

REPLYING TO AN APPLICATION FILED BY AN APPLICANT OR RESPONDENT

RULE 3(1)



Step 3

What are a respondent's options?

A respondent who receives an application (or an applicant who receives a reply which includes an application from the respondent) may do any one of the following:

- consent to one or more of the orders requested in the application;
 - disagree with anything claimed in the application, stating the reasons for the disagreement;
 - apply to the court for any of the following orders:
 - child custody, access or guardianship;
 - child or spousal maintenance;
 - a restraining order or an order prohibiting interference with a child;
 - apply to the court for an order
 - to change or cancel an order or written agreement that was made or registered under the *Family Relations Act*;
- or
- to cancel or reduce arrears under a maintenance order that was made or registered under that Act.

Step 1

COMPLETE the REPLY. Separate the 2 pages of the form before beginning to complete it. Use a typewriter or print clearly and firmly. If you accessed the form from the Ministry of Attorney General website, you may also complete it at a computer and then print it. **Make 3 photocopies** of any documents you are filing along with the reply.



Step 2

FILE the REPLY by taking or mailing it and any accompanying documents to the court registry shown on the application. There is no filing fee in the Provincial Family Court. Make sure you file 3 copies of each document, as well as the original.

Registry staff will apply a date stamp to each document, and return a copy to you for your records (and to serve on the respondent, if you are the applicant).

The reply must be filed in the registry within 30 days after you were served with the application. If you do not file a reply, you will not be notified regarding any part of the proceedings. The judge may make the order sought by the applicant in your absence.

IF YOU ARE THE RESPONDENT:

The court registry will send a copy of your reply to the other party(s). You will receive a notice telling you the date and place of the first appearance hearing.

IF YOU ARE THE APPLICANT, you must **SERVE** the respondent with your reply, and if applicable and unless you have already served them, with your financial statement and any accompanying financial documents.

This may be done:

- by mail to the party's most recent address for service filed with the registry;
- by fax, if the fax number is included in the address for service provided by that party. You must use the special fax cover page, which the registry can give you;
- by leaving the reply with the other party's lawyer; or
- by having another person, at least 19 years of age, leave the reply with the party. These last 2 methods are called personal service.



Step 4

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.

Record the court file number and court location shown on the application.



WHAT DOCUMENT ARE YOU REPLYING TO?

Check the top box if you are replying to an Application. Check the bottom box if you are replying to a counterclaim (order sought by the other party in his/her Reply).

CASE NAME:

Record the names of the parties exactly as they appear on the application.



TO:

Use the applicant's address for service exactly as it appears on the application. (If you are an applicant replying to a reply filed by the respondent, use the respondent's address for service as it appears on that reply.)



FROM:

This is where you provide your address for service. Give an address where notices and other documents can be sent to you. If you include a fax number, the other party and the court registry may serve documents on you by fax. If this address changes at any time, you must file a notice of change of address with the court registry and serve a copy of it 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 information and notices. Failure to accept service at address provided could result in a final order being made in your absence.*

AGREEMENT WITH THE APPLICATION:

If you agree with all or part of the orders requested in the other party's application indicate by checking the appropriate box(es), and fill in any required information.



DISAGREEMENT WITH THE APPLICATION:

Here you must indicate the reasons why you oppose the other party's application. You do not need to tell everything about your case here. You must tell just enough to indicate to the other party and the court what parts of the application you disagree with, and why.





REPLY

In the Provincial Court of British Columbia

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

What document are you replying to?

- Reply to Application
 Reply to Counterclaim (Counter Application)

Case name
Name of parties as they appear on the application.

In the case between:
NAME _____
And:
NAME _____

Other party's address for service.

To:
NAME _____ **APPLICANT**
ADDRESS FOR SERVICE _____ CITY _____
PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Your current address for service.

From:
NAME _____ **RESPONDENT**
ADDRESS FOR SERVICE _____ CITY _____
PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

IMPORTANT NOTE TO APPLICANT:
If the respondent's reply includes a claim for maintenance and you, the original applicant, do not file the required financial information with your reply, the court may attribute income to you and set the amount of maintenance to be paid. The respondent has estimated your gross annual income as set out in item 2 below.

What part(s) of the application do you agree with?
Check the appropriate box(es) and fill in any required information.

Agreement with application:
I agree with the request(s) of the applicant for:
 custody guardianship access
 maintenance for a child spousal maintenance parental maintenance
 a change in or cancellation of an earlier order
 other order (specify) _____

I wish to make the following comments regarding the request(s) even though I agree:

What part(s) of the application do you disagree with?

Disagreement with application:
I disagree with the request(s) of the applicant for:
 custody guardianship access
 maintenance for a child spousal maintenance parental maintenance
 a change in or cancellation of an earlier order
 other order (specify) _____

Explain why you disagree with the request(s).

I disagree because:



REPLY

In the Provincial Court of British Columbia

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

What document are you replying to?

- Reply to Application
- Reply to Counterclaim (Counter Application)

Case name

In the case between:
 NAME _____
And:
 NAME _____

Other party's address for service.

To:
 NAME _____ **APPLICANT**
 ADDRESS FOR SERVICE _____ CITY _____
 PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

From:
 NAME _____ **RESPONDENT**
 ADDRESS FOR SERVICE _____ CITY _____
 PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

What part(s) of the application does the other party agree with?

IMPORTANT NOTE TO APPLICANT:

If the respondent's reply includes a claim for maintenance and you, the original applicant, do not file the required financial information with your reply, the court may attribute income to you and set the amount of maintenance to be paid. The respondent has estimated your gross annual income as set out in item 2 below.

Agreement with application:

I agree with the request(s) of the applicant for:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- a change in or cancellation of an earlier order
- other order (specify) _____

I wish to make the following comments regarding the request(s) even though I agree:

What part(s) of the application does the other party disagree with?

Disagreement with application:

I disagree with the request(s) of the applicant for:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- a change in or cancellation of an earlier order
- other order (specify) _____

I disagree because:



REPLY

In the Provincial Court of British Columbia

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

What document are you replying to?

- Reply to Application
- Reply to Counterclaim (Counter Application)

Case name

In the case between:
 NAME _____

And:
 NAME _____

Other party's address for service.

To:
 NAME _____ **APPLICANT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

From:
 NAME _____ **RESPONDENT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

What part(s) of the application does the other party agree with?

IMPORTANT NOTE TO APPLICANT:

If the respondent's reply includes a claim for maintenance and you, the original applicant, do not file the required financial information with your reply, the court may attribute income to you and set the amount of maintenance to be paid. The respondent has estimated your gross annual income as set out in item 2 below.

Agreement with application:

I agree with the request(s) of the applicant for:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- a change in or cancellation of an earlier order
- other order (specify) _____

I wish to make the following comments regarding the request(s) even though I agree:

What part(s) of the application does the other party disagree with?

Disagreement with application:

I disagree with the request(s) of the applicant for:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- a change in or cancellation of an earlier order
- other order (specify) _____

I disagree because:



REPLY

In the Provincial Court of British Columbia

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

What document are you replying to?

- Reply to Application
- Reply to Counterclaim (Counter Application)

Case name
Name of parties as they appear on the application.

In the case between:
NAME _____

And:
NAME _____

Other party's address for service.

To:
NAME _____ **APPLICANT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Your current address for service.

From:
NAME _____ **RESPONDENT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

What part(s) of the application do you agree with?
Check the appropriate box(es) and fill in any required information.

IMPORTANT NOTE TO APPLICANT:

If the respondent's reply includes a claim for maintenance and you, the original applicant, do not file the required financial information with your reply, the court may attribute income to you and set the amount of maintenance to be paid. The respondent has estimated your gross annual income as set out in item 2 below.

Agreement with application:

I agree with the request(s) of the applicant for:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- a change in or cancellation of an earlier order
- other order (specify) _____

I wish to make the following comments regarding the request(s) even though I agree:

What part(s) of the application do you disagree with?

Disagreement with application:

I disagree with the request(s) of the applicant for:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- a change in or cancellation of an earlier order
- other order (specify) _____

I disagree because:

Explain why you disagree with the request(s).

If you are the respondent, and if you wish to apply for one or more orders, this page is where you request these order(s). You must tell just enough about your case to let the other party and the court know what your application is about.

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

What child access arrangements (if any) are you requesting?

If you are asking for maintenance, fill in this information.

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

Respondent's own application:

CASE NAME:
COURT FILE NO.:

I wish to make application for the following:

- custody guardianship access
 maintenance for a child spousal maintenance parental maintenance
 a change in or cancellation of an earlier order
 an order that arrears of maintenance under the Family Relations Act be cancelled or reduced
 other order (specify)

1. Children (complete if you are asking for custody, access or child maintenance)

NAME(S) OF CHILDREN BIRTHDATE(S)
MMM DD YYYY

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

Multiple horizontal lines for text entry.

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

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

Multiple horizontal lines for text entry.

3. Restraining Order (complete if you are asking for a restraining order)

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

Multiple horizontal lines for text entry.

Sign your name and state today's date.

Dated _____

Signature box

Signature of respondent or respondent's lawyer

State name of lawyer, if any.

Name of respondent's lawyer

What is the other party asking for?

Respondent's own application:

CASE NAME:
COURT FILE NO.:

I wish to make application for the following:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- a change in or cancellation of an earlier order
- an order that arrears of maintenance under the *Family Relations Act* be cancelled or reduced
- other order (specify) _____

1. Children (complete if you are asking for custody, access or child maintenance)

NAME(S) OF CHILDREN

BIRTHDATE(S)
MMM DD YYYY

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

What does the other party believe your income to be?

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

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

If the other party is asking for a restraining order, what are the reasons?

3. Restraining Order (complete if you are asking for a restraining order)

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

Dated _____

Signature of respondent or respondent's lawyer

Name of respondent's lawyer

What is the other party asking for?

Respondent's own application:

CASE NAME:

COURT FILE NO.:

I wish to make application for the following:

- custody guardianship access
- maintenance for a child spousal maintenance parental maintenance
- a change in or cancellation of an earlier order
- an order that arrears of maintenance under the *Family Relations Act* be cancelled or reduced
- other order (specify) _____

1. Children (complete if you are asking for custody, access or child maintenance)

NAME(S) OF CHILDREN

BIRTHDATE(S)
MMM DD YYYY

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

What does the other party believe your income to be?

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

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

If the other party is asking for a restraining order, what are the reasons?

3. Restraining Order (complete if you are asking for a restraining order)

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

Dated _____

Signature of respondent or respondent's lawyer

Name of respondent's lawyer

If you are the respondent, and if you wish to apply for one or more orders, this page is where you request these order(s). You must tell just enough about your case to let the other party and the court know what your application is about.

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

What child access arrangements (if any) are you requesting?

If you are asking for maintenance, fill in this information.

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

Respondent's own application:

CASE NAME:
COURT FILE NO.:

I wish to make application for the following:

- custody guardianship access
 maintenance for a child spousal maintenance parental maintenance
 a change in or cancellation of an earlier order
 an order that arrears of maintenance under the Family Relations Act be cancelled or reduced
 other order (specify) _____

1. Children (complete if you are asking for custody, access or child maintenance)

NAME(S) OF CHILDREN _____ BIRTHDATE(S)
MMM DD YYYY

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

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

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

3. Restraining Order (complete if you are asking for a restraining order)

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

Sign your name and state today's date.

Dated _____

Signature of respondent or respondent's lawyer

State name of lawyer, if any.

Name of respondent's lawyer _____

Complete this affidavit if personal service was successful.

If you served the reply on the back 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)

In the Provincial Court of British Columbia

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 reply 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 affidavit if you served the reply by mail, by fax or by substituted service.

If you served several 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)

In the Provincial Court of British Columbia

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 reply 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