

FORM F3 (RULE 4-1 (1))

No. _____

Registry _____

In the Supreme Court of British Columbia

Claimant: _____

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.

1 Information about the parties

The claimant, _____, is _____

The respondent, _____, is _____

2 Spousal relationship history

The claimant, _____, and the respondent, _____	
<input type="checkbox"/> began to live together in a marriage-like relationship on	_____
<input type="checkbox"/> were married on	_____
	at _____
<input type="checkbox"/> separated on	_____
<input type="checkbox"/> were divorced from each other by order made on	_____

3 Prior court proceedings and agreements

☐ There is no prior agreement, court order or court proceeding relating to any of the claims made in this notice of family claim

[OR]

☐ One or more of the following relates to claims made in this notice of family claim:

☐ a written agreement dated _____

☐ a court order dated _____

☐ a prior court proceeding: Court File Number: _____
Court Registry: _____

4 The claimant's claims

The claimant is asking for the following:

- ☐ An order for divorce
- ☐ An order respecting child(ren)
- ☐ An order for spousal support
- ☐ An order relating to family property and family debt
- ☐ Another order
- ☐ An order for costs
- ☐ An order to ☐ confirm or ☐ set aside
a written agreement dated _____ in respect of
 - ☐ spousal support
 - ☐ child support
 - ☐ division of property and/or debt
 - ☐ other

for the following reasons:

5 Place of trial will be

6 The address of the registry is

7 The claimant's address for service is

Address for service:

Fax (optional):

E-mail (optional):

Date:

Signature of

☐ claimant

☐ lawyer for claimant(s)

Note to Claimant AND Respondent: You must file **financial information** (Form F8) if any of the following apply:

- there is a claim against you for spousal support or you are claiming spousal support;
- there is a claim by either party for the division of property and/or debts under Part 5 or 6 of the *Family Law Act*;
- there is a claim against you for the 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 person 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.

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: _____

Signature of lawyer

FORM F3
(RULE 4-1 (1))
SCHEDULE 1 – DIVORCE

1 Personal Information		
	Claimant	Respondent
Birthdate:		
Habitually resident in British Columbia since:		
Surname at birth:		
Surname immediately before marriage:		
Marital status immediately before marriage:	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed
Place of marriage:	City: _____ Prov/State: _____ Country: _____	

2 Grounds for the respondent's claim for divorce

<input type="checkbox"/>	The claimant asks for an order for divorce on these grounds:
<div style="margin-bottom: 10px;"> <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. </div> <div style="margin-bottom: 10px;"> Divorce claimed as a result of having lived separate and apart. (i) <input type="checkbox"/> The claimant and his or her spouse have lived separate and apart since _____ </div> <div style="margin-bottom: 10px;"> AND </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> The claimant and his or her spouse have not lived together since then <input type="checkbox"/> The claimant and his or her spouse have lived together again during the following period(s), in an unsuccessful attempt to reconcile: From: _____ to: _____ </div>	

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

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

☐ **Adultery** (the respondent has committed adultery)

☐ **Cruelty** (the respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable)

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:

☐ There is no possibility of reconciliation.

☐ I do not know about and I am not involved in any arrangement to make up or to hide evidence or to deceive the court to obtain a divorce

4 Proof of marriage

☐ A certificate of marriage or of registration of marriage _____ has been filed

☐ A certificate of marriage or of registration of marriage is not being filed with this notice of family claim because

_____ 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 of registration of marriage because:

5 Children

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

[OR]

☐ The children of the marriage are:

Full Name	Birth Date [dd/mm/yyyy]	Resides with

PARTY'S CERTIFICATE (*Divorce Act* (Canada), s. 7.6)

☐ By checking this box, I, _____, certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act* (Canada), which say:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

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

LEGAL ADVISER'S CERTIFICATE (*Divorce Act* (Canada), S. 7.7 (3))

- ☐ By checking this box, I, _____, legal advisor for _____
certify that I have complied with section 7.7 of the *Divorce Act* (Canada), which says:
- 7.7. (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf 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 the legal adviser that might be able to assist the spouses to achieve a reconciliation.
- (2) It is also the duty of every legal adviser who undertakes