

Application for Garnishment, Summons, or Warrant Form 30

Provincial Court Family Rules

You can complete and file most family forms online using the Family Law Act Online Forms Service.

Access the service at justice.gov.bc.ca/apply-for-family-order.

The free service includes guided pathways that ask you questions and put your answers into the required court forms. When you're finished, you can save and file your forms electronically or print them to file in person.



A PDF version of this form is available online for download at www.gov.bc.ca/court-forms.

For courthouse locations, addresses, and contact information visit: www.gov.bc.ca/courthouselocations

Family law:

The [Provincial Court Family Rules](#) set out the steps that you must take and the forms you must complete in a family law case. These rules apply to cases in Provincial Court about matters under the [Family Law Act](#) and the [Family Maintenance Enforcement Act](#).

You can find the Rules and Acts on the BC Laws website at www.bclaws.gov.bc.ca.

Preparing an Application for Garnishment, Summons or Warrant Form 30

Complete this form if you need a garnishing order, summons or warrant **to enforce an order about child support or spousal support**.

A written agreement, or court order from another jurisdiction, about child support or spousal support that is filed in BC Provincial Court is enforceable under the Family Law Act and the Family Maintenance Enforcement Act as if it were an order of the Provincial Court.

Sometimes a debtor (person required under a support order to pay support) does not make payments, pays late or does not always make payments in full. Collecting support is not the court's responsibility, it's yours. To collect on support owing, you can:

- enroll with BC Family Maintenance Agency to help collect support payments
- take enforcement action through the court on your own or with a lawyer using the Family Maintenance Enforcement Act

The **enforcement options** that are available using this form include:

- **Garnishing wages or bank accounts**
- **Summons to a hearing, default hearing or committal hearing**
- **Warrant of execution for seizure and sale of the debtor's belongings**
- **Warrant for arrest**

To apply for other orders under the Family Maintenance Enforcement Act, use the [Application for Order Under the Family Maintenance Enforcement Act Form 35](#).

The [BC Family Maintenance Agency](#) provides a free service that will collect the amounts owing under a support order or agreement including arrears and special or extraordinary expenses, monitor support payments as they are made, calculate interest on unpaid support and take steps to make sure payments are made.

The Family Maintenance Enforcement Act also gives the Director of Maintenance Enforcement power to take steps outside court to enforce payment of support orders.

You may want to contact the BC Family Maintenance Agency first to see if they can help.

Visit their website at www.bcfma.ca or contact them by telephone at 1-800-663-3455.

How do I file a written agreement or court order from another jurisdiction in Provincial Court?

A written agreement can be filed using the [Request to File an Agreement Form 26](#) and a court order can be filed using the [Request to File an Order Form 28](#). Please refer to those forms for more information.



Need legal help?

It's important to understand the law and make sure you have the right information. If you don't, it can make solving your problem harder. Getting advice from a lawyer can help. You can find a lawyer through:

Lawyer Referral Service

Visit www.accessprobono.ca/our-programs/lawyer-referral-service or call at 604-687-3221

Legal Aid, Duty Counsel and Family Advice Lawyers

Visit <https://legalaid.bc.ca> or call 1-866-577-2525

Legal Services and Resources

Visit the ClickLaw HelpMap at www.clicklaw.bc.ca/helpmap



Filling out the form and preparing to file it

You need to complete the application and a supporting affidavit. You may also need to complete and file a Garnishing Order form or Warrant of Execution.

Depending on the enforcement option, you may use one of the following forms for the affidavit:

- a Statement of Arrears under the Family Maintenance Enforcement Act;
- an Affidavit in Support of a Garnishing Order under the Court Order Enforcement Act; or
- an Affidavit – General Form 45 under the Rules

Make sure you follow the instructions in the forms and include all the required information.

If you complete the form by hand, be sure it's readable.

How do I prepare the form for filing?

- Collect the completed application, the existing order or agreement, supporting affidavit and any other supporting documents as set out in the form
- Print or make copies of all documents: one set for you, one set for the court, and one set for each other party
- Staple or secure each package of documents together



Signing the affidavit with a commissioner for taking affidavits

The affidavit in support is used to present evidence to the court. It contains facts that you must swear under oath or affirm to be true. To swear or affirm an affidavit, you must meet with a commissioner for taking affidavits and sign the document in front of them.

Lawyers and notaries are all commissioners for taking affidavits. The court registry also has staff who are commissioners for taking affidavits who can help you swear or affirm your affidavit for free.



Filing the application at the registry

You must file at the Provincial Court Registry where the existing Provincial Court case with the same parties is filed.

File the form:

- electronically using the FLA Online Forms Service
- in person at the court registry
- by mail
- by email, as referenced in Notice to the Profession and Public NP 28 Current Court Operations, or
- by fax filing using the Fax Filing Cover Page Form 52

There are no fees for filing Provincial Court family documents.

Be sure to bring all copies of the documents to the registry if you are filing in person.

The registry clerk will review your package to make sure it's complete before filing it. They'll give you a copy for your records.



Review by a judge

Your application and supporting documents will be given to a judge for review without a court appearance. It may take the judge a few days to review your application. The registry staff will contact you once it has been reviewed.



What's next

Depending on the enforcement option you have chosen and what the court has issued to you, there may be some next steps you need to take or there may be next steps for a sheriff, bailiff, police or RCMP to take.

If you were issued a garnishing order:

You must serve the documents on the garnishee (whoever you are asking to pay the money, for example the employer or bank) and the debtor either by serving them by personal service or by registered mail, unless you have made a request to the court to allow some other method of service.

The person serving the documents must complete a Certificate of Service Form 7 so that you can prove service of the garnishing order took place. The Certificate of Service can be filed with the court registry.

If the garnishing order results in money being paid into the court, the money will be paid out to you unless the debtor or the garnishee has filed a dispute within 10 days of being served the garnishing order. If this happens, you will receive notice from the court.

If you were issued a summons:

Registry staff will set a court date and draft the document.

You are usually responsible for having the summons, application and any other supporting documents served by personal service on the debtor or other person named in the summons (sometimes the attachee). Personal service requires that an adult (at least 19 years old) hand-deliver the documents to the person to be served. A party cannot personally serve a document on another party.

The person serving the documents must complete an Affidavit of Personal Service Form 48 so that you can prove personal service of the summons took place.

If you were issued a warrant of execution for seizure and sale of the debtor's belongings:

Provide a copy of the warrant of execution to the bailiff and pay the bailiff any required deposit. The bailiff will give the debtor a copy of the warrant.

Contact information for bailiffs can be found at: www.gov.bc.ca/gov/content/justice/courthouse-services/bailiffs

Unless the debtor pays the bailiff the amount owing to you and the bailiff's fee, the bailiff will seize goods and sell them. The proceeds of the sale will be used to cover the bailiff's fee and the amount owing to you and any balance will be returned to the debtor.

If you were issued a warrant for arrest:

A warrant for arrest is drafted by the registry staff and is given to the police or RCMP. When the person is arrested, you will receive notice of a court date.

Application for Garnishment, Summons or Warrant Form 30

Family Maintenance Enforcement Act

Provincial Court Family Rules
Rule 140

COURT STAMP

Registry location:

Court file number:

BCFMA case ID:

Document number:

For registry use only

This Application for Garnishment, Summons or Warrant sets out the details of an application for enforcement of a support order under the *Family Maintenance Enforcement Act*.

Please read before completing the form:

- To collect on support owing, you can:
 - Enroll with the BC Family Maintenance Agency (BCFMA) by filing your support order, or filed agreement, with the Director of Maintenance Enforcement at www.bcfma.ca to have support collected for you
 - Take enforcement action through the court on your own or with a lawyer using the *Family Maintenance Enforcement Act*
- This form can be filed by a creditor (person to be paid support) or the Director of Maintenance Enforcement if the order is filed with the director. This form is used to enforce a support order through garnishing wages or bank accounts, issuing a summons to court, issuing a warrant for seizure and sale of belongings, or issuing a warrant for arrest.



During enforcement proceedings, the parties are commonly referred to as the **creditor** (person to be paid support) and **debtor** (person required to pay support).



An attachee is a person required or directed to pay under a notice of attachment or attachment order. It is usually an employer or other individual who owes the payor money.

Part 1 | About the parties

- My full name is:
Full name of party
My date of birth is:
(dd/mmm/yyyy)
- The full name of **other party to this agreement** is:
Their **date of birth** (dd/mmm/yyyy) is:
☐ There is an additional party/attachee.
The **additional party/attachee's** full name is:

Part 2 | About the support order or filed written agreement

- ☐ I have a **court order or filed written agreement** about support made on between the parties that **I want to enforce**
Date (dd/mmm/yyyy)
under the *Family Maintenance Enforcement Act* and **a copy of the order or filed written agreement is attached.**

- The order requires:

Select all applicable options

- ☐ the debtor to pay support
- ☐ the attachee to comply with the attachment order/notice of attachment
- ☐ the debtor to pay arrears
- ☐ the debtor to report by filing a statement of income and expenses
- ☐ the debtor to provide particulars of each change of residential address, place of employment or business address
- ☐ the debtor to provide a statement of finances or other prescribed document(s)



You must attach a copy of the order or agreement to this application for filing.

support that is filed with the court can be enforced under the *Family Law Act* or *Family Maintenance Enforcement Act* **as if it were an order** of the court [s. 148 and s. 163 *Family Law Act*].

You can use the Request to file an Agreement Form 26 to file it if you haven't already.

Part 3 | Request for enforcement under the *Family Maintenance Enforcement Act*

5. In connection with this order, I request a:

Select each option that applies and include the required supporting document(s) with your request

- ☐ **Summons** in Form 31 **requiring the debtor to attend court under section 14 (2) [failure to provide statement of finances]** of the Act to show cause why the order should not be enforced → **A supporting affidavit is required**
- ☐ **Warrant for arrest** in Form 32 **authorizing the apprehension of the debtor to bring the debtor before the court under section 14 (2) [failure to provide statement of finances]** of the Act to show cause why the order should not be enforced → **A supporting affidavit is required**
- ☐ **Garnishing order under section 18 [garnishment] of the Act** → **A completed garnishing order form and supporting affidavit is required**
- ☐ **Summons to a default hearing** in Form 33 **requiring attendance of the debtor at a default hearing under section 19 [summons for default hearing]** of the Act → **An affidavit of arrears or statement of arrears is required**
- ☐ **Summons** in Form 31 **requiring the debtor to attend court under section 21 (1) (a) [failure to report]** of the Act to show cause why the order should not be enforced → **A supporting affidavit is required**
- ☐ **Warrant for arrest** in Form 32 **authorizing the apprehension of the debtor to bring the debtor before the court under section 22 (1) (b) [failure to report]** of the Act to show cause why the order should not be enforced → **A supporting affidavit is required**
- ☐ **Summons to a committal hearing** in Form 34 **requiring the attendance of the debtor to a committal hearing under section 23 [committal hearing]** of the Act → **An affidavit of arrears or statement of arrears is required**
- ☐ **Warrant of execution under section 27 [warrant of execution]** of the Act → **A completed Warrant of Execution form and supporting affidavit is required**
- ☐ **Warrant** in Form 32 **for the arrest of a debtor under section 31 (a) [arrest of absconding debtor]** of the Act → **A supporting affidavit is required**



A payment order of an addressee may be enforced in any manner that a maintenance order may be enforced [s. 24 (7) *Family Maintenance Enforcement Act*].



You must file a supporting affidavit.

Depending on the enforcement option you are requesting, you may use:

- a Statement of Arrears under the *Family Maintenance Enforcement Act*
- an Affidavit in Support of a Garnishing Order under the *Court Order Enforcement Act*, or
- an Affidavit – General Form 45 under the Rules



If you are requesting a garnishing order, you must attach a completed garnishing order form.



If you are requesting a warrant of execution, you must attach a completed warrant of execution.

Part 4 | The facts

6. ☐ I am filing an affidavit in support of this application, as set out in Part 3.

Part 5 | Address for service

7. My current **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:

City:

Province:

Postal Code:

Email:

Telephone:

Lawyer's name and firm name (if applicable):

For use by the BC Family Maintenance Agency staff only

- ☐ This application is being made and/or filed on behalf of the party by the Director of Maintenance Enforcement

Notes:
