

TIME LIMITS IN BC FAMILY LAW MATTERS

If you are involved in a family law matter, you have certain rights under the law. However, to preserve your rights, you must pay attention to certain time limits.

This table sets out some deadlines and time limits that may apply to you. It is provided for reference and information only; it is not legal advice. You should speak to a lawyer for advice on any deadlines that may apply to your own situation and what steps you may need to take.

If you think that you may be approaching a deadline it is important that you seek legal advice immediately. Here are some organizations that may be able to help:

- Access Pro Bono: accessprobono.ca
- Justice Access Centres: gov.bc.ca/gov/content/justice/about-bcs-justice-system/jac
- Family Duty Counsel: lss.bc.ca/legal_aid/familyDutyCounsel
- Family Law Line: lss.bc.ca/legal_aid/FamilyLawLINE

LEGAL ISSUE	REQUIRED STEP	TIME LIMIT OR DEADLINE
CHILD SUPPORT – Where there is no existing order or agreement regarding child support		
<p>You want an order for child support. <i>Family Law Act</i>, S.B.C. 2011, c. 125, s. 149</p>	<p>Apply to either the BC Supreme Court or the BC Provincial Court for child support.</p>	<p>No time limit while the child is 18 years or younger, or if the child is 19 years or older and continues to be dependent because they are attending school full time or because of illness or disability.</p> <p>However, backdated child support (also called <i>retroactive</i> child support) may be limited to three years prior to when you first asked for it, so apply to the court as soon as you can.</p>
<p>You want child support from the child's step-parent. <i>Family Law Act</i>, s. 147(4)</p>	<p>Apply to either the BC Supreme Court or the BC Provincial Court for child support from a step-parent.</p>	<p>Apply within one year of the step-parent's last contribution to support of the child.</p>

LEGAL ISSUE	REQUIRED STEP	TIME LIMIT OR DEADLINE
CHILD SUPPORT — Where there is an existing order or agreement regarding child support		
<p>You want to change, suspend, or end the existing order (for example, to change the amount due to change in income or change in parenting arrangements).</p> <p><i>Family Law Act</i>, s. 148(3) and s. 152</p>	<p>Apply to the court to change, suspend, or end an existing order or agreement.</p> <p>Apply to the same court that made the previous order.</p>	<p>No limitation, but you are encouraged to apply to court as soon as you can to avoid issues in obtaining retroactive child support.</p> <p>Retroactive child support may be limited to three years prior to when you first applied.</p>
SPOUSAL SUPPORT — Where there is no existing order or agreement regarding spousal support		
<p>You want spousal support from your former spouse, whether you were married or lived together in a marriage-like relationship for at least two years.</p> <p><i>Family Law Act</i>, s. 198(2)</p>	<p>Apply to either the BC Supreme Court or the BC Provincial Court for spousal support.</p>	<p>If you were NOT MARRIED to your former spouse, apply no later than two years after the date you separated.</p> <p>If you were MARRIED to your former spouse, apply no later than two years after an order granting a divorce. (Note that you can apply right away; you do not have to wait to be divorced to apply.)</p>
SPOUSAL SUPPORT — Where there is an existing order or agreement regarding spousal support		
<p>You want to change the existing order (for example, to increase payments or increase the duration, or length, of spousal support).</p> <p><i>Family Law Act</i>, s. 167(3)</p>	<p>Apply to the court to change an existing order for spousal support.</p> <p>Apply to the same court that made the previous order.</p>	<p>No time limit, but it is best to apply before the spousal support payments end under the existing order.</p> <p>You may still be able to apply after the existing order ends, but it may then be harder to change the existing order.</p>
<p>You want to set aside or replace the existing agreement.</p> <p><i>Family Law Act</i>, s. 198(3)</p>	<p>Apply to either the BC Supreme Court or the BC Provincial Court to set aside or replace an existing agreement.</p>	<p>Apply no later than two years after you knew or you should have known there was a reason for making the application.</p>
INTERJURISDICTIONAL SUPPORT — Child or spousal support where one party lives outside of BC		
<p>You want to set aside a foreign order for child or spousal support that has been registered in a BC court.</p> <p><i>Interjurisdictional Support Orders Act</i>, S.B.C. 2002, s. 19(2)</p>	<p>Apply to the BC court that registered the order to set aside the registration of a foreign order.</p>	<p>Apply to the BC court that registered the order within 30 days after you receive notice of the registration.</p>
<p>You want to appeal an order under the <i>Interjurisdictional Support Orders Act</i> that has been made in a BC court.</p> <p><i>Interjurisdictional Support Orders Act</i>, s. 36(5)</p>	<p>Apply to appeal a ruling, decision, or order of any BC court made under the <i>Interjurisdictional Support Orders Act</i>.</p>	<p>File your appeal to the appropriate court within 90 days after the ruling, decision, or order was entered as a judgment of the BC court.</p>

LEGAL ISSUE	REQUIRED STEP	TIME LIMIT OR DEADLINE
DENIAL OF PARENTING OR CONTACT TIME — Where there IS an existing order or agreement		
<p>Your court-ordered parenting or contact time has been wrongfully denied by the other parent or another guardian and you want a remedy, such as makeup parenting or contact time.</p> <p><i>Family Law Act, s. 61</i></p>	<p>Apply to the court for a remedy where parenting or contact time has been wrongfully denied.</p> <p>Apply to the same court that ordered the parenting time or contact.</p>	<p>Apply within 12 months after you were denied parenting time or contact with a child.</p>
PROTECTION ORDER		
<p>You want to extend an existing protection order.</p> <p><i>Family Law Act, s. 187(2)</i></p>	<p>Apply to the court to extend the protection order.</p> <p>Apply to the same court that made the original protection order.</p>	<p>Apply before the existing protection order ends.</p> <p>If the existing protection order has ended, you can still apply for a new protection order.</p>
PROPERTY AND DEBT DIVISION — Where there is NO existing order or agreement regarding property and debt division		
<p>You want an order to divide property, debts, or pensions.</p> <p><i>Family Law Act, s. 198(2)</i></p>	<p>Apply to the BC Supreme Court for an order for division of family property or debt or for pension division.</p>	<p>If you were NOT MARRIED to your former spouse, apply no later than two years after the date of separation.</p> <p>If you were MARRIED to your former spouse, apply no later than two years after the order granting a divorce. (Note that you can apply right away; you do not have to wait to be divorced to apply.)</p>
PROPERTY AND DEBT DIVISION — Where there IS an existing order or agreement regarding property and debt division		
<p>You want to set aside or replace the existing agreement (for example, because you did not know the agreement was unfair or because your former spouse did not disclose property).</p> <p><i>Family Law Act, s. 198(3)</i></p>	<p>Apply to the BC Supreme Court to set aside or replace an agreement respecting the division of family property or debt or for pension division.</p>	<p>Apply no later than two years after you knew or should have known there was a reason for making the application.</p>
CANADA PENSION PLAN		
<p>You want to divide any Canada Pension Plan benefits that may be available to you or your former spouse.</p> <p><i>Canada Pension Plan, R.S.C. 1985, c. C-8, s. 55.1(a)(ii) and (c)</i></p>	<p>Apply to Service Canada for division of CPP benefits.</p>	<p>If you were NOT MARRIED to your former spouse, apply within four years from the date of separation or at any time with the consent of both former spouses.</p> <p>If you were MARRIED to your former spouse, apply at any time while both spouses are alive OR within three years of the death of a former spouse.</p>

LEGAL ISSUE	REQUIRED STEP	TIME LIMIT OR DEADLINE
APPEALS		
<p>You want to appeal a final order made in the BC Provincial Court. <i>Family Law Act, s. 233</i></p>	File a notice of appeal in the BC Supreme Court.	File your notice of appeal within 40 days, beginning on the day after the order of the BC Provincial Court was made. (Note that the judge may make their order the same day you attend court, or they may make their decision and order at a later date.)
<p>You want to appeal a master's order made in the BC Supreme Court. <i>Supreme Court Family Rules, Reg. 105/2019, Rule 22-7(8.1)</i></p>	File a notice of appeal in the BC Supreme Court.	File your notice of appeal within 14 days, beginning on the day after the master's order or decision was made.
<p>You want to appeal or seek leave to appeal a judge's order made in the BC Supreme Court. <i>Court of Appeal Act, R.S.B.C. 1996, c. 77, s. 14(1)</i></p>	Appeal or apply for leave to appeal to the Court of Appeal.	Unless otherwise specified, file and serve your appeal or leave to appeal within 30 days, beginning on the day after the order of the BC Supreme Court was made.



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Our office is located on unceded territory of the Skwxwu7mesh (Squamish), Tsleil-Waututh (Burrard), and xʷməθkʷəy̓əm (Musqueam) Nations.

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Translations of this document are available in Farsi, French, Mandarin, Punjabi, and Spanish.

This document does not contain legal advice. If you or someone you care about requires legal advice, please consult with a lawyer.