ordered something different. This means there must be at least 7 days between the date the application is served and the date and time of the court appearance.

The application can be served by **ordinary service to the address of service** for each party. Their address for service is the address they have provided to the court.

A party who does not have an address for service must be served by **personal service**. An adult (at least 19 years old) who is not a party must hand-deliver the documents to the party to be served.

The Director of Maintenance Enforcement can be served by mailing the documents to the postal address provided by the Director. Contact the BC Family Maintenance Agency to find out how best to serve them.

See the guidebook if you need more information about serving the application.

You may need to prove service of the documents took place. The person serving the documents must complete a [Certificate of Service Form 7](#) to prove service. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.



Attending the court appearance

A judge can make decisions based only on the information presented by the parties. In addition to your application, you can provide evidence including any additional affidavit(s) and spoken evidence provided in court.

If you can't attend court using the method of attendance set out in your application, you can request the court's permission to attend using a different method of attendance by filing an [Application for Case Management Order without Notice or Attendance Form 11](#).

Can I get help in another language?

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

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

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

Application for Order Under the Family Maintenance Enforcement Act

Form 35

Provincial Court Family Rules
Rule 142

COURT STAMP

Registry location: _____
Court file number: _____
BCFMA case ID: _____
Document number: _____
For registry use only

This Application for Order Under the *Family Maintenance Enforcement Act* sets out the details of an application for an order under the *Family Maintenance Enforcement Act* about the enforcement of an order about child support or spousal support.

Please read before completing the form:

- This form is usually used once enforcement actions have been started and may be used to challenge enforcement actions taken outside the court by the BC Family Maintenance Agency (BCFMA).
- Under the *Family Maintenance Enforcement Act*, you may be required to contact the BCFMA before taking any action in court.

Part 1 | About the parties

1. My **full name** is: _____
Full name of party
My **date of birth** is: _____
(dd/mmm/yyyy)
2. The **other party's full name** is: _____
Their **date of birth** (dd/mmm/yyyy) is: _____
3. *Complete only if applicable. You may leave this question blank.*
The following other person(s) who may be directly affected by the order is/are:
(Full name of other person(s)): _____

i During enforcement proceedings, the parties are commonly referred to as the **creditor** (person to be paid support) and **debtor** (person required to pay support).

Part 2 | Notice of the application

4. I understand I **must give notice** of this application to each other party, and any other person who may be directly affected by the order.
To give notice, they must be served with the application and supporting documents at least 7 days before the date of the court appearance unless the court allows the application to be made without notice or with less than 7 days' notice.

i If the support order is filed with the Director of Maintenance Enforcement, they must also be served with a copy of the application. See the instructions for more information about how to serve them.

Part 3 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

on _____ at _____ a.m./p.m.

date

time

in person at _____

court location

by another method of attendance, as specified

Do not attend the courthouse in person. The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial-in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Notice of Address Change ([Form 46](#)), you must contact the registry to obtain the MS Teams conference information.

i The registry will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY/PERSON:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

IMPORTANT INFORMATION ABOUT YOUR APPEARANCE

What do parties need to know about attending by another method other than in person?

If your notice indicates that you are to attend by another method of attendance, parties, including the judge, will attend using the Microsoft Teams audio- and video-conferencing (video) platform. **Do not attend the courthouse in person.** Parties will receive remote MS Teams appearance details within 24 hours prior to the appearance, this notification is sent to you by email.

Microsoft Teams allows participants to join the conference using video or audio from a desktop, laptop, tablet, or smartphone, or to dial-in to a proceeding from a telephone. **If you are appearing by video**, please ensure that you have downloaded Microsoft Teams or have the latest version of Google Chrome or Microsoft Edge.

If you received this Notice by mail and intend to appear using video or audio from a desktop, laptop, tablet, or smartphone, and you did not provide an email address for service, please file an Notice of Address Change (PCFR Form 46), with the court registry that includes your email address and the court registry will send you the MS Teams meeting invite within 24 hours prior to your appearance.

The link and dial up information may be shared with your lawyer if you have retained counsel; and with your client if you are counsel.

Please do not forward or share the MS Teams link or dial up information to any unauthorized parties.

Preparing for your Family Management Conference

Legal Aid BC - Family Law Legal Advice

If you do not have a lawyer for your family law matter, visit legalaid.bc.ca/family-court-notice to find out about **free in person and remote legal advice services** that you may be eligible for that can help you prepare for your court date. Contact the advice services at least three weeks before your court date or as soon as you receive this notice. If you are unable to access the internet, contact the Family LawLINE at 604-408-2172 in Greater Vancouver or 1-866-577-2525 elsewhere in BC.

Family Justice Services

Family justice counsellors provide services to British Columbians going through separation and divorce and are specially trained to help families resolve their issues about guardianship, parenting arrangements, contact and support. There is no charge for their services.

At this time all services are available in-person as well as virtually (through telephone and videoconference) across the province. For more information, parties can call [1-844-747-3963] or contact their closest [Family Justice Centre](#).

Society for Children and Youth of BC Child and Youth Legal Centre

Free legal assistance directly for children and youth. Services may include legal advice and information, referral, or full representation, depending on circumstances. Availability and wait times may vary. Services are for children and youth who want legal assistance, are able to express their views and preferences, and who can instruct a lawyer.

For more information: <https://www.scyofbc.org/child-youth-legal-centre/>
Contact the Child and Youth Legal Centre cylc@scyofbc.org - (778)-657-5544

Interpreter

The court provides interpreters for family proceedings in provincial court. If you require an interpreter, please advise the registry as soon as possible. This link includes all court locations (address and phone numbers): www.gov.bc.ca/courthouselocations

Before the scheduled hearing date, please visit the Provincial Court website at <https://www.provincialcourt.bc.ca> and review:

- *Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy* (there is a general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court and there are penalties for breach)
- *NP 21 Remote Attendance in the Provincial Court* (for etiquette and directions on connecting by another method of attendance) (counsel attendance requirements when attending Family matters remotely)
- *NP 24 Form of Address for Parties and Lawyers* (provide the judge or justice with each person's name, title (e.g. "Mr./ Ms./Mx./Counsel Jones") and pronouns to be used in the proceeding)
- *Guide for Appearing in the Provincial Court using MS Teams*
- *eNews - What to expect at a family management conference?*

If you are unable to dial-in or are dropped from the appearance immediately call the court registry.

Part 4 | Order under the *Family Maintenance Enforcement Act*

5. I am applying for the following order(s):

Select all options that apply

- Requiring the other party/person to provide to the Director of Maintenance Enforcement correspondence and/or searchable information
- Extending the time for filing a statement of finances with the court
- Requiring the debtor to file a statement of finances or other documents
- Requiring the debtor to pay an amount on failing to file a statement of finances or prescribed documents
- Providing that a corporation is jointly and separately liable with the debtor for payments required by the support order
- Requiring payment by an attachee who failed to pay in accordance with a notice of attachment or to respond in accordance with the regulations
- Providing that a notice of attachment has no effect because the attachee is no longer liable or that the notice of attachment contains or is based on a material error
- Changing an order made at a default hearing (**see attached copy of order**)
- Suspending, changing or cancelling an order to imprison a debtor that was made in the debtor's absence
- Changing the amount exempt from attachment under an attachment order or notice of attachment
- Setting aside an attachment order made under section 24 of the *Family Maintenance Enforcement Act*
- Discharging or postponing the registration of a support order registered against land
- Requiring that the Director of Maintenance Enforcement direct the Insurance Corporation of British Columbia to disregard a notice stating that the debtor is in default and that an action under section 29.1 (1) of the *Family Maintenance Enforcement Act* is to be taken in relation to the debtor's driver's licence, the licence and corresponding number plates for any motor vehicle or trailer owned by the debtor
- Requiring security in any form from the debtor
- Requiring an individual or authorized representative of a corporation, partnership or proprietorship to attend a default hearing or committal hearing and to file financial information
- Restraining a person under section 46 of the *Family Maintenance Enforcement Act*
- Requiring a restrained person to enter into a recognizance and to report to the court, or a person named by the court



You may apply for one or more orders under the *Family Maintenance Enforcement Act*.



If you are applying to change an order made at a default hearing, you must attach a copy of the order to this application for filing.

Part 5 | The facts

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

- I am filing an affidavit in support of this application
- The facts on which this application is based are as follows:

Give the facts you want the court to consider. Include why you are making this application and why you need the court to make the order. Be prepared to provide evidence at your court appearance.



If you selected the first option, you must also file an affidavit with this application.

Part 6 | Address for service

7. My current **address for service** of court documents and contact information is:
You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:		Telephone:
Lawyer's name and firm name (if applicable):		

For use by the BC Family Maintenance Agency staff only

This application is being made and/or filed on behalf of the party by the Director of Maintenance Enforcement

Notes:
