

Instructions

Notice of Family Claim (Form F3)

This form is for those who want to apply in Supreme Court for a divorce, most orders under the *Divorce Act* and the *Family Law Act* (including parenting orders, support orders, and orders about property and debt), and name changes, protection orders, and orders for costs. It gives the court details about you and your spouse, your relationship and separation, and what you're asking the court for. **Undefended (uncontested) divorces** (i.e., you don't expect the respondent to oppose any of the orders you're asking for): Everything on this form and the schedules should be the same as what's in any written agreement or court order you may already have.

If you're filling this out on-screen, use the **Tab** key to go from grey field to grey field. This will ensure dates are formatted correctly, and that if, for example, you fill in your name, it automatically appears elsewhere in the form.

If you print a blank form to fill in by hand and there isn't enough space:

- Open the Word form to add more space on-screen. Put the cursor in a grey box and press **enter/return** to create a new blank line, and print the form again.
- Or write "See attached" on the form and attach a page with the additional text. Clearly label the attachment; e.g., "Attachment to Schedule 2—Children."

Form F3 (Rule 4-1(1))

Court File No:

Court 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

- 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
- 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

- 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
- 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.

You are the **claimant**; your spouse is the **respondent**. Full legal name—see your marriage certificate, or your birth certificate if you weren't married. If you usually go by another name, add "also known as." The step-by-step guide [Do your own uncontested divorce](#) has more information, including what to do if you legally changed your name after marrying.

(To add another party: Hit **enter/return** in the grey box to start a new line, type the role (e.g., "Claimant," "Respondent by counterclaim"), and then **Ctrl-Tab** (Mac: **control-tab** or **option-tab**) before the name to centre the cursor.)

Court File No.: When you file your first documents, registry staff will give your case a number. Leave this number blank until then. Once you get a number, use it for all your documents.

Court Registry: e.g., Vancouver. Click [here](#) to find the Supreme Court Registry nearest you.

Instructions for the respondent (your spouse) once they get this form from you. The step-by-step guide [Respond to an application to get a new order in Supreme Court](#) has more information.

Insert your name again; don't include "also known as" here. Hit **tab** after filling in your name so it shows up elsewhere in the form.

Repeat for the respondent.

(If there is more than one claimant/respondent, hit **enter/return** at the end of the line to start a new one.)

You may have to check off more than one box. Leave this section blank if you didn't marry and never lived together.

- The names of the claimant and respondent will come up automatically when you print the form.
- Either use the date format **dd/Mmm/yyyy (01/Jan/2000)** or hit **Tab** after filling in the date to autofill.

Do you have a previous written agreement, court order, or legal proceeding that relates to what you're asking for in this family law case? E.g., you want a child support order, and you have a past court order about child support.

What do you want? Make sure you check off the right box(es). For each box, fill out a schedule—they're at the end of the form. For an undefended (uncontested) divorce, the assumption is that both spouses agree on what the order will say about all these issues.

An order for divorce: Only if you've been legally married. Fill out [Schedule 1](#).

An order respecting child(ren): About parenting and child support. Fill out [Schedule 2](#).

1. Information about the parties

The claimant, _____, is _____

The respondent, _____, is _____

2. Spousal relationship history

The claimant _____ and the respondent _____

- began to live together in a marriage-like relationship on _____
- were married on _____
- separated on _____
- 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.
- 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: _____

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

Describe your relationship to the respondent:

- If you got legally married: "The claimant, [name], is **married to the respondent.**"
- If you lived together but never legally married (i.e., in a religious or legal ceremony): "The claimant, [name], is **no longer living in a marriage-like relationship with the respondent.**"

Repeat for the respondent.

Marriage-like relationship = lived together but never married (i.e., in a religious or legal ceremony). Estimate if you don't know the exact date.

Fill in the court file number and court registry.

An order for spousal support: For payments to support *you*, not the children. Fill out [Schedule 3](#).

An order relating to family property and family debt: Fill out [Schedule 4](#).

Another order: Includes a name change or a protection order. Fill out [Schedule 5](#).

An order for costs: To get the other party to pay your legal expenses after you've won a case. Fill out [Schedule 5](#).

The place of trial will appear automatically when you print the form if you filled out the court registry on the first page.

[Addresses of Supreme Court registries](#)

A mailing address that's not a PO box where you can regularly receive mail so that the other party can send court documents to you. It can be your lawyer's office if you have a lawyer.

The respondent may send you court documents by fax or email instead if you add this optional information.

Date of signature: Use the date format **dd/Mmm/yyyy (01/Jan/2000)**, or hit **Tab** after filling it in to autofill.

For your lawyer to sign, if you have one. It says that he or she has talked to you about different ways to resolve your dispute (e.g., mediation). If you don't have a lawyer, leave this blank.

5. Place of trial will be: [Redacted]

6. The address of the registry is:

[Redacted]

7. The claimant's address for service is

Address for Service: [Redacted]

Fax (optional): [Redacted]

E-mail (optional): [Redacted]

If you don't live within 30 km of the court registry, you must provide a fax number or email address. If your main address is a PO box, you can list this instead of the fax or email, but you must also list an address that's not a PO box.

If you have a lawyer, usually he or she will sign the document. Check off claimant if *you* sign this. The signature can't be separate from the rest of the form, so lines from the preceding paragraph will automatically move to this page.

Date: [Redacted] _____
Signature of claimant lawyer for claimant(s)
[Redacted]
[Type or print name]

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

I, [Redacted], lawyer for [Redacted],
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: [Redacted] _____
Signature of lawyer
[Redacted]
[Type or print name]

Schedule 1

Attach this schedule if you're applying for a [divorce](#).

Form F3 (Rule 4-1(1))

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

1. Personal Information

	Claimant	Respondent
Birthdate:	[]	[]
<u>Ordinarily resident in British Columbia since:</u>	[]	[]
Surname at birth:	[]	[]
Surname immediately before marriage:	[]	[]
Marital status immediately before marriage:	[]	[]
Place of marriage:	[]	[]
Date of marriage:	[]	[]

2. Grounds for the claimant's claim for divorce

The claimant asks for an order for divorce on these grounds:

(i) The claimant and his or her spouse have lived separate and apart since []

AND

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:
[]

(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.

This means "Living in BC since . . ." If you don't know the exact date you started living in BC, estimate.

Either use the date format **dd/Mmm/yyyy (01/Jan/2000)** or hit **Tab** after filling in the date to autoforamt.

Choose either *never married, divorced, or widowed*.

City, province or state, and country.

Usually the grounds for divorce are you've been living separate and apart for a year. If this is the case, check off the relevant boxes under (i).

You can also apply for a divorce on the grounds of adultery or physical or mental cruelty (ii). You don't have to live apart for a year for a divorce on these grounds. (However, you must present evidence of the adultery or cruelty. Our [online step-by-step guides](#) don't cover this. Please seek legal advice.)

Format the date ranges as "From 1/Jan/2012 to 1/May/2012."

You must check both boxes:

- First box: It's not possible you'll get back together with your spouse.
- Second box: You and your spouse haven't lied or tried to deceive the court in any way, e.g., saying that you've been separated for longer than you have been.

3. The claimant confirms that:

- 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

- 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: _____

See [Getting a copy of your marriage certificate](#).

- First box: You plan to file the marriage certificate with this form. If you're filing a translation from a foreign language, select "and translation" from the drop-down list or add it by hand.
- Second box: You plan to file the marriage certificate in the future. E.g., "we are waiting for the certificate to come from another country." You'll also have to provide a good reason why you're filing this claim without a marriage certificate.

Children of the marriage

= under 19, or 19 or over but you're still supporting because they're in school or they have an illness or disability that prevents them from becoming independent.

- If the children live part-time with each parent, mention this.
- If you have more than five children, place the cursor at the end of the line in the fifth row and hit **enter/return** to start a new line. After typing in the name, hit **ctrl-Tab** (Mac: **control-tab** or **option-tab**) to move the cursor to the birth date column.

5. Children

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

Full name	Birth date	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

For your lawyer to sign, if you have one. It says that he or she has talked to you about different ways to resolve your dispute (e.g., mediation). If you don't have a lawyer, leave this blank.

I, _____, lawyer for _____, 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: _____

Signature of lawyer

[Type or print name]

Schedule 2

Attach this schedule if you're asking the court for any order related to children. See [Parenting apart](#) and [Child support](#).

Form F3 (Rule 4-1(1))

SCHEDULE 2—CHILDREN

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

1. Identification of child(ren)

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

Child's full legal name	Child's birthdate	Child's relationship to the claimant	Child's relationship to the respondent	Child habitually resident in BC since	Child now living with

Either use the date format **dd/Mmm/yyyy (01/Jan/2000)** or hit **Tab** after filling in the date to autofill.

To add more rows to the table, put your cursor in the last cell in the bottom row and press **Tab**.

Child's relationship to the claimant/respondent: e.g., daughter, son, stepdaughter, stepson.

Child habitually resident in BC since = has been living in BC since.

Child now living with: e.g., claimant; claimant and respondent; respondent.

2. Orders sought

The claimant is asking for the following order(s):

- an order respecting arrangements for parenting for a child or children
- an order for child support

If checking off **(a)**, complete questions 3 and 4.

If checking off **(b)**, complete questions 5 to 7.

3. Current arrangements for parenting

Current arrangements for parenting are:

This should include:

- who the children live with and when
- who makes decisions about the children

[Parenting apart](#) will help you with the words to use and the concepts behind them. Describe how children spend time with people who aren't parents or guardians, if necessary.

E.g., "The claimant and the respondent share parenting time of the children, [name(s)], equally. The children spend one week with the claimant and then one week with the respondent. We each make day-to-day decisions about the children when they're with us. We share all major decision-making."

4. Proposed arrangements for parenting

The claimant proposes the following arrangements for parenting:

Describe what you're asking the court, and be as descriptive as for #3 above.

The claimant is asking for this order under

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

Decide which act you're asking for your order for parenting arrangements under. If you didn't marry, you must use the *Family Law Act*. If you're married, you have a choice. [Which laws apply to your case?](#) and [Parenting apart](#) explain the difference between the two acts.

If you or the respondent currently pays child support, say how much and how often. If you have a written agreement about this, write down what it says and what is actually being paid.

5. Current child support arrangements

Current child support arrangements are:

█

Even though there's a check box to indicate that you don't know the person's income, you should, at least, make an estimate. This is especially important if you think your spouse won't respond to this notice and you end up going through an undefended/uncontested divorce. The judge will need an amount to make the court order. State the gross income (total income before taxes and deductions).

6. Income of person being asked to pay child support

- 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:

█

If unsure, make your best estimate and say what you based your estimate on—**e.g.**, "The respondent earned \$500 a week when we lived together and is still working at the same job."

7. Proposed child support arrangements

The claimant is asking for:

- support in the amount set out in the child support guidelines table for the following child(ren): █
- special or extraordinary expenses in accordance with section 7 of the child support guidelines for the following child(ren): █
- 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): █

Decide which act you're asking for your order for child support under. If you didn't marry, you must use the *Family Law Act*. If you're married, you have a choice. [Which laws apply to your case?](#) and [Parenting apart](#) explain the difference between the two acts.

List the full names of children you want child support for. See [Child support](#), which explains how much would be paid under the Federal Child Support Guidelines, and what **special or extraordinary expenses** are.

The claimant is asking for an order for child support under

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

The box explains whether you have to file a Financial Statement. If you're requesting child support, you file financial information only under certain circumstances. [Step 3 of Start a family law case to get a new order in Supreme Court](#) has a version of this box that's easier to understand.

If you have to fill out a Financial Statement, see [Complete a Supreme Court Financial Statement \(Form F8\)](#).

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.

Schedule 3

Attach this schedule if you're asking the court to make an order for spousal support—payments to support you, not the children. (See [Spousal support](#) for more information.)

Form F3 (Rule 4-1(1))

SCHEDULE 3—SPOUSAL SUPPORT

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

If you or the respondent currently pays spousal support, say how much and how often. If you have a written agreement about this, write down what it says and what is actually being paid.

1. Current arrangements for spousal support

Current spousal support arrangements are:

Spousal support orders are often made according to the federal Spousal Support Advisory Guidelines. For more information, see [Spousal support](#).

2. Proposed spousal support arrangements

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

Decide which act you're asking for your order for spousal support under. If you didn't marry, you must use the *Family Law Act*. If you're married, you have a choice. [Which laws apply to your case?](#) explains the difference between the two acts.

The claimant is asking for an order for spousal support under

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

Fill in your gross income (your total income before taxes and deductions).

3. Income of claimant and respondent

The claimant's gross annual income is \$.

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:

Even though there's a check box to indicate that you don't know your spouse's income, you should, at least, make an estimate. This is especially important if you think your spouse won't respond to this notice and you end up going through an undefended/uncontested divorce. The judge will need an amount to make the court order.

If unsure, make your best estimate and say what you based your estimate on—**e.g.**, "The respondent earned \$500 a week when we lived together and is still working at the same job."

If you're asking for spousal support or the respondent is asking you to pay spousal support, you may be required to file a Financial Statement. See [Complete a Supreme Court Financial Statement \(Form F8\)](#).

Note to Claimant AND Respondent

You may be required to 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 amount.

Schedule 4

Attach this schedule if you're asking the court for any order that has to do with property and debts. The BC *Family Law Act* says that all **family property** and **family debt** must be divided equally between you and your spouse after you separate unless you have an agreement that says otherwise. See [Dividing property and debts after you separate](#) and [Dealing with debts after you separate](#).

Form F3 (Rule 4-1(1))

SCHEDULE 4—PROPERTY

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

1. The claimant's claims

A. Property and debt claims under 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 as follows and on the following grounds:

█

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

█

B. Other property claims

The claimant claims:

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

█

on the following grounds:

█

Check either box.

Remember, the court will only order an *unequal* division when an *equal* division is **significantly unfair**.

Real property = land and buildings. A **legal description** is used in legal documents to describe a piece of land—and it isn't a street address. You can get the legal description from your tax assessment or your certificate of title.

This section is for property claims not covered by the *Family Law Act*—property that is *not* family property. This includes:

- *excluded property*, such as gifts or inheritances the other party received while you were together and property owned by the other party at the time you moved in together
- property owned by a third party
- property you're claiming on the basis of *unjust enrichment* (a legal concept used to get a share of property that you're not entitled to under the *Family Law Act*)

The court will need a lot of information if you're filing for an undefended (uncontested) divorce; it's a good idea to attach a detailed separation agreement to the Affidavit — Desk Order Divorce (Form F38) ([step 2](#)). If the other party disagrees with what you're asking for, you'll have to convince the judge to make the orders you want through evidence later on.

You can ask for an **interest in the property** (part ownership) or **compensation** (money). If the property is real estate, provide the legal description.

If you think your spouse might sell or borrow against property that you think you should have a share of, you can take steps to prevent that from happening—by registering a **Certificate of Pending Litigation** against the property. This tells anyone interested in buying or loaning money against the property that who owns it is being decided by a lawsuit.

2. Certificate of Pending Litigation

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



Schedule 5

Attach Schedule 5 if you're asking the court for any other orders, including name changes, [family law protection orders](#), annulments, and an order for [costs](#). You don't need to ask for a legal change of name if you're just going back to the name you used before marriage.

Form F3 (Rule 4-1(1))

SCHEDULE 5—OTHER ORDERS

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

The claimant is asking for the following orders:

List orders under the *Family Law Act* that you're requesting (orders that weren't listed in any of the preceding schedules). Use numbered paragraphs. Include the sections of the act. **E.g.**, "a protection order under s. 183."

an order under the *Name Act* that the claimant's name be changed from [redacted] to [redacted]

the following orders under the *Family Law Act*

1. [redacted]

other orders

1. [redacted]

List any other orders you're requesting. Use numbered paragraphs. Say what the **legal authority** for the order is—usually the name of the law. **E.g.**, "an order for [describe] under s. [section number] of the *Divorce Act*." If you want costs, just write "an order that I have my costs in this proceeding."