Family Law Act Basics

The provincial *Family Law Act* is the primary legislation on family law issues in British Columbia. It applies to married spouses, unmarried spouses, parents, guardians and people in other relationships. It also applies to people who have an interest in caring for someone else's children, like a family member or friend. The *Family Law Act* talks about parenting children after separation and about how guardians are appointed. It also deals with financial issues like child support, spousal support, and the division of property and debt, as well as with family violence, court processes, and ways of resolving family law problems without going to court.

This section provides a top to bottom overview of the *Family Law Act* in an easy-to-read question and answer format. It is written primarily for justice system workers and legal advocates, but anyone can use it. All of the information provided in this section is discussed in more detail elsewhere in *JP Boyd on Family Law*. Use the search tool at the top of the page to find more information about specific topics.

Introduction

The *Family Law Act* became law in 2013. It replaced the *Family Relations Act* which had been the law in British Columbia, in one form or another, since 1972. The *Family Law Act* made a lot of important changes to family law in the province. We stopped talking about parenting children in terms like *custody* and *access*, which were about the rights of parents and tended to encourage conflict between separated parents, and started talking about a bigger idea of what *guardianship* means and new ideas about *parental responsibilities* and *parenting time*, which focus on the rights of children and encourage separated parents to cooperate.

Other important changes introduced in the *Family Law Act* include:

- a new emphasis on resolving family law problems other than by litigation in court,
- provisions for appointing parenting coordinators,
- new measures for people having children with assisted reproduction and allowing those people to decide, on their own, without a court order, who the parents of their child will be,
- a different way of dividing property and new provisions for dividing debt,
- new ways of addressing family violence, including in assessing children's best interests,
- provisions for managing children's property; and,
- a whole bunch of new rules about how the court can manage its process and the people before it.

British Columbia's *Family Law Act* is not only the most modern, most progressive family law legislation in Canada, it also provided the inspiration for a lot of the changes to the federal *Divorce Act* that became law on 1 March 2021.

Who does the *Family Law Act* apply to?

The *Family Law Act* is the main law on family breakdown in British Columbia. Although there is also the federal *Divorce Act*, the *Divorce Act* only applies to married spouses. The *Family Law Act* applies to everyone in a family relationship in British Columbia, including people who:

- are married spouses,
- are unmarried spouses,
- are parents of a child together,
- want to be the guardian of a child,
- want contact with someone else's child,
- are at risk of family violence,
- are having a child with assisted reproduction; and,
- want to manage a child's property.

The only kind of relationship that the *Family Law Act* doesn't really talk about is dating relationships, where the people involved probably think of themselves as boyfriends and girlfriends, and don't have a child together.

What issues does the *Family Law Act* cover?

The *Family Law Act* talks about:

- family violence, and protecting adults and children from violence,
- determining who is a child's parent,
- having children through assisted reproduction,
- determining who is the guardian of a child, and how guardians are appointed and removed,
- how guardians share responsibility for parenting children,
- the time someone has with a child who isn't the child's guardian,
- what happens when a guardian wants to move, including with a child,
- enforcing time with a child provided under an order or an agreement,
- paying child support and how child support is calculated,
- paying spousal support,
- dividing property and dividing responsibility for debt, including dividing property located outside the province; and,
- managing children's property.

The act, in other words, covers every issue in family law except names, adoption, child protection, and wills and estates problems!

How are family law problems resolved under the *Family Law Act*?

The *Family Law Act* tries to change how people solve family law problems. The act:

- encourages people to find solutions to family law problems outside of court,
- makes financial disclosure mandatory, even when people are dealing with a family law problem outside of court,
- makes family law agreements more difficult to change, as long as they were fairly negotiated; and,
- promotes the use of parenting coordinators, when there is a final agreement or order about the care of children.

Family law problems can be resolved out of court through negotiation, mediation, collaborative negotiation and arbitration. When people have to go to court, however, the *Family Law Act* gives the court important tools to:

- protect people who are at risk of family violence,
- protect property,
- enforce court orders and agreements; and,
- manage court processes and manage the behaviour of people in court.

More information about settling legal problems out of court is available in the chapter Resolving Family Law Problems out of Court. More information about resolving problems in court, through litigation, is found in the chapter Resolving Family Law Problems in Court.

When can a court proceeding under the *Family Law Act* start?

There are no requirements under the *Family Law Act* that you must have lived in the province where you start a court proceeding for a certain amount of time like there are under the *Divorce Act*. However, some claims are tied to the date of separation. Claims for:

- an order about parental responsibilities or parenting time, when made by a parent,
- an order for the division of property and debt; and,
- an order for the payment of child support, when the proposed payor is a stepparent,

cannot be made until the parties are separated. Other claims are *not* tied to the date of separation and can, at least theoretically, be brought at any time, including claims for:

- a declaration about who the parents of a child are,
- the appointment &mdash, or removal &mdash, of a person as a guardian of a child,
- an order for contact with a child,
- an order for the payment of child support, when the proposed payor is a parent or guardian,
- an order about the management of children's property; and,
- an order for the payment of spousal support.

Which court can hear a proceeding under the *Family Law Act*?

Both the Provincial Court and the Supreme Court can hear claims under the *Family Law Act*. However, while the Supreme Court can deal with every claim under the act, the Provincial Court can only deal with claims for:

- declarations about who the parents of a child are, when a declaration is necessary to resolve another claim under the act,
- the appointment or removal of someone as the guardian of a child,
- parental responsibilities,
- parenting time and contact with a child,
- child support,
- spousal support,
- orders about ownership of companion animals (pets), and
- orders for the protection of people.

What about claims under the *Divorce Act*?

Both the *Divorce Act* and the *Family Law Act* talk about parenting children, child support, and spousal support. As long as a person is married, they can start a court proceeding about these issues under either law or under both laws at the same time. However, it's important to know that the *Divorce Act* only applies to married spouses, and that only the *Family Law Act* talks about orders dividing property and debt, personal protection orders and financial protection orders, declarations about the parentage of a child, or orders about the use of the family home. If orders like these are required, the court proceeding must include claims under the *Family Law Act*.

See the section *Divorce Act* Basics for more information about the *Divorce Act*.

Child support

The rules about child support are almost the same between the *Divorce Act* and the *Family Law Act*, except that it can be a bit easier to ask a stepparent to pay child support under the *Family Law Act*. The Child Support chapter talks about child support and when stepparents can be required to pay child support.

Spousal support

The rules about spousal support are very similar between the two laws, except that under the *Family Law Act* spousal support is also available to adults who aren't married to each other as long as they meet that act's definition of "spouse."

There's no limit to when claims for spousal support can be brought under the *Divorce Act*. Under the *Family Law Act*, however, spouses who are entitled to ask for spousal support must begin a court proceeding for spousal support within two years of the divorce order if the couple were married, or within two years of separation if the couple wasn't married, or they will be out of time and can't make the claim at all.

Parenting children

The *Divorce Act* talks about spouses who have decision-making responsibility and parenting time, and people who aren't spouses who have contact. The *Family Law Act* talks about guardians who have parental responsibilities and parenting time, and people who aren't guardians who have contact. Both laws also talk about what happens when a parent wants to move away with a child and how family violence impacts on the court's decisions about parenting. The two laws are very similar to each other, although there are some small differences.

The law about children

How are decisions about children made?

The *Family Law Act* says that parents, judges, and other decision-makers, including arbitrators, must make decisions about children considering only the children's best interests and nothing else.

Determining the best interests of children

To decide what is in a child's best interest, parents and judges must consider all of the needs and circumstances of the child, as well as a number of factors that are listed in section 37 of the act. These factors include:

- the child's health and emotional well-being,
- the views of the child, unless it wouldn't be appropriate to consider them,
- the history of the child's care and the child's need for stability,
- the child's relationships with other important people,
- any court proceedings that are relevant to the child's safety and well-being; and,
- the impact of any family violence.

The best interests of children and family violence

When family violence is an issue, parents and judges must consider the best-interests factors at section 37 of the *Family Law Act*, as well as a list of additional consideraions set out at section 38, to help assess the impact of the family violence on the child and on a person's capacity to care for the child. These considerations include:

- the severity of the family violence,
- the frequency of the family violence,
- whether the violence was directed toward the child; and,
- the "harm to the child's physical, psychological and emotional safety, security and well-being as a result of the family violence."

The *Family Law Act* also says that an agreement or order is presumed *not* to be in the best interests of a child unless it protects the child's safety and well-being to the greatest extent possible.

The best interests of children and hearing children's views

Under section 211 of the *Family Law Act*, the court can order that a family justice counsellor, a social worker, or another person like a clinical counsellor or a psychologist, assess one or more of:

- the needs of a child,
- the views of a child; and,
- the ability of a person to meet the child's needs.

These assessments are *evaluative* because they are conducted by an expert who makes recommendations to the court.

Views of the child reports can also be ordered under sections 37(2)(b) and 202 of the act. These reports usually just describe the child's views without analyzing the child's statements or making any recommendations, and are often much cheaper and faster to get than a full parenting assessment under section 211. These reports are *non-evaluative* because they do not make recommendations to the court.

Who is a parent?

Under the *Family Law Act*, a child's parents are presumed to be the child's birth mother and biological father. If the court is not sure who the child's father is, the court can order medical tests — usually DNA tests — to determine who the father is under section 33.

When people have a child through assisted reproduction, a person who donates eggs or sperm is not presumed to be a legal parent. However, a woman who is a surrogate mother *is* presumed to be a parent, and her spouse may also be a legal parent. The *Family Law Act* lets people make agreements when they have a child through assisted reproduction. These agreements can say who is a parent and who isn't. The people who can be a parent under an assisted reproduction agreement are:

- up to two people who want to have the child,
- a donor of sperm,
- a donor of eggs,
- a surrogate mother; and,
- the spouse of the surrogate mother.

As a result, a child can have more than two parents under the *Family Law Act*. The courts have yet to figure out how child support will work in situations like this.

Who is a guardian?

Under the *Family Law Act*, the people who are responsible for caring for a child are *guardians*. A child can have one guardian, two guardians, or more than two guardians. Most of the time, a child's parents will be the child's guardians, as long as the parents have lived with the child. A parent who never lived with a child isn't a guardian unless:

- the court makes an order that the parent is a guardian,
- the parent and the child's other guardians make an agreement that the parent is a guardian,
- the parent *regularly cares* for the child; or,
- the parent is a parent because of an assisted reproduction agreement.

The court can make an order appointing someone who isn't a parent as the guardian of a child under section 51. The same section also lets the court make an order removing a person, including a parent, as the guardian of a child. Both the Provincial Court and the Supreme Court can make orders about guardianship.

It's important to know that a guardian's new spouse or partner doesn't become a guardian to a child just because of their relationship with the guardian. The only way for a new spouse or partner to become a guardian is for them to be appointed as a guardian by the court.

What are parental responsibilities?

The different ways that guardians care for a child and the decisions guardians have to make are called *parental responsibilities.* Parental responsibilities are listed at section 41 of the *Family Law Act* and include:

- making decisions about the day-to-day care of the child,
- deciding where the child will live,
- making decisions about the child's schooling and extracurricular activities,
- making decisions about the child's healthcare; and,
- deciding how the child will be raised, including making decisions about things like religion, language, and culture.

When a child has more than one guardian, the guardians must usually make these decisions together. However, the guardians can agree or the court can order that only one guardian should have a particular parental responsibility. One guardian, for example, might have the exclusive responsibility for making decisions about education while another guardian might have the exclusive responsibility for making decisions about healthcare.

If the child's guardians can't agree on a particular decision, they can go to see a family justice counsellor, a mental health professional, or a mediator to help them make the decision, or they can go to court or see an arbitrator. Both the Provincial Court and the Supreme Court can make orders about parental responsibilities.

Remember that only guardians have parental responsibilities and the right to make decisions for a child.

What happens if a guardian can't exercise parental responsibilities?

If a guardian is temporarily unable to exercise their parental responsibilities, perhaps because they're sick or leaving the country for an extended period of time, the guardian can authorize someone else to manage certain responsibilities. This person doesn't become a guardian but can be given the power to:

- make decisions about the day-to-day care of the child,
- make decisions about the child's schooling and extracurricular activities,
- make decisions about the child's healthcare; and,
- give or withhold permission on behalf of a child, like about going on a school field trip or having a medical treatment.

This is useful whenever a guardian needs someone else to care for a child, or if a child from outside British Columbia will be going to school here and an adult living in British Columbia needs to care for the child and manage the child's affairs.

What happens if a guardian has a terminal illness or dies?

Under the *Family Law Act*, a guardian can appoint someone to take over and act as the child's guardian if:

- the guardian has a terminal illness,
- the guardian is going to be permanently unable to care for the child because of a mental illness; or,
- the guardian dies.

The new person takes over as guardian when the first guardian dies or becomes unable to exercise their parental responsibilities.

It's important to know that a parent who is not a guardian does not automatically become the child's guardian when a guardian dies. If that parent wants to become the child's guardian, they have to apply to court to be appointed as a guardian of their child.

What's the difference between parenting time and contact?

The time a guardian has with a child is called *parenting time*. During a guardian's parenting time, the guardian is responsible for the care of the child and has the right to make day-to-day decisions for the child.

The time that someone who isn't a guardian has with a child is called *contact*. Parents who aren't guardians, grandparents, other relatives of a child, and people who aren't a child's relative can have contact with the child. Someone with contact *does not* have the right to make day-to-day decisions for the child.

How do agreements and orders about parenting time and contact work?

Agreements about parenting time and contact can be made by the child's guardians. Both the Provincial Court and the Supreme Court can make orders about parenting time and contact.

Agreements and orders about parenting time and contact can set a fixed schedule of each guardian's time with a child or they can say that the parenting time or contact will happen when everyone agrees, as the child prefers, or on some other term. Parenting time and contact can also be on "conditions"; for example, that the person will not smoke or drink during their time with the child, or that their time with the child will be supervised by a third party.

Remember that only guardians have parenting time. Everyone else has contact with a child.

How are parenting time and contact enforced?

The *Family Law Act* gives the court the power to enforce parenting time and contact when:

- parenting time or contact has been "wrongfully" withheld from a person entitled to parenting time or contact; or,
- a person with parenting time or contact fails to use their parenting time or contact.

In certain situations, it isn't wrongful to withhold a child from a person entitled to parenting time or contact. Under section 62, it isn't wrongful to withhold a child if:

- the guardian with the child believes there is a risk of family violence,
- the guardian with the child believes that the other person is impaired by alcohol or drugs,
- the child is sick, and the guardian with the child has a doctor's note,
- the other person has frequently failed to use their parenting time or contact in the past; or,
- the other person told the guardian ahead of time that they weren't going to use their parenting time or contact.

The court can make a number of orders to enforce parenting time and contact, including requiring:

- make-up time with the child, when parenting time or contact was wrongfully withheld,
- a person or a child to attend counselling,
- the parties to try to resolve their dispute outside of court,
- payment of a party's expenses; or,
- payment of a penalty of up to $5,000 to a person or as a fine.

Applications about the wrongful withholding of parenting time or contact must be brought within a year of when the parenting time or contact was withheld. Remember that disagreements about the exercise or withholding of time with a child can also be addressed through a mediator or an arbitrator, and that arbitrators can exercise the power of a judge when making decisions.

What happens if a guardian wants to move?

If a guardian wants to move, with or without a child, and the move will have an impact on the child's relationship with another guardian or someone who has contact with the child, the guardian must usually give 60 days' notice of the move, in writing. The notice must say where the guardian plans on moving to and when the guardian plans on moving. See the discussion on relocation under the heading "Relocating with or without a child", in the section on Changing Family Law Orders and Agreements Involving Children in the Children and Parenting after Separation chapter.

Only other guardians can object when a guardian plans on moving. If a guardian does object, they have 30 days to go to court to get an order preventing the move. (Remember that only a guardian can object to a proposed move!) Someone who has contact can't prevent a guardian from moving.

When a guardian objects, how the guardians share the child's time becomes really important. When the guardians *do not* have substantially equal parenting time, the guardian with the greater parenting time who wants to move must show the court that

- they want to move in good faith; and,
- they have proposed reasonable plans to preserve the child's relationship with the child's other guardians, with people who have contact with the child, and with others who have an important role in the child's life,

and the objecting guardian must then show that the move is not in the best interests of the child or the move will be allowed.

When the guardians *do* have substantially equal parenting time, the guardian who wants to move must show the court that:

- they want to move in good faith,
- they have proposed reasonable plans to preserve the child's relationship with the child's other guardians, with people who have contact with the child, and with others who have an important role in the child's life; and,
- the move is in the child's best interests.

Good faith means that the guardian who wants to move isn't planning on moving just to take the child away from another guardian, but because they are moving, at least in part, because they believe the move will improve the child's or guardian's quality of life.

The law about child support

Who is entitled to get child support?

Child support is usually paid to support children who are under the age of 19, or who are 19 or older but are unable to support themselves for some reason, usually because they are ill or disabled, or are going to college or university. Under section 147(1) of the *Family Law Act*, children who are younger than age 19 can stop being entitled to child support if:

- they become a spouse; or,
- they withdraw from the care of their parents or guardians, providing they didn't withdraw because of family violence or because of poor living conditions.

Child support is usually paid to the person whom the child mostly lives with. Child support can sometimes be paid directly to the child, usually if the child is 19 or older and living away from home and going to college or university.

Who is required to pay child support?

All of a child's parents and guardians are required to support the child. The person with whom the child lives most often is presumed to meet their support obligation through their care of the child living in their home. Everyone else pays child support, usually on a monthly basis, and more than one person can be required to pay child support at the same time for the same child.

In certain circumstances, stepparents can also be required to pay child support. A *stepparent* is the married or unmarried spouse of a parent, as long as:

- the spouse has contributed to the child's expenses and other needs for at least one year; and,
- the claim for child support is made within one year of the stepparent's last contribution to the child's expenses and other needs.

Under the *Divorce Act*, a stepparent is someone who is married to a parent and "stands in the place of a parent" to the child. This is a much different legal test. The test under the *Family Law Act* looks at the fact of a stepparent's contributions and the date of their last contribution. The *Divorce Act* looks at the nature of the relationship between the stepparent and the child.

How is the amount of child support calculated?

Child support is determined by the Child Support Guidelines, which you read about in the Child Support chapter of this resource. Most of the time, child support is easy to figure out: you just look up the amount payable in the tables attached to the Guidelines based on the income of the *payor*, the person paying child support, and the number of children support is being paid for. Calculating child support can get more complicated when:

- a child is 19 or older,
- the payor has an income of more than $150,000 per year,
- the payor is a stepparent,
- the payor is self-employed or has other sources of income that can be complicated to figure out,
- one or more children live mostly with each spouse,
- the spouses share the children's time equally or almost equally; or,
- the payment of the table amount would cause "undue hardship" to either the payor or the spouse receiving child support, the *recipient*.

More information about how child support is calculated is available in the Child Support chapter, particularly in the sections on the Guidelines and the Exceptions to the Child Support Guidelines.

How is child support paid?

Most of the time, child support is paid every month, usually on the first day of the month. It is possible for child support to be paid in a single lump sum, but this is very, very rare. Payors can be required to pay by giving the recipient a series of post-dated cheques.

However child support gets paid, it's important for the payor to keep a record of how much was paid and when it was paid, perhaps from receipts provided by the recipient, from cancelled cheques, from bank statements or from e-transfer acknowledgements. This can help prevent arguments about whether a payment was late or missed altogether.

Both the Provincial Court and the Supreme Court can make orders about the payment of child support.

Are there tax consequences?

There are no tax consequences when child support is paid. The payor isn't allowed to deduct child support payments from the payor's taxable income, and the recipient isn't required to report child support payments as taxable income.

How are orders for child support changed?

Under section 152 of the *Family Law Act*, the court can change an order for child support if:

- there has been a change in circumstances that would result in a different amount of support being paid,
- new evidence, usually about the payor's income, has been discovered since the last hearing about child support; or,
- proof of a lack of financial disclosure has been discovered since the last child support order.

When both parties live in British Columbia

To change a *Family Law Act* child support order when both parties live here, the *applicant* — the person making the application — must file a Notice of Application in the original court proceeding. The Supreme Court Family Rules [1] have special rules about applications to change final orders.

When a party lives outside of British Columbia

To change a *Family Law Act* child support order when the *respondent* — the person against whom the application is made — lives in another province, the applicant must make an application under the provincial *Interjurisdictional Support Orders Act* [2].

The applicant must complete an application form provided by the British Columbia Interjurisdictional Support Services Program [3]. The program will send the application to the court or child support recalculation program in the respondent's province. The court or recalculation program will take care of letting the respondent know about the application, and the application will be handled in the respondent's province.

If the application is heard by a court, the court may decide to:

- ask the applicant for more information,
- delay the hearing if more information is needed,
- dismiss the application; or,
- make a variation order.

More information about how child support orders are changed when one of the spouses lives outside British Columbia is available in the Child Support chapter.

What about when the payor dies?

If the payor has a life insurance policy, the parties can agree and the court can order that the payor keep the policy up to date and name a person, usually the recipient, as a beneficiary of the policy. This way, the child will still be supported if the payor dies.

The parties can agree and the court can order that the payor’s obligation to pay child support will continue after the payor’s death and be paid from the payor's estate. Court orders about this can be made at the time the child support order is made or after the payor’s death.

The law about spousal support

Who is entitled to ask for spousal support?

Only spouses can ask for spousal support. Under the *Family Law Act*, for the purposes of spousal support, "spouse" includes people who:

- are married to each other, or used to be married to each other,
- have lived together in a marriage-like relationship for at least two years; and,
- have lived together in a marriage-like relationship for less than two years and have had a child together.

A spouse's entitlement to spousal support is determined based on objectives taken from section 15.2(6) of the *Divorce Act*, set out at section 161 of the *Family Law Act*:

> In determining entitlement to spousal support, the parties to an agreement or the court must consider the following objectives:
>
> (a) to recognize any economic advantages or disadvantages to the spouses arising from the relationship between the spouses or the breakdown of that relationship;
>
> (b) to apportion between the spouses any financial consequences arising from the care of their child, beyond the duty to provide support for the child;
>
> (c) to relieve any economic hardship of the spouses arising from the breakdown of the relationship between the spouses;
>
> (d) as far as practicable, to promote the economic self-sufficiency of each spouse within a reasonable period of time.

(This is actually backwards from how the *Divorce Act* does things. In section 15.2 of the *Divorce Act*, the "factors" at section 15.2(4) help the court determine entitlement to support while the "objectives" at section 15.2(6) help the court determine amount when entitlement is proven. Under the *Family Law Act*, the objectives of the *Divorce Act* help determine entitlement while the factors of the *Divorce Act* determine amount. Go figure.)

Remember that no one is automatically entitled to get spousal support the way a child is automatically entitled to benefit from child support. Anyone who is a spouse can *ask* for spousal support, but being able to ask doesn't mean you'll get it. Someone asking for spousal support also must show that they are *entitled* to spousal support.

When do claims for spousal support have to be made?

Under the *Family Law Act*:

- married spouses have to start a court proceeding asking for spousal support within two years from the date *they were divorced* or their *marriage was annulled*, and
- unmarried spouses have to start a proceeding for spousal support within two years from the date *they separated*.

Remember that these limits are for the *Family Law Act* — there are no limits about when married spouses can ask for spousal support under the *Divorce Act*.

It's important to know that under section 198(5), the two-year countdown from the date of divorce or separation stops while the spouses are trying to resolve their dispute outside of court with the help of a family justice counsellor, a mediator, a lawyer, or an arbitrator.

How are the amount and duration of spousal support calculated?

When a spouse is entitled to receive spousal support, the amount to be paid and the length of time support should be paid for, called *duration*, is determined based on factors taken from section 15.2(4) of the *Divorce Act*, set out at section 162 of the *Family Law Act*:

> The amount and duration of spousal support, if any, must be determined on consideration of the conditions, means, needs and other circumstances of each spouse, including the following:
>
> (a) the length of time the spouses lived together;
>
> (b) the functions performed by each spouse during the period they lived together;
>
> (c) an agreement between the spouses, or an order, relating to the support of either spouse.

The amount of spousal support to be paid and the duration that it should be paid for is often determined using the The Spousal Support Advisory Guidelines. The Advisory Guidelines are not a law like the Child Support Guidelines and are not mandatory. In fact, the *Divorce Act* doesn't even mention the Advisory Guidelines. However, the courts of British Columbia and the rest of Canada routinely rely on the Advisory Guidelines when making decisions about spousal support. The Advisory Guidelines cannot be ignored if you are asking for, or are being asked to pay, spousal support.

The Spousal Support Advisory Guidelines have two basic formulas that are used to calculate the amount of spousal support and the length of time it should be paid for: one when the spouses have children and one for when they do not. The formulas take into account a bunch of information, including:

- the income of the payor, the person paying spousal support, and the income of the recipient, the person receiving spousal support,
- the length of the spouses' relationship,
- the age of each spouse,
- how much child support is being paid,
- how much is being spent on the children's special or extraordinary expenses; and,
- the age of each child and what grade they are at in school.

More information about spousal support is available in the Spousal Support chapter and the section on the The Spousal Support Advisory Guidelines.

Is a spouse's conduct taken into account?

Under the *Divorce Act*, the court is not allowed to consider a spouse's behaviour during the marriage when making an order about spousal support. The same thing is generally true under the *Family Law Act*, except that under this act the court can take into account misconduct that:

- unreasonably prolongs a spouse's need for support; or,
- unreasonably undermines a spouse's ability to pay support.

In other words, the court can look at whether a spouse is being unreasonable in not becoming financially self-sufficient and whether a spouse has reduced work hours, quit a job, or refused to take a job in order to avoid paying support.

How is spousal support paid?

Most of the time, spousal support is paid every month, usually on the first day of the month. If child support is also being paid, child support and spousal support payments can be staggered if that's fair to both parties. It is also possible for spousal support to be paid in a single lump sum. Payors, the people paying spousal support, can be required to pay by giving the recipient, the person receiving spousal support, a series of post-dated cheques.

If a payor cannot pay both spousal support and child support, section 173 of the *Family Law Act* requires the court to give priority to child support.

Are there tax consequences?

There are tax consequences when spousal support is paid on a regular, repeating basis.

The recipient of spousal support must declare the support received in their income tax return and pay tax on it, just as if the support payments were employment income. The payor, on the other hand, can deduct the spousal support paid from their taxable income in the same way that RRSP contributions can be deducted from taxable income. This usually means that the recipient has to pay tax on the spousal support they received at the end of the year while the payor might get a tax refund.

There are no tax consequences when spousal support is paid as a single lump sum. When a lump sum is paid, the payor cannot deduct the spousal support payment from their taxable income, and the recipient does not have to add it to their own. However, the tax status of lump sum payments compared to regular, repeating payments is usually taken into account when calculating the amount of lump sum payments.

Remember that taxes need to be taken into account when figuring out spousal support. If you are a recipient of spousal support, don't forget to put some money aside to pay the taxes you may owe on the spousal support you receive!

Reviews of spousal support

It can sometimes be very difficult to figure out when spousal support should end, despite the help provided by The Spousal Support Advisory Guidelines. The person getting support usually wants support to continue for as long as possible. The person paying support wants support to end as soon as possible. It is hard to settle on an end date if, for example, it’s not known when a spouse will finish job training, become self-sufficient, or recover from an illness.

People often try to avoid this problem by agreeing that spousal support will be paid for now, but that support will be reconsidered in a *review*, after a certain amount of time has passed or when a certain event has happened. The *Family Law Act* says that agreements and orders for spousal support can be *reviewable*. Agreements and orders for reviewable spousal support can specify:

- what will trigger the review,
- the dispute resolution process that will be used at the review; and,
- the factors that will be considered at the review.

The *Family Law Act* says that a review can also be triggered when someone begins to receive a pension, even if the agreement or order for spousal support doesn’t call for the review.

How are orders for spousal support changed?

Under section 167 of the *Family Law Act*, the court can change an order for spousal support if:

- there has been a change in circumstances that would result in a different amount of support being paid,
- new evidence has been discovered since the last hearing about spousal support; or,
- proof of a lack of financial disclosure has been discovered since the last spousal support order.

When both spouses live in British Columbia

To change a *Family Law Act* spousal support order when both spouses live here, the applicant must file a Notice of Application in the original court proceeding. The Supreme Court Family Rules [1] have special provisions for applications to change final orders.

When a spouse lives outside of British Columbia

To change a *Family Law Act* spousal support order when the *respondent* — the person against whom the application is made — lives in another province, the applicant must make an application under the provincial *Interjurisdictional Support Orders Act* [2].

The applicant must complete an application form provided by the British Columbia Interjurisdictional Support Services Program [3]. The program will send the application to the court or child support recalculation program in the respondent's province. The court or recalculation program will take care of letting the respondent know about the application, and the application will be handled in the respondent's province.

If the application is heard by a court, the court may decide to:

- ask the applicant for more information,
- delay the hearing if more information is needed,
- dismiss the application; or,
- make a variation order.

More information about how spousal support orders are changed when one of the spouses lives outside British Columbia is available in the Spousal Support chapter.

What about when the payor dies?

If the payor has a life insurance policy, the parties can agree and the court can order that the payor keep the policy up to date and name a person, usually the recipient, as a beneficiary of the policy. This way, the spouse will still be supported if the payor dies.

The parties can agree and the court can order that the payor's obligation to pay spousal support will continue after the payor's death and be paid from their estate. Court orders about this can be made at the time the spousal support order is made or after the payor's death.

The law about dividing property and debt

Who is entitled to ask to divide property and debt?

Only *spouses* can ask to divide property and debt. Under the *Family Law Act*, for the purposes of dividing property and debt, "spouse" includes people who:

- are married to each other or who used to be married to each other; and,
- have lived together in a "marriage-like relationship" for at least two years.

Note that the people who qualify as "spouses" for the division of property and debt are different than the people who are "spouses" for child support and spousal support.

When do claims for the division of property and debt have to be made?

Under the *Family Law Act*:

- married spouses have to start a court proceeding asking to divide property and debt within two years from the date *they were divorced* or their *marriage was annulled*, and
- unmarried spouses have to start a proceeding asking to divide property and debt within two years from the date *they separated*.

It's important to know that under section 198(5), the two-year countdown from the date of divorce or separation stops while the spouses are trying to resolve their dispute outside of court with the help of a family justice counsellor, a mediator, a lawyer, or an arbitrator.

What is excluded property?

Excluded property is all of the property each spouse owned on the date they began to live together or got married, whichever was first. The *Family Law Act* called this "excluded property" for the sensible reason that this property is usually excluded from division with the other spouse.

Excluded property also includes certain property received by each spouse during their relationship, such as:

- gifts and inheritances,
- court awards for injury or loss, except for awards relating to both spouses or for lost income,
- insurance payments, except for payments relating to both spouses or for lost income,
- certain kinds of trust interests; and,
- property bought with excluded property.

If you buy new property using excluded property to pay for all or some of the new property, it's important to keep track of how much of your excluded property you spent on the new property! If you can't trace your excluded property into the new property, you may wind up having to share all of the new property with your spouse.

What is family property?

Family property is the property either or both spouses got after the date they began to live together or got married, whichever was first. "Family property" includes:

- real estate,
- bank accounts,
- interests in companies, businesses and partnerships,
- debts owed to a spouse,
- pensions, RRSPs and other kinds of pensionable savings; and,
- other personal property.

Most importantly, family property also includes the increase in value of excluded property during the spouses' relationship, beginning either at the date the spouses began to live together or the date of their marriage, whichever is first. Say, for example, that a house had equity of $100,000 when a relationship started, and equity of $150,000 when it ended. The spouse who owns the house would keep the $100,000 the house was worth at the beginning of the relationship as excluded property, and each of them would share the $50,000 in growth as family property.

What about pets?

The *Family Law Act* introduced special laws around pets, defined as *companion animals*, in January 2024. Prior to this, pets were not treated differently by legislation.

A judge of either the Supreme Court or the Provincial Court can decide which party will own the pet in question. Interestingly, the court does not have discretion to order shared ownership of a pet. People can make their own family law agreements to accommodate shared ownership of a pet, but if the court is to make a decision, it must be for one or the other party to be the owner. Section 97 sets out the factors which determine who should be the owner of a family pet, and it is not just about who owned the pet before the relationship. See the section on Dividing Property and Debt in Family Law Matters under the Property and Debt chapter for more.

What is family debt?

Family debt is all debt incurred by either spouse after the date the spouses began to live together or got married, whichever was first, up to the date of separation. Family debt also includes debt incurred after the date of separation if the debt was incurred to maintain family property, like repairing the family home or paying the mortgage.

How are property and debt divided?

Spouses can make agreements and the court can make orders about how property and debt should be divided. Only the Supreme Court can make orders about the division of property and debt, with the exception of pets which are called *companion animals*.

Note that agreements and orders about debt made under the *Family Law Act* are only binding between spouses. They don't affect the rights of creditors or the steps creditors can take to collect on a debt.

Family property and family debt

Under section 81(a) of the *Family Law Act*, spouses are presumed to:

- each be entitled to one-half of family property, regardless of how they contributed to or used the property; and,
- each be responsible for one-half of family debt.

When spouses separate, under section 81(b) of the act, they each become one-half owners of all family property as tenants in common and one-half responsible for all family debt. (Owning something as tenants in common means that each spouse owns an independent share of the property, and if they die, their share goes to their estate. Owning something as joint tenants, the other way more than one person can own property in British Columbia, means that each spouse owns the whole property, and if they die their ownership interest just disappears and the surviving joint tenants continue to own the whole property.)

Despite the strong presumption in the act that family property should be divided, the court can divide family property *unequally* under section 95, if an equal division would be "significantly unfair." The court can take into account a number of reasons why an equal division could be significantly unfair including:

- length of the spouses' relationship,
- a spouse's contribution to the other spouse's career,
- whether the amount of family debt is more than the value of family property,

- whether a spouse reduced the value of family property or got rid of family property to avoid sharing either the property, or the full value of the property, with the other spouse; and,
- any taxes owing from dividing the property.

Excluded property

Each spouse's excluded property is presumed to remain their separate property and not be shared with the other spouse.

Despite the strong presumption in the act that excluded property should *not* be divided, the court can divide a spouse's excluded property if:

- it can't divide family property or family debt that is located outside British Columbia; or,
- it would be "significantly unfair" not to share the excluded property because of the length of the spouses' relationship or because of the contributions made by the spouse who doesn't own the property.

Valuing property

The value of a property is what a reasonable person — someone objective and independent of the spouses — would pay to buy the property in its current state. This is called the property's *fair market value*. The process of assessing this value is called *valuation*, and because property changes value over time, the date when the property's value is to be determined, the *valuation date*, is critically important.

For a signed agreement dealing with property division between spouses, the valuation date is the date of the agreement. For a court order dividing property, the valuation date is the date of the court hearing.

How are pensions divided?

Spouses can make agreements and the court can make orders about how pensions and assets that are like pensions are divided. Only the Supreme Court can make orders about the division of pensions.

RRSP accounts

The value of RRSPs accumulating during the spouses' relationship is family property. If RRSPs are divided, the federal *Income Tax Act* [4] allows them to be equalized between spouses without any taxes being paid.

Workplace pensions

In general, the part of the pension that accumulated between the date the spouses began living together or got married and the date of separation is family property and is divided equally between the spouses. This is true whether the pension is being paid out or not.

Agreements and orders about dividing pensions are carried out by the people who administer the pension plans, not by the spouse who owns the pension. Note that the division of pensions can be very, very complicated. It is always best to speak to a lawyer about issues with pensions.

Canada Pension Plan credits

Spouses are entitled to equalize the CPP credits they each accumulated between the date they began living together or got married and the date of their separation or divorce. Agreements and orders about the equalization of CPP credits are carried out by the people who administer the Canada Pension Plan in Ottawa.

British Columbia is one of a handful of provinces that let people decide *not* to divide their CPP credits. To do this, very specific language must be used and it's best to consult a lawyer to make sure you get it exactly right.

How is foreign property divided?

Under the *Family Law Act*, the court can make orders about family property that is located outside of British Columbia, including orders about the:

- safekeeping of the property,
- right to use the property; and,
- right to own the property.

The court can decide to divide property or debt inside British Columbia to compensate for each spouse's interest in property outside of British Columbia, instead of trying to divide that property. The court can also divide excluded property between spouses if it can't divide property outside of British Columbia.

What about children's property?

Children sometimes get large amounts of money or property from inheritances, insurance policies, or court awards. Under the *Family Law Act*, a child's guardians are *not* automatically the trustees of the child's property, except for property with a value of less than $10,000.

A guardian may apply to court to be appointed as the trustee of the child's property. Someone appointed as a trustee never owns the child's property, that remains the property of the child, and the trustee can be required to provide an accounting of how they have managed the child's property. Only the Supreme Court can make orders about children's property.

Family violence and protection orders

What is family violence?

Family violence is defined in very broad terms in section 1 of the *Family Law Act*, and includes obvious things like physical abuse as well as:

- sexual abuse,
- attempts to physically or sexually abuse someone,
- psychological and emotional abuse, including by harassing, stalking, or intimidating someone, or by restricting their liberty; and,
- in the case of children, being exposed to family violence.

Family violence does not include a person's use of force to protect themselves, or someone else, from family violence.

What are the duties of professionals?

Under section 8, family justice counsellors, mediators, lawyers, arbitrators, and parenting coordinators are required to "assess" for family violence and the extent to which it affects someone's safety or ability to negotiate. These professionals have to discuss with their clients how different family dispute resolution processes may or may not be appropriate for their situation, and consider what additional assistance may be necessary, including a safety plan. If there is an imminent risk of serious physical harm, they may have to share confidential information or report a child who needs protection. The Legal Services Society [5] has published a guide to relationship violence for lawyers that covers some of these considerations.

How do you determine what is in children's best interests?

To decide what is in a child's best interests, parents and judges must consider all of the needs and circumstances of the child and a number of factors that are listed in section 37 of the *Family Law Act*. The best interests factors include the impact of any family violence on the child. When family violence is an issue, parents and judges must consider an additional list of factors to assess the impact of the family violence on the child and on a person's capacity to care for the child. The family violence factors are set out in section 38 and include:

- the nature and severity of the family violence,
- the recency and frequency of the family violence,
- whether the family violence is situational or part of a pattern of controlling behaviour,
- whether the family violence was directed to the child and the extent to which the child was exposed to the family violence; and,
- the harm caused to the child's safety and well-being.

The *Family Law Act* also says that an agreement or order is presumed *not* to be in the best interests of a child unless it protects the child's safety and well-being to the greatest extent possible.

What are protection orders?

The court can make an order against one family member to protect another family member. Protection orders can include orders:

- restricting contact and communications,
- requiring a person to stay away from someone else's home, school, place of employment, or place of business,
- prohibiting stalking,
- prohibiting a person from possessing weapons; and,
- requiring the police to remove a person from the family home.

Protection orders remain in force for one year, unless the protection order says otherwise. Protection orders can be renewed.

Applying for protection orders

A person at risk of family violence, or someone on that person's behalf, can ask the court for a protection order as long as the at-risk person and the person from whom the protection order is sought are *family members* as defined by section 1. In general, a family member is someone who lives with the other person, someone who is a spouse of the other person, or someone who is a parent with the other person. People who don't live together and are just dating will not qualify as family members.

Applications for protection orders can be made without notice to anyone else, and may be made whether there is an existing court proceeding or not.

Protection orders that conflict with other orders

If a protection order conflicts with another order made under the *Family Law Act*, like an order for parenting time or contact with a child, the parts of the earlier order that are in conflict with the protection order are suspended until either the earlier order is changed to remove the conflict, or the protection order expires.

This rule also applies to orders that are like *Family Law Act* protection orders but are made under the *Criminal Code* [6] or under the laws of another jurisdiction.

Enforcing protection orders

Protection orders cannot be enforced under the *Family Law Act* or the provincial *Offence Act* [7]. They can only be enforced under section 127 of the *Criminal Code* [6], which makes breach of a court order a criminal offence.

The *Family Law Act* directs police officers to take action to enforce a protection order, and to use reasonable force if necessary.

Out-of-court dispute resolution processes

What are the alternatives to going to court?

Under the *Family Law Act*, processes that help people resolve family law problems outside of court are called *family dispute resolution* processes. Family dispute resolution processes include:

- assistance from family justice counsellors,
- mediation, collaborative processes, and arbitration; and,
- parenting coordination.

People can make an agreement that they will resolve a family law problem, or a family law problem that might arise in the future, using a family dispute resolution process rather than going to court.

How are family dispute resolution processes supported?

Duties of professionals

Family justice counsellors, mediators, lawyers, and arbitrators are required to tell people about the different ways that family law disputes can be resolved outside of court.

Lawyers are also required to certify that they have told their client about family dispute resolution processes when they start a court proceeding under both the *Family Law Act* and the *Divorce Act*.

Duties of parties making agreements

People who are trying to resolve family law problems outside of court are required to provide each other with "full and true information." Agreements about support and the division of property and debt can be set aside for a number of reasons, including if:

- a person did not make full disclosure of their financial information; or
- a person took advantage of the other person's lack of knowledge or emotional state.

However, when full disclosure is made, agreements about spousal support and the division of property and debt that were fairly negotiated are harder to set aside under the *Family Law Act* than they were under the old *Family Relations Act*.

Suspended time limits

Court proceedings about spousal support or the division of property and debt must normally be started within two years of the date of divorce, for married spouses, or within two years of the date of separation, for unmarried spouses. Under section 198 of the *Family Law Act*, the countdown for the two-year limit stops while the spouses are involved in a family dispute resolution process with a family justice counsellor, mediator, lawyer, or arbitrator.

What is mediation?

Family justice counsellors, mediators, and lawyers who have special training can help people resolve a family law dispute through mediation. In mediation, a neutral person, a *mediator*, helps people reach their own settlement of a legal dispute. Although some mediators also provide information about the law and may offer an opinion about a person's position, mediators do not make decisions for people and do not have the power to impose a settlement.

When mediation is successful, the parties will usually sign a separation agreement to document their settlement. Separation agreements can be filed in court and be enforced like court orders.

More information about mediation is available in the Resolving Family Law Problems out of Court chapter in the section on Family Law Mediation.

What is collaborative negotiation?

Lawyers who have special additional training can help people resolve a family law dispute through collaborative negotiation. When people agree to use collaborative negotiation, they and their lawyers sign an agreement which says that they will use their best efforts to resolve the dispute outside of court, and that if the parties do decide to go to court they will hire new lawyers.

Collaborative negotiation works like ordinary negotiation but can involve other professionals when their participation will help the parties to reach a settlement:

- clinical counsellors or psychologists can be involved as *coaches*, helping the parties work through their emotions and other stumbling blocks in the negotiation process,
- clinical counsellors or psychologists can be involved as *child specialists*, giving the parties advice about parenting schedules and information about how the children are experiencing the separation; and,
- accountants, appraisers, and tax experts and other *financial specialists* can be involved to help the parties figure out complicated problems about money.

When collaborative negotiation is successful, the parties will usually sign a separation agreement to document their settlement. Separation agreements can be filed in court and be enforced like court orders.

More information about collaborative negotiation is available in the Resolving Family Law Problems out of Court chapter in the section on Collaborative Processes.

What is arbitration?

In arbitration, a neutral person with special training, an *arbitrator*, resolves a family law dispute by making a decision, called an *award,* after hearing each party's evidence and witnesses. Arbitral awards are binding on the parties just like a court order. Although arbitration can be a lot like going to court, it has a lot of advantages over litigation:

- the parties can pick the person they want to arbitrate their dispute,
- the arbitration hearing can be scheduled whenever everybody is available without having to wait on trial scheduling,
- arbitration hearings happen in private, often in the arbitrator's office boardroom,
- the parties can choose the rules of the arbitration process; and,

- the parties can decide to have the arbitrator resolve a dispute in many different ways, from an oral hearing over the telephone without witnesses to a full hearing that looks just like a trial.

The result of an arbitration process is the arbitrator's award. The arbitrator's award is private, but can be filed in court and be enforced like a court order.

The arbitration of family law disputes in British Columbia is governed by rules set out in Part 2, Division 4 of the *Family Law Act*, and is no longer covered by the provincial *Arbitration Act*.

More information about arbitration is available in the Resolving Family Law Problems out of Court chapter in the section on Family Law Arbitration.

What is parenting coordination?

Social workers, counsellors, psychologists, mediators, and lawyers who have special training can help people resolve disputes about the care of children through parenting coordination. Parenting coordination is only used where parents have an agreement or a final court order about parental responsibilities, parenting time, and contact, and is meant to help with:

- implementing the parts of the agreement or order about children,
- helping parents deal with conflict about their children,
- improving how parents communicate with each other; and,
- making sure the parents put the needs and interests of the children first.

Parenting coordinators cannot help with child support, spousal support, or the division of property and debt.

Parenting coordinators try to resolve disputes about children by helping the parents find a settlement, like a mediator. However, when a settlement cannot be reached or the dispute is urgent, the parenting coordinator may make a decision resolving the dispute, like an arbitrator. A parenting coordinator's decision is called a *determination.* Determinations can be filed in court and be enforced like court orders.

Parenting coordinators can be appointed by parents' agreement or by a court order made under the *Family Law Act*, and are appointed for terms ranging from six months to two years. A parenting coordinator's appointment can be renewed, if the parenting coordinator agrees.

More information about parenting coordination is available in the Resolving Family Law Problems out of Court chapter in the section on Parenting Coordination.

In-court dispute resolution

Which court deals with which family law problem?

The powers of the Provincial Court are pretty much the same under the *Family Law Act* as they were under the old *Family Relations Act* [8]. The Supreme Court can deal with all family law problems, but the Provincial Court can only deal with problems about parenting children, child support, and spousal support. As a result, the Provincial Court can make declarations about the parentage of a child, but only if the declaration is necessary to handle a claim about a problem within its jurisdiction. The Provincial Court can also enforce agreements and orders, but only the parts of agreements or orders that are within its jurisdiction.

What happens when there's a proceeding in each court?

Starting a court proceeding in one court doesn't stop a proceeding being started in the other court, unless the claims made in the second proceeding have already been dealt with by the first court. Section 194 of the *Family Law Act* talks about what happens when there is a proceeding in each court:

- The making of an order by one court doesn't stop an application in the other court, unless the application is about the same thing as the order made by the first court.
- A court can refuse to deal with a claim until the claim has been dealt with by the other court.
- The Supreme Court can "consolidate" a Provincial Court proceeding with its own proceeding so that both are handled as a single proceeding in the Supreme Court.

The Supreme Court can change a Provincial Court order to accommodate an order it is making. The Supreme Court cannot otherwise change Provincial Court orders except as the result of an appeal.

How does the court manage court processes and people in court?

Guiding principles

The *Family Law Act* says that court proceedings should be managed with as little delay and formality as possible, and in a way that promotes cooperation between parties and protects adults and children from family violence. The court is also required to encourage parties to focus on the best interests of their children and minimize the effect of their conflict on their children.

Preventing misuse of court processes

If a party is frustrating or misusing the court process, the court can make an order prohibiting the party from making further applications without permission under section 221 of the *Family Law Act*. When making orders like this, the court can also:

- make the order last for a specific period of time, or until the party has complied with another order,
- require the party to pay another person's expenses; and,
- make the party pay a penalty of up to $5,000 to a person or as a fine.

Conduct orders

Under section 222 of the *Family Law Act*, the court may make a *conduct order* to:

- encourage settlement of the family law dispute,
- manage aspects of a party's behaviour that are preventing a family law dispute from settling; and,
- prevent misuse of the court process.

Conduct orders include orders:

- that the parties participate in a family dispute resolution process,
- that one or more of the parties, or a child, attend counselling,
- restricting communication between the parties; and,
- that a party continue to pay for debts and services related to the family home, like paying the mortgage or paying the gas bill.

In serious cases, conduct orders restricting communication can also be made as protection orders.

Case management orders

Conduct orders include *case management orders*. Case management orders include orders:

- cancelling all or part of a claim or an application,
- delaying a court proceeding while the parties participate in a family dispute resolution process; and,
- requiring that all other applications be heard by the same judge.

A judge might make an order that they deal with all applications in a court proceeding in circumstances where there is a lot of conflict between the parties, and one or both of the parties are coming back to court over and over again.

How are orders enforced?

Some orders, like orders about parenting time and contact, have their own enforcement procedures. Where an order under the *Family Law Act* doesn't have a specific enforcement procedure, the general enforcement provisions of the act are used. Under section 230, the court may enforce an order by requiring a party to:

- post "security" — deposit money — in court to guarantee their future good behaviour,
- cover the expenses of the other party resulting from their conduct; or,
- pay up to $5,000 to another person.

When nothing else will get a party to obey a court order, the court may order that the party be imprisoned for up to 30 days. This is a last resort only. Orders that someone go to jail are very, very unusual in family law cases.

Both the Provincial Court and the Supreme Court can enforce orders.

Resources and links

Legislation

- *Family Law Act* [9]
- Provincial Court (Family) Rules [10]
- *Divorce Act* [11]
- Supreme Court Family Rules [12]
- Federal Child Support Guidelines [13]
- *Income Tax Act* [14]
- *Criminal Code* [15]
- *Offence Act* [16]

Resources

- A Very Brief Introduction to the *Family Law Act* (PDF): A plain-language overview of the *Family Law Act* written for justice system workers and advocates.
- An Overview of the Family Law Act (PDF): A more complicated overview of the *Family Law Act*, prepared before the act came into effect, written for lawyers and judges.

Links

- "Spousal Support Advisory Guidelines" [17] from the Department of Justice
- "The Family Law Act Explained" [18] from the Ministry of Attorney General
- "The Family Law Act Regulations Explained" [19] from the Ministry of Attorney General
- "Amendments to Court Rules" [20] from the Ministry of Attorney General
- "Living Together or Living Apart" [21] from the Legal Aid BC
- "Provincial Court Family Rules Explained" [22] from the Ministry of Attorney General

- "What you need to know about the new Provincial Court Family Rules" [23] from the Provincial Court of British Columbia

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