

TO APPLY TO OBTAIN AN ORDER

RULE 2(1)

Step 1

COMPLETE the APPLICATION. Separate the 2 pages of the form before beginning. You may use a typewriter or print clearly and firmly. If you accessed this form from the Ministry of Attorney General website, you may also complete it at the computer and then print it. You may also need to **COMPLETE** a FINANCIAL STATEMENT. To find out, see the instructions on the front of the financial statement form.

MAKE 3 PHOTOCOPIES of the FINANCIAL STATEMENT (if any) and any other documents that you will file with the application.



Step 2

FILE the APPLICATION (and the FINANCIAL STATEMENT, if any) by taking or mailing it and any attached documents to the court registry. Make sure you file 3 copies of each document, as well as the originals. The staff will apply the registry stamp to each document and assign a file number. They will return the copies you need for your records and to serve the other party. There is no filing fee in Provincial Family Court.

INTERIM ORDERS

If your application can not be heard by the court for some time and your circumstances require an order to be made sooner (for example if you have evidence that the respondent intends to take the children out of the province), you can ask for an interim (temporary) order. Ask registry staff about this when you file your application. You must be prepared to give the judge evidence that the circumstances require it.



Step 3

MAKE ARRANGEMENTS TO SERVE the other party with a copy of the application, your financial statement (if any) and any accompanying documents. The purpose of service is to be sure the other party knows what you are asking for.

These documents must be served on the other party in person, by any person at least 19 years of age other than yourself. The court registry will give you a blank copy of a reply form, and if your claim is to obtain a maintenance order, a blank copy of a financial statement. These must be attached to the copy of the application when it is served on the respondent, as they are for the respondent to complete. Ask the registry if you need more information about serving the documents.

Step 4

WAIT AT LEAST 30 DAYS after the respondent has been served with your documents, **THEN ASK THE REGISTRY** whether the respondent has filed a reply. If the reply has been filed, the registry will set a date and time for a first appearance hearing. They will send you a copy of the reply within 21 days of receiving it, and a notice of hearing advising you of the date and time of the hearing, once the hearing is scheduled. You will probably receive the reply before you receive the notice of hearing.

If the respondent does not file a reply within 30 days, the first appearance hearing will be scheduled after you file an affidavit of personal service (which you may obtain from the court registry), and after you request the registry to schedule the hearing.



Step 5

CONFERENCES AND TRIAL In some cases, the trial will be scheduled next, but in most cases (other than those that only involve claims for maintenance) the judge may order a family case conference and/or a trial preparation conference to be held first. These are informal proceedings held before a judge, who may make many of the same types of orders as can be made at a trial.

A **family case conference** attempts to narrow and clarify the issues to be tried, and to explore whether options such as mediation are appropriate for the case. In some cases, the parties may agree to a consent order, so the case never goes to trial.

A **trial preparation conference** ensures that the parties are ready to present their cases at trial, and identifies how long the trial will take and how many witnesses will be called.

A **trial** is a formal and structured hearing where a judge makes decisions about any issues that the parties still do not agree upon. It is held in a courtroom, and the parties must make their arguments and present their evidence in a certain order. You may wish to attend another family court trial as a spectator, to get an idea of what happens in the courtroom, before your case goes to trial.

COURT FILE NO. _____

Registry staff will record the court file number and location.



CASE NAME: _____

Record your name after "In the case between" and the other party's name after "And".



FILED BY: _____

You must be sure that the address you give is correct because this is where notices or information will be sent to you. If your address changes at any time, you must file a NOTICE OF CHANGE OF ADDRESS form with the registry and serve a copy on the other party. **IMPORTANT NOTE:** If you do not want the other party to know your residential address, advise the court registry in writing and provide another address at which you can receive notices and information. Failure to accept service at the address provided on this form could result in a final order being made in your absence.



NOTICE TO: _____

Provide the name, address and telephone number of the other party. You may also include the fax number, if you know it.

If you are aware that an order has been made under the *Child, Family and Community Service Act (CFCSA)* also provide notice to the Director, CFCSA. This may be done by leaving a copy with, or fax transmission to, either:

- the director's lawyer of record, or
- the district office of the Ministry of Children and Family Development that has conduct of the case.



I AM APPLYING FOR: _____

You can use this form to apply for more than one order. For example, you may be asking for guardianship, custody and maintenance for your children and maintenance for yourself. Or you may be asking for an order only for access to your children.

See the booklet called "Custody and Access Orders in Family Court" for information on orders prohibiting interference with a child in your custody and on restraining orders.



ORDERS AND AGREEMENTS _____

An example is an order cancelling registration of maintenance order made outside British Columbia. **Attach** copies of any orders or written agreements.

CHILDREN _____

Fill in the required information for any child(ren) to whom the application applies. Describe the child access arrangements you are requesting, if applicable.





APPLICATION TO OBTAIN AN ORDER

In the Provincial Court of British Columbia

COURT FILE NO.:
COURT LOCATION:
FMEP NO.:

Case name

Your name.

In the case between:

NAME _____

And:

NAME _____

Name of other party.

Filed by:

NAME _____

DATE OF BIRTH _____

APPLICANT

ADDRESS FOR SERVICE _____

CITY _____

PROVINCE _____

POSTAL CODE _____

PHONE _____

FAX _____

Your current address for service.

Notice to:

NAME _____

DATE OF BIRTH _____

RESPONDENT

ADDRESS FOR SERVICE _____

CITY _____

PROVINCE _____

POSTAL CODE _____

PHONE _____

FAX _____

Other party's address for service.

IMPORTANT NOTE TO RESPONDENT:

If this application includes a claim for maintenance, you are required to file financial information with your reply. If you do not, the court may attribute income to you and set the amount of maintenance to be paid. The applicant has estimated your gross annual income as set out in item 3 below.

I am applying for:

custody

guardianship

access

maintenance for a child

spousal maintenance

parental maintenance

an order prohibiting the respondent from interfering with the child(ren), and/or

NAME _____

an order restraining the respondent from harassing the child(ren), and/or

NAME _____

other order (SPECIFY) _____

What are you asking for in this application?

Check the appropriate box(es) and fill in any required information.

Attach copies of any orders or written agreements.

1. Orders and agreements

Are there any court orders or written agreements between the parties concerning separation, custody, access or maintenance?

No orders

I am attaching copies of all other orders

No written agreements

I am attaching copies of all other written agreements

Fill in the required information for any child(ren) to whom the application applies.

2. Children (complete if you are asking for custody, access, child maintenance or a restraining order)

Name(s) of child(ren) _____

Birthdate(s) _____

My relationship to the child(ren) is _____

The respondent's relationship to the child(ren) is _____

The present custody arrangements for the child(ren) are: _____

(If applying for access) I am asking for access to the child(ren) as follows: _____

Describe the child access arrangements you are requesting, if applicable.

APPLICATION TO OBTAIN AN ORDER



APPLICATION TO OBTAIN AN ORDER

In the Provincial Court of British Columbia

COURT FILE NO.:
COURT LOCATION:
FMEP NO.:

Case name

In the case between:	
NAME _____	
And:	
NAME _____	
Filed by:	
NAME _____	DATE OF BIRTH _____
APPLICANT	
ADDRESS FOR SERVICE _____	CITY _____
PROVINCE _____	POSTAL CODE _____
PHONE _____	FAX _____
Notice to:	
NAME _____	DATE OF BIRTH _____
RESPONDENT	
ADDRESS FOR SERVICE _____	CITY _____
PROVINCE _____	POSTAL CODE _____
PHONE _____	FAX _____

Other party's address for service.

What is the other party asking for in this application?

IMPORTANT NOTE TO RESPONDENT:
If this application includes a claim for maintenance, you are required to file financial information with your reply. If you do not, the court may attribute income to you and set the amount of maintenance to be paid. The applicant has estimated your gross annual income as set out in item 3 below.

I am applying for:

custody guardianship access

maintenance for a child spousal maintenance parental maintenance

an order prohibiting the respondent from interfering with the child(ren), and/or

NAME _____

an order restraining the respondent from harassing the child(ren), and/or

NAME _____

other order (SPECIFY) _____

1. Orders and agreements

Are there any court orders or written agreements between the parties concerning separation, custody, access or maintenance?

No orders I am attaching copies of all other orders

No written agreements I am attaching copies of all other written agreements

2. Children *(complete if you are asking for custody, access, child maintenance or a restraining order)*

Name(s) of child(ren)	Birthdate(s)
_____	_____
_____	_____
_____	_____

My relationship to the child(ren) is _____

The respondent's relationship to the child(ren) is _____

The present custody arrangements for the child(ren) are:

(If applying for access) I am asking for access to the child(ren) as follows:

What child access arrangements (if any) is the other party requesting?

APPLICATION TO OBTAIN AN ORDER



APPLICATION TO OBTAIN AN ORDER

In the Provincial Court of British Columbia

COURT FILE NO.:
COURT LOCATION:
FMEP NO.:

Case name

In the case between:

NAME _____

And:

NAME _____

Filed by:

NAME _____ DATE OF BIRTH _____ **APPLICANT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Notice to:

NAME _____ DATE OF BIRTH _____ **RESPONDENT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Other party's address for service.

What is the other party asking for in this application?

IMPORTANT NOTE TO RESPONDENT:

If this application includes a claim for maintenance, you are required to file financial information with your reply. If you do not, the court may attribute income to you and set the amount of maintenance to be paid. The applicant has estimated your gross annual income as set out in item 3 below.

I am applying for:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- an order prohibiting the respondent from interfering with the child(ren), and/or
NAME _____
- an order restraining the respondent from harassing the child(ren), and/or
NAME _____
- other order (SPECIFY) _____

1. Orders and agreements

Are there any court orders or written agreements between the parties concerning separation, custody, access or maintenance?

- No orders I am attaching copies of all other orders
- No written agreements I am attaching copies of all other written agreements

2. Children (complete if you are asking for custody, access, child maintenance or a restraining order)

Name(s) of child(ren) _____ Birthdate(s) _____

My relationship to the child(ren) is _____

The respondent's relationship to the child(ren) is _____

The present custody arrangements for the child(ren) are: _____

(If applying for access) I am asking for access to the child(ren) as follows:

What child access arrangements (if any) is the other party requesting?

APPLICATION TO OBTAIN AN ORDER



APPLICATION TO OBTAIN AN ORDER

In the Provincial Court of British Columbia

COURT FILE NO.:
COURT LOCATION:
FMEP NO.:

Case name

Your name.

In the case between:

NAME _____

And:

NAME _____

Name of other party.

Filed by:

NAME _____ DATE OF BIRTH _____ **APPLICANT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Your current address for service.

Notice to:

NAME _____ DATE OF BIRTH _____ **RESPONDENT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Other party's address for service.

IMPORTANT NOTE TO RESPONDENT:

If this application includes a claim for maintenance, you are required to file financial information with your reply. If you do not, the court may attribute income to you and set the amount of maintenance to be paid. The applicant has estimated your gross annual income as set out in item 3 below.

I am applying for:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- an order prohibiting the respondent from interfering with the child(ren), and/or
NAME _____
- an order restraining the respondent from harassing the child(ren), and/or
NAME _____
- other order (SPECIFY) _____

What are you asking for in this application?

Check the appropriate box(es) and fill in any required information.

Attach copies of any orders or written agreements.

1. Orders and agreements

Are there any court orders or written agreements between the parties concerning separation, custody, access or maintenance?

- No orders I am attaching copies of all other orders
- No written agreements I am attaching copies of all other written agreements

Fill in the required information for any child(ren) to whom the application applies.

2. Children (complete if you are asking for custody, access, child maintenance or a restraining order)

Name(s) of child(ren)	Birthdate(s)
_____	_____
_____	_____
_____	_____

My relationship to the child(ren) is _____

The respondent's relationship to the child(ren) is _____

The present custody arrangements for the child(ren) are: _____

(If applying for access) I am asking for access to the child(ren) as follows:

Describe the child access arrangements you are requesting, if applicable.

APPLICATION TO OBTAIN AN ORDER

Complete this affidavit if personal service was successful.

If you served the application on the reverse of this page together with another document(s), you need to complete only one affidavit of personal service, listing all documents served on the person named.

Check box(es) for each document served, and name the document. Make sure you mark each attached document with the correct Exhibit letter.

If you must make a correction, or cross anything out, please initial.

This section must be sworn or affirmed before a Commissioner for Taking Affidavits.

AFFIDAVIT OF PERSONAL SERVICE (FORM 5)

I swear or affirm that I _____ NAME _____ OCCUPATION _____
of _____ ADDRESS _____ personally served _____ NAME OF PERSON SERVED _____

on _____ DATE _____ at _____ ADDRESS _____

with a copy of the following documents:

- the application to obtain an order on the reverse of this page
- EXHIBIT " _____ "
- EXHIBIT " _____ "
- EXHIBIT " _____ "
- EXHIBIT " _____ "
- blank reply form
- blank financial statement form

The party was identified to me in this manner:

- I know the person
- He/she admitted to being this person.
- Other (specify) _____

Sworn or affirmed before me

at _____ DATE _____ British Columbia
on _____ DATE _____
Signature _____
A Commissioner for Taking Affidavits for British Columbia

Complete this application if you served the application by mail, by fax or by substituted service.

You may use one of these methods only if a judge has granted permission to do so.

If you served the application on the reverse of this page together with another document(s), you need to complete only one affidavit of service, listing all documents served on the person named.

Check appropriate box(es) for each document served and name the document. Make sure you mark each attached document with the correct Exhibit letter.

If you must make a correction, or cross anything out, please initial.

This section must be sworn or affirmed before a Commissioner for Taking Affidavits.

AFFIDAVIT OF SERVICE (FORM 13)

I swear or affirm that I _____ NAME _____ OCCUPATION _____
of _____ ADDRESS _____ served _____ NAME OF PERSON SERVED _____

on _____ DATE _____ at _____ ADDRESS _____

with a copy of the following documents:

- | | Name of document |
|--------------------------|--|
| <input type="checkbox"/> | the application to obtain an order on the reverse of this page |
| <input type="checkbox"/> | EXHIBIT " _____ " |
| <input type="checkbox"/> | EXHIBIT " _____ " |
| <input type="checkbox"/> | EXHIBIT " _____ " |
| <input type="checkbox"/> | EXHIBIT " _____ " |
| <input type="checkbox"/> | blank reply form |
| <input type="checkbox"/> | blank financial statement form |

The party was served in this manner:

- Fax (attach a copy of Form 10)
- Mail
- By substituted service as ordered by the court.

Sworn or affirmed before me
at _____ DATE _____ British Columbia
on _____ DATE _____
Signature _____
A Commissioner for Taking Affidavits for British Columbia

What child or spousal maintenance arrangements are you requesting? Check the appropriate box(es) and fill in any required information.

CASE NAME:
COURT FILE NO.:

3. Maintenance (complete if you are asking for child or spousal maintenance)

The current maintenance arrangements are:

I believe that the respondent's gross annual income is \$ _____ because:

I am asking for: (complete only if you are asking for child maintenance)

- maintenance in the amount set out in the Child Support Table for _____ children
- special or extraordinary expenses, as follows:

Information for Applicant and Respondent

If this application contains a claim for maintenance, you must complete a financial statement in Form 4, following the instructions on that form, if:

- there is a claim for spousal or parental maintenance, or
- there is a claim for child maintenance and one or more of the following applies:
 - you are the person being asked to pay;
 - the claim is for an amount other than the amount set out in the tables of the Child Support Guidelines;
 - there is a claim of undue hardship;
 - there is a claim for special or extraordinary expenses;
 - the parents have split custody (that is, there are 2 or more children and each parent has sole custody of at least one child);
 - the parents have shared custody (that is, each parent exercises access to or has physical custody of a child for not less than 40% of the time over the course of a year);
 - one or more of the children for whom maintenance is claimed is of the age of majority or older;
 - the person who is being asked to pay is not a biological or adoptive parent of the child but has acted as a parent to one or more of the children for whom maintenance is claimed.

You may also provide this financial information before receiving the respondent's reply, in order to avoid delay, if you believe that the income of the respondent from whom child maintenance is claimed is over \$150,000 per year or that the respondent will claim undue hardship, special or extraordinary expenses or make a counterclaim for maintenance.

If you are asking for a restraining order, explain why you believe a restraining order is necessary.

4. Restraining Orders (complete if you are asking for a restraining order)

I am asking for an order prohibiting the respondent from interfering with or harassing the child(ren) and/or myself because _____

Note to respondent: If you fail to file a reply within 30 days of being served with this application you will not receive notice of any part of the proceeding and the court may make an order against you.

Sign your name and state today's date.

Dated _____

Signature of applicant or applicant's lawyer

State name of lawyer, if any.

Name of applicant's lawyer

What child or spousal maintenance arrangements (if any) is the other party requesting?

CASE NAME:
COURT FILE NO.:

3. Maintenance (complete if you are asking for child or spousal maintenance)

The current maintenance arrangements are:

I believe that the respondent's gross annual income is \$ because:

I am asking for: (complete only if you are asking for child maintenance)

- maintenance in the amount set out in the Child Support Table for NUMBER children
special or extraordinary expenses, as follows:

Information for Applicant and Respondent

If this application contains a claim for maintenance, you must complete a financial statement in Form 4, following the instructions on that form, if:

- there is a claim for spousal or parental maintenance, or
there is a claim for child maintenance and one or more of the following applies:
- you are the person being asked to pay;
- the claim is for an amount other than the amount set out in the tables of the Child Support Guidelines;
- there is a claim of undue hardship;
- there is a claim for special or extraordinary expenses;
- the parents have split custody (that is, there are 2 or more children and each parent has sole custody of at least one child);
- the parents have shared custody (that is, each parent exercises access to or has physical custody of a child for not less than 40% of the time over the course of a year);
- one or more of the children for whom maintenance is claimed is of the age of majority or older;
- the person who is being asked to pay is not a biological or adoptive parent of the child but has acted as a parent to one or more of the children for whom maintenance is claimed.

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If applicable, why is the other party requesting a restraining order?

4. Restraining Orders (complete if you are asking for a restraining order)

I am asking for an order prohibiting the respondent from interfering with or harassing the child(ren) and/or myself because

Multiple blank lines for providing reasons for the restraining order.

Note to respondent: If you fail to file a reply within 30 days of being served with this application you will not receive notice of any part of the proceeding and the court may make an order against you.

Dated

Signature box for applicant or applicant's lawyer.

Signature of applicant or applicant's lawyer

Name of applicant's lawyer

What child or spousal maintenance arrangements (if any) is the other party requesting?

CASE NAME:
COURT FILE NO.:

3. Maintenance (complete if you are asking for child or spousal maintenance)

The current maintenance arrangements are:

I believe that the respondent's gross annual income is \$ _____ because:

I am asking for: (complete only if you are asking for child maintenance)

- maintenance in the amount set out in the Child Support Table for _____ children
- special or extraordinary expenses, as follows:

Information for Applicant and Respondent

If this application contains a claim for maintenance, you must complete a financial statement in Form 4, following the instructions on that form, if:

- there is a claim for spousal or parental maintenance, or
- there is a claim for child maintenance and one or more of the following applies:
 - you are the person being asked to pay;
 - the claim is for an amount other than the amount set out in the tables of the Child Support Guidelines;
 - there is a claim of undue hardship;
 - there is a claim for special or extraordinary expenses;
 - the parents have split custody (that is, there are 2 or more children and each parent has sole custody of at least one child);
 - the parents have shared custody (that is, each parent exercises access to or has physical custody of a child for not less than 40% of the time over the course of a year);
 - one or more of the children for whom maintenance is claimed is of the age of majority or older;
 - the person who is being asked to pay is not a biological or adoptive parent of the child but has acted as a parent to one or more of the children for whom maintenance is claimed.

You may also provide this financial information before receiving the respondent's reply, in order to avoid delay, if you believe that the income of the respondent from whom child maintenance is claimed is over \$150,000 per year or that the respondent will claim undue hardship, special or extraordinary expenses or make a counterclaim for maintenance.

If applicable, why is the other party requesting a restraining order?

4. Restraining Orders (complete if you are asking for a restraining order)

I am asking for an order prohibiting the respondent from interfering with or harassing the child(ren) and/or myself because _____

Note to respondent: If you fail to file a reply within 30 days of being served with this application you will not receive notice of any part of the proceeding and the court may make an order against you.

Dated _____

Signature of applicant or applicant's lawyer

Name of applicant's lawyer

What child or spousal maintenance arrangements are you requesting? Check the appropriate box(es) and fill in any required information.

CASE NAME:
COURT FILE NO.:

3. Maintenance (complete if you are asking for child or spousal maintenance)

The current maintenance arrangements are:

I believe that the respondent's gross annual income is \$ because:

I am asking for: (complete only if you are asking for child maintenance)

- maintenance in the amount set out in the Child Support Table for NUMBER children
special or extraordinary expenses, as follows:

Information for Applicant and Respondent

If this application contains a claim for maintenance, you must complete a financial statement in Form 4, following the instructions on that form, if:

- there is a claim for spousal or parental maintenance, or
there is a claim for child maintenance and one or more of the following applies:
- you are the person being asked to pay;
- the claim is for an amount other than the amount set out in the tables of the Child Support Guidelines;
- there is a claim of undue hardship;
- there is a claim for special or extraordinary expenses;
- the parents have split custody (that is, there are 2 or more children and each parent has sole custody of at least one child);
- the parents have shared custody (that is, each parent exercises access to or has physical custody of a child for not less than 40% of the time over the course of a year);
- one or more of the children for whom maintenance is claimed is of the age of majority or older;
- the person who is being asked to pay is not a biological or adoptive parent of the child but has acted as a parent to one or more of the children for whom maintenance is claimed.

You may also provide this financial information before receiving the respondent's reply, in order to avoid delay, if you believe that the income of the respondent from whom child maintenance is claimed is over \$150,000 per year or that the respondent will claim undue hardship, special or extraordinary expenses or make a counterclaim for maintenance.

If you are asking for a restraining order, explain why you believe a restraining order is necessary.

4. Restraining Orders (complete if you are asking for a restraining order)

I am asking for an order prohibiting the respondent from interfering with or harassing the child(ren) and/or myself because

Blank lines for providing reasons for the restraining order.

Note to respondent: If you fail to file a reply within 30 days of being served with this application you will not receive notice of any part of the proceeding and the court may make an order against you.

Sign your name and state today's date.

Dated

Signature box for applicant or applicant's lawyer.

Signature of applicant or applicant's lawyer

Name of applicant's lawyer