

**FORM F3
(RULE 4-1 (1))**

No. _____
Registry _____

In the Supreme Court of British Columbia

Claimant:

Style of Cause

Respondent:



NOTICE OF FAMILY CLAIM

This family law case has been started by the claimant(s) for the relief set out in section 4 below.

If you intend to respond to this family law case, you or your lawyer must

- (a) file a response to family claim in Form F4 in the above-named registry of this court within 30 days after the date on which this copy of the filed notice of family claim was served on you, and
- (b) serve a copy of the filed response to family claim on the claimant.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to family claim in Form F4 and a counterclaim in Form F5 in the above-named registry of this court within 30 days after the date on which this copy of the filed notice of family claim was served on you, and
- (b) serve a copy of the filed response to family claim and counterclaim on the claimant and on any new parties named in the counterclaim.

Orders, including orders granting the relief claimed, may be made against you if you fail to file the response to family claim within the 30 day period referred to above.

Names

1 Information about the parties



<i>[Complete the following for each claimant.]</i>	
The claimant,	, is
<div style="text-align: center;"><i>[name]</i></div>	<div style="text-align: center;">_____</div> <div style="text-align: center;"><small><i>[briefly indicate this person's relationship to other parties to this family law case]</i></small></div>
<i>[Complete the following for each respondent.]</i>	
The respondent,	, is
<div style="text-align: center;"><i>[name]</i></div>	<div style="text-align: center;">_____</div> <div style="text-align: center;"><small><i>[briefly indicate this person's relationship to other parties to this family law case]</i></small></div>

2 Spousal relationship history

4 The Claimant's Claims

[Check the correct box(es) and complete and attach the required Schedules.]

- An order for divorce – [complete and attach Schedule 1]
- An order respecting child(ren) – [complete and attach Schedule 2]
- An order for spousal support – [complete and attach Schedule 3]
- An order relating to family property and family debt – [complete and attach Schedule 4]
- Another order – [complete and attach Schedule 5]
- An order for costs

5 Place of trial will be:

_____ [name of registry]

6 The address of the registry is Registry,

If you're starting the claim, the place of trial is the name of the town or city where you'll be filing your claim.

7 The Claimant's address for service is

[Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Address for service: _____

Fax number address for service (optional): _____

E-mail address for service (optional): _____

Date: _____
[dd/mmm/yyyy]

Signature of
 Claimant Lawyer for claimant

[type or print name]

If in this family law case a claim is made under the Family Law Act and the claimant is represented by a lawyer, the lawyer must complete the following certificate.

LAWYER'S CERTIFICATE (FAMILY LAW ACT, s. 8(2))

I, _____, lawyer for

certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and (b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date: _____
[dd/mmm/yyyy]

Signature of lawyer

[type or print name]

**FORM F3
(RULE 4-1 (1))**

In the Supreme Court of British Columbia

No. _____

Registry

Schedule 1: Divorce

Claimant:



Orders Available in this Schedule
· Divorce

Respondent:

SCHEDULE 1 – DIVORCE

THIS IS SCHEDULE 1 TO THE CLAIMANT'S NOTICE OF FAMILY CLAIM.

Paragraph 1: "Personal Information"

1 Personal Information



	Claimant	Respondent
Birthdate [dd/mmm/yyyy]:		
Ordinarily resident in British Columbia since [dd/mmm/yyyy]:		
Surname at birth:		
Surname immediately before marriage:		
Marital status immediately before marriage:		
Place of marriage: [city or town; province or state; country]	City: _____ <input type="checkbox"/> Canada <input type="checkbox"/> USA <input type="checkbox"/> Other Prov/State: _____ Country: _____	

2 Grounds for the claimant's claim for divorce

Paragraph 2: "Grounds for the
Claimant's Claim for Divorce"

<input type="checkbox"/> The claimant asks for an order for divorce on these grounds:	
<i>[if divorce is claimed as a result of having lived separate and apart, complete paragraph (i)]</i>	
<input type="checkbox"/> Divorce is claimed as a result of having lived separate and apart.	
<input type="checkbox"/> Divorce is claimed on grounds other than having lived separate and apart.	

Divorce claimed as a result of having lived separate and apart.

- (i) The claimant and his or her spouse have lived separate and apart since _____
[dd/mmm/yyyy]

AND

[Check whichever one of the following boxes is correct and complete the required information.]

- the claimant and his or her spouse have not lived together since then
- the claimant and his or her spouse have lived together again during the following period(s), in an unsuccessful attempt to reconcile:

From: _____ to: _____

From: _____ to: _____

From: _____ to: _____

[if more space is required - attach page and state "See Attached"]

Divorce claimed on grounds other than having lived separate and apart.

[if divorce is claimed on grounds other than having lived separate and apart, complete paragraph (ii) by checking both of the following boxes and completing the required information.]

- (ii) **Other grounds**, under section 8 (2) (b) of the *Divorce Act* (Canada):

AND

- the claimant has not condoned any act relied on under section 8 (2) (b) of the *Divorce Act* (Canada) as a ground for divorce.

3 The claimant confirms that:

[The claimant seeking an order for divorce must check both of the following boxes.]

- There is no possibility of reconciliation.
- There has been no collusion, as defined in section 11 (4) of the *Divorce Act* (Canada), in relation to this claim for divorce.

4 Proof of marriage

[Check whichever one of the following boxes is correct and complete any required information.]

- A certificate of marriage or of registration of marriage _____ has been filed
[and translation]
- A certificate of marriage or registration of marriage is not being filed with this notice of family claim because

[state the reason]

and the certificate will be filed before this claim is set down for trial or an application is made for an order of divorce

- It is impossible to obtain a certificate of marriage or registration of marriage because:

[state the reason]

5 Children

Paragraph 5: "Children"



[Check whichever one of the following boxes is correct and complete any required information.]

There are no children of the marriage as defined by the *Divorce Act* (Canada)

[OR]

The children of the marriage are:

Child's Full Legal Name <i>(Surname, First Second Third)</i>	Birth Date	Resides with

Date: _____
[dd/mmm/yyyy]

Signature of
 Claimant Lawyer for claimant

[type or print name]

The following certificate must be completed for each party to a divorce claim who is represented by a lawyer.

LAWYER'S CERTIFICATE (DIVORCE ACT (CANADA), S. 9)

I, _____, lawyer for _____
[name of party]

certify that I have complied with section 9 of the *Divorce Act* (Canada), which says:

- 9 (1) It is the duty of every barrister, solicitor, lawyer or advocate who undertakes to act on behalf of a spouse in a divorce proceeding
 - (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses, and
 - (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to him or her that might be able to assist the spouses to achieve a reconciliation, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so.
- (2) It is the duty of every barrister, solicitor, lawyer or advocate who undertakes to act on behalf of a spouse in a divorce proceeding to discuss with the spouse the advisability of negotiating the matters that may be the subject of a support order or a custody order and to inform the spouse of the mediation facilities known to him or her that might be able to assist the spouses in negotiating those matters.

Date: _____
[dd/mmm/yyyy]

Signature of lawyer

[type or print name]

**FORM F3
(RULE 4-1 (1))**

In the Supreme Court of British Columbia

Schedule 2: Children

No. _____



Registry

Claimant:

Orders Available in this Schedule:

Respondent:

- Custody and access under the Divorce Act
- Parental responsibilities, parenting time and contact under the Family Law Act
- Child support and the payment of special expenses

SCHEDULE 2 – CHILDREN

THIS IS SCHEDULE 2 TO THE CLAIMANT'S NOTICE OF FAMILY CLAIM.

1 Identification of child(ren) Paragraph 1: "Identification of Children"

The claimant is asking for an order in respect of the following child or children:

Child's Full Legal Name	Child's Birth Date [dd/mmm/yyyy]	Child's Relationship to the Claimant	Child's Relationship to the Respondent	Child habitually resident in BC since [dd/mmm/yyyy]	Child now living with

[if more space is required - attach page and state "See Attached"]

2 Orders sought

The claimant is asking for the following order(s): *[Check the correct box(es) and complete the required information.]*

(a) an order respecting arrangements for parenting for a child or children
[Complete sections 3 and 4 below.]

(b) an order for child support *[Complete sections 5 to 7 below.]*

3 Current parenting arrangements

Current arrangements for parenting are:

Paragraph 3: "Current Arrangements for Parenting"

[state the reason]

4 Proposed arrangement for parenting

The claimant proposes the following arrangements for parenting

[set out terms of proposed order sought in relation to arrangements for parenting including custody, guardianship, parenting arrangements or contact with a child]:

[state the reason]

The claimant is asking for an order under

[Check one or both of the following boxes, as applicable.]

- the *Divorce Act* (Canada) the *Family Law Act*

5 Current child support arrangements

Current child support arrangements are:

6 Income of person being asked to pay child support

[Check whichever one of the following boxes is correct and complete any required information.]

- The claimant does not know the income of the person being asked to pay child support
- The claimant believes that the income of the person being asked to pay child support is \$ _____ based on these facts:

Paragraph 6: "Income of Person Asked to Pay Child Support"



7 Proposed child support arrangements

[Check the correct box(es) and complete the required information.]

The claimant is asking for:

- support in the amount set out in the child support guidelines table for the following child(ren):

Paragraph 7: "Proposed Child Support Arrangements"



_____ [names]

special or extraordinary expenses in accordance with section 7 of the child support guidelines for the following child(ren):

_____ *[names]*

by consent, an order for support in an amount different than the amount set out in the child support guidelines table for the following child(ren):

_____ *[names]*

The claimant is asking for an order for child support under
[Check one or both of the following boxes, as applicable.]

the *Divorce Act* (Canada)

the *Family Law Act*

Date:

_____ *[dd/mmm/yyyy]*

Signature of

Claimant

Lawyer for claimant

[type or print name]

Note to Claimant AND Respondent: you must file **financial information** (Form F8) if:

- there is a claim against you for support of a child, OR
- you are claiming child support **unless all** of the following conditions apply:
 - (a) you are making no claim for any other kind of support;
 - (b) the child support is for children who are not stepchildren;
 - (c) none of the children for whom child support is claimed is 19 years of age or older;
 - (d) the income of the party being asked to pay child support is under \$150 000 per year;
 - (e) you are not applying for special expenses under section 7 of the child support guidelines;
 - (f) you are not applying for an order under section 8 of the child support guidelines;
 - (g) you are not applying for an order under section 9 of the child support guidelines;
 - (h) you are not making a claim based on undue hardship under section 10 of the child support guidelines.

If you do not file the financial information that is required, the court may attribute an amount of income to you, and make a support award against you, based on that amount.

**FORM F3
(RULE 4-1 (1))**

In the Supreme Court of British Columbia

Schedule 3: Spousal Support



No. _____

Registry

Claimant: **Orders Available in this Schedule**
· Spousal support

Respondent:

SCHEDULE 3 – SPOUSAL SUPPORT

THIS IS SCHEDULE 3 TO THE CLAIMANT'S NOTICE OF FAMILY CLAIM.

1 Current arrangements for spousal support

Current spousal support arrangements are:

2 Proposed spousal support arrangements

[Check the correct box(es) and complete the required information.]

The claimant is asking for an order for spousal support as follows:

Paragraph 2: "Proposed Spousal Support Arrangements"

[set out terms of proposed order sought in relation to spousal support]

The claimant is asking for an order for spousal support under
[Check one or both of the following boxes, as applicable.]

the *Divorce Act* (Canada) the *Family Law Act*

3 Income of claimant and respondent

The claimant's gross annual income is \$ _____

[Check whichever one of the following boxes is correct and complete any required information.]

The claimant does not know what the claimant's spouse's income is

The claimant believes that the claimant's spouse's gross annual income is \$ _____
based on these facts:

Date: _____
[dd/mmm/yyyy]

Signature of
 Claimant Lawyer for claimant

[type or print name]

Note to Claimant AND Respondent: you must file **financial information** (Form F8) if there is a claim by you or against you for spousal support. If you do not file the financial information that is required, the court may attribute an amount of income to you and make a support award against you, based on that income.

SCHEDULE 4 – PROPERTY

THIS IS SCHEDULE 4 TO THE CLAIMANT'S NOTICE OF FAMILY CLAIM.

Schedule 4: Property



No. _____
Registry

Claimant:

Orders Available in this Schedule

Respondent:



1 The claimant's claims

A Property and debt claims under the *Family Law Act*

[Check whichever one of the following boxes is correct and complete any required information in relation to family property and family debt, as those terms are defined in the *Family Law Act*.]

The claimant is asking for an order for:

- equal division of family property and family debt
 unequal division of family property and family debt

Paragraph 1A: "Property and Debt Claims under the Family Law Act"



[set out details of proposed unequal division and the grounds on which it is made]

The address and legal description of any real property in which the claimant claim an interest as a family asset is:

B Other property claims

Paragraph 1B: "Other Property Claims"

The claimant claims:

[Check the correct box(es) and complete the required information.]



- an order for compensation instead of an interest in the property described as:

[identify every property for which compensation is claimed and if compensation is claimed for real property, provide the address and legal description of that real property]

on the following grounds:

[set out the grounds on which any claim under this paragraph for interest or compensation is based]

2 Certificate of Pending Litigation

The claimant is applying for a Certificate of Pending Litigation to be registered against the following real property:

[provide the legal description of every real property against which a Certificate of Pending Litigation is to be registered]

Date:

[dd/mmm/yyyy]

Signature of

Claimant

Lawyer for claimant

[type or print name]

SCHEDULE 5 – OTHER ORDERS

THIS IS SCHEDULE 5 TO THE CLAIMANT'S NOTICE OF FAMILY CLAIM.

Schedule 5: Other Orders

No. _____



Registry

Claimant:

Respondent:

The claimant is asking for the following orders:

<input type="checkbox"/>	<p>an order under the <i>Name Act</i> that my name be changed</p> <p style="text-align: center; font-size: small;">[current full legal name]</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%; text-align: center; font-size: small;">Surname</td> <td style="width: 25%; text-align: center; font-size: small;">First Name</td> <td style="width: 25%; text-align: center; font-size: small;">Second Name</td> <td style="width: 25%; text-align: center; font-size: small;">Third Name</td> </tr> <tr> <td>from: _____ , _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td colspan="4" style="text-align: center; font-size: small;">[current full legal name]</td> </tr> <tr> <td>to: _____ , _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>	Surname	First Name	Second Name	Third Name	from: _____ , _____	_____	_____	_____	[current full legal name]				to: _____ , _____	_____	_____	_____
Surname	First Name	Second Name	Third Name														
from: _____ , _____	_____	_____	_____														
[current full legal name]																	
to: _____ , _____	_____	_____	_____														
<input type="checkbox"/>	<p>the following orders under the <i>Family Law Act</i></p> <p style="font-size: small;">[using numbered paragraphs, set out any orders sought under the <i>Family Law Act</i> that are not referred to in Schedules 1 to 4 and the sections of that Act under which those orders are sought]</p>																
1	<p>Orders you could ask for under the <i>Family Law Act</i> include:</p>																
2																	
3																	
<p><i>[if more space is required - attach page and state "See Attached"]</i></p>																	
<input type="checkbox"/>	<p>other orders</p> <p style="font-size: small;">[using numbered paragraphs, set out terms of other proposed orders and the authority under which those orders are sought]</p>																
1																	

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2

3

[if more space is required - attach page and state "See Attached"]

Date: _____
[dd/mmm/yyyy]

Signature of
 Claimant Lawyer for claimant

[type or print name]