

How to prepare your script for your first appearance

When you hear your last name and the other person's last name called out, go to the front of the room where the microphones are.

The microphones only record – they don't actually make your voice louder – so be sure to speak loudly so the judge can hear you.

Bow and begin:

1. Your Honour,
2. My name is _____ (*first name, last name*). Say your full name and then spell your last name.

If the other person is there, the judge will confirm who they are.

If the other person (the "opposing party") doesn't show up or if they haven't filed a response, the judge will ask you about the affidavit of service that you've filed. If you haven't filed an affidavit of service, be ready to discuss how you served (gave) the other party the documents that you filed for court. Bring anything with you that proves the other person received the documents filed in court – such as a text or email from them saying they aren't coming to court, or a text or email showing they got the documents.

If you're asking for an order "without notice" for safety reasons (so the other person doesn't know you're in court), you won't have to explain how you served the documents. But you will have to explain why it would have been unsafe to tell the other person you're going to court. (For example, the other party has told you that if you ever go to court, they will harm you.)

If children are involved:

3. I am the _____ (*biological mother/father/aunt, etc.*)
of the child(ren):

_____ (*name and age*)

_____ (*name and age*)

_____ (*name and age*).

4. The child(ren) live _____ (*with me/with the opposing party*)
_____ (*all the time/part of the time*).

5. The opposing party and I _____ (*were married/have been married/lived together*) for _____ (*months/years*). We separated _____ (*months/years*) ago.

If you identify as Aboriginal, add any of the following:

My Aboriginal name is _____

I am from/a member of _____ (*community/Nation/band*).

The child is/children are from/members of the _____ (*community/Nation/band*).

It's always a good idea to get advice from a lawyer/duty counsel about whether the order you are seeking is reasonable, fair, and supported by the law. Also, try to speak to a trusted and open-minded friend about what you're asking for in court.

Use section 6 and/or 7 as needed. Delete any parts that don't apply to you.

Remember to stick to the facts. Don't include any negative comments or opinions about the other person.

If you're asking for several orders, it's a good idea to make a list of them to bring to court to give to the judge. Also, if your parenting plan is complicated, you could make a copy of it to give to the judge.

6. I am here to get an order for:

a) **Child support for my child(ren).** The opposing party earns \$_____ per year.

According to the child support guidelines, the opposing party should pay \$_____ per month.

The child support guidelines are on the Department of Justice (Canada) website at <https://www.justice.gc.ca/eng/fl-df/child-enfant/2017/look-rech.aspx>.

For more information about child support, see Child Support on the Family Law in BC website.

The opposing party has paid \$____ in child support since _____ (*date*).

OR

The opposing party hasn't paid any child support since _____ (*date*).

b) **Parenting time.** I want the following schedule: (*Give full details.*)

For example, you can use one line for each day of the week, with details for you and/or the "OP" (opposing party):

Monday: Me: Pick A and B up from school at 3 pm, keep them overnight.

OP: Drop off A and B to school in the morning.

Tuesday: Me: Drop A and B off at school in the morning.

OP: Pick A and B up from School at 3pm, keep overnight.

Wednesday: etc.

(Or just use the blank lines provided instead, if that better suits your schedule.)

Try to minimize the amount of exchanges for the children. Parents often use a week-on/week-off schedule or a 2-2-3 (MT-WR-FSS) schedule that alternates so each parent has alternating weekends.

For more information about parenting time, see [Guardianship: Parenting time and parental responsibilities](#) on the Family Law in BC website.

- c) **Spousal support** in the amount of \$_____ per month. The opposing party makes \$_____ per year.

I calculated this amount using the Spousal Support Calculator

OR

Duty counsel helped me calculate this number using DivorceMate.

I need this order because_____

For example:

I don't work because I have gone back to school.

I work but earn a lot less than the opposing party.

I am sick/I have a disability.

I don't work because I take care of the kids.

For more information about spousal support, see [Spousal support](#) on the Family Law in BC website.

- d) **A protection order** because I fear for my safety and the safety of my children_____ (*first names*).

I fear for my safety because:

i. _____

ii. _____

iii. _____

iv. _____

For example:

i. The opposing party has threatened to harm me/my children.

ii. I have been physically, emotionally, verbally abused. (*Give some details*).

For more information about protection orders, see [Protecting yourself & your family](#) on the Family Law in BC website.

e) **Exclusive occupancy of the home.** I need this order because

For example:

I live at the home with kids and we do not have anywhere to move to. The opposing party is staying in his trailer/with family/with friends.

The children go to school a five-minute walk from the current house. If we move to my mother's house, we would be 45 minutes away from the school.

Optional:

If you need one or more of the orders in section 6 **urgently** (if you can't wait two to five months for the next hearing or family case conference), tell the judge:

- why you need an order today or as soon as possible
- why waiting would be harmful to you and your children.

7. I need the order(s) for _____ and _____
and _____ **today and it is urgent.**

I can't wait for the Family Case Conference or a hearing, because:

For example: "I don't have money to pay rent so I need child and spousal support immediately," or "I have not seen my kids in six weeks." You may have more than one reason.

- i. _____
- ii. _____
- iii. _____
- iv. _____

If you can, file any supporting documents with your affidavit before your court date, such as a letter from your landlord threatening eviction.

To support my request for an urgent order, I have brought with me / attached to my affidavit the following: _____.

To learn how to write an affidavit, see the [Affidavits](#) section on the Family Law in BC website.

Optional:

If the other person hasn't filed a financial statement, you must ask for one if it's needed. Be prepared to discuss any useful information about the other party's income or ability to earn an income, such as previous employment history, training, etc. It will save time in court if you put this information in an affidavit that you file before the court date.

8. I also need an **order** that the opposing party has to file a complete financial statement in 30 days.

The judge will now give you a chance to say anything you may have left out by mistake. Take time to look over your script and make sure you've said everything you wanted to say.

The judge will then tell you what they'll do for you and/or what they want you to do. **Write down everything (in the space provided on the script form) that the judge says.** In court, take a minute to read it to yourself, and then double check it by repeating it back to the judge. This is not a regular part of the process but don't be shy – repeating it back to the judge is acceptable. Make sure you ask what happens next if this isn't clear to you.

- If the judge made an order, ask if the registry will draft it and send it to you.
- Also ask the clerk for a copy of the order they typed up as the judge was speaking. **The order is effective the day it's made.** You don't have to wait to get the paper copy from the court (which might not come for weeks).

OR:

- If the judge won't make an urgent order for you, ask for **an urgent hearing** before a family case conference.

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9. Thank you, Your Honour.
Bow before you turn to leave.