

FAMILY LAW ACT
[SBC 2011] CHAPTER 25

Assented to November 24, 2011

Part 1 – Interpretation

Definitions

1 In this Act:

"child", except in Parts 3 [*Parentage*] and 7 [*Child and Spousal Support*] and section 247 [*regulations respecting child support*], means a person who is under 19 years of age;

"child support guidelines" means the child support guidelines, provided for under section 247, for calculating child support;

"contact with a child" or **"contact with the child"** means contact between a child and a person, other than the child's guardian, the terms of which are set out in an agreement or order;

"court" means

- (a) the Supreme Court, or
- (b) to the extent that it has jurisdiction to make an order, the Provincial Court;

"excluded property" means property that would otherwise be family property but is excluded under section 85 [*excluded property*];

"family debt" means family debt as described in section 86 [*family debt*];

"family dispute resolution" means a process used by parties to a family law dispute to attempt to resolve one or more of the disputed issues outside court, and includes

- (a) assistance from a family justice counsellor under Division 2 [*Family Justice Counsellors*] of Part 2,
- (b) the services of a parenting coordinator under Division 3 [*Parenting Coordinators*] of Part 2,
- (c) mediation, arbitration, collaborative family law and other processes, and
- (d) prescribed processes;

"family dispute resolution professional" means any of the following:

- (a) a family justice counsellor;
- (b) a parenting coordinator;
- (c) a lawyer advising a party in relation to a family law dispute;
- (d) a mediator conducting a mediation in relation to a family law dispute, if the mediator meets the requirements set out in the regulations;
- (e) an arbitrator conducting an arbitration in relation to a family law dispute, if the arbitrator meets the requirements set out in the regulations;
- (f) a person within a class of prescribed persons;

"family justice counsellor" means a person appointed as a family justice counsellor under section 10 (1) [*family justice counsellors*];

"family law dispute" means a dispute respecting a matter to which this Act relates;

"family member", with respect to a person, means

- (a) the person's spouse or former spouse,
- (b) a person with whom the person is living, or has lived, in a marriage-like relationship,
- (c) a parent or guardian of the person's child,
- (d) a person who lives with, and is related to,
 - (i) the person, or
 - (ii) a person referred to in any of paragraphs (a) to (c), or
- (e) the person's child,

and includes a child who is living with, or whose parent or guardian is, a person referred to in any of paragraphs (a) to (e);

"family property" means family property under section 84 [*family property*];

"family violence" includes

- (a) physical abuse of a family member, including forced confinement or deprivation of the necessities of life, but not including the use of reasonable force to protect oneself or others from harm,
- (b) sexual abuse of a family member,
- (c) attempts to physically or sexually abuse a family member,
- (d) psychological or emotional abuse of a family member, including
 - (i) intimidation, harassment, coercion or threats, including threats respecting other persons, pets or property,
 - (ii) unreasonable restrictions on, or prevention of, a family member's financial or personal autonomy,
 - (iii) stalking or following of the family member, and
 - (iv) intentional damage to property, and
- (e) in the case of a child, direct or indirect exposure to family violence;

"guardian" means a guardian under section 39 [*parents are generally guardians*] and Division 3 [*Guardianship*] of Part 4;

"parent" means a parent under Part 3 [*Parentage*];

"parental responsibilities" means one or more of the parental responsibilities listed in section 41 [*parental responsibilities*];

"parenting arrangements" means arrangements respecting the allocation of parental responsibilities or parenting time, or both;

"parenting coordinator" means a person who may act as a parenting coordinator under section 14 [*parenting coordinators*];

"parenting time" means parenting time as described in section 42 [*parenting time*];

"police officer" means a person who, under the *Police Act*,

- (a) is a provincial constable or municipal constable or has the powers of a provincial constable or municipal constable, or
- (b) is a constable other than a constable referred to in paragraph (a) and is within a prescribed class of constables;

"spouse" means a person who is a spouse within the meaning of section 3 [*spouses and relationships between spouses*];

"written agreement" means an agreement that is in writing and signed by all parties.

General interpretation

- 2 (1) A reference to an agreement or order
 - (a) is to be read as a reference to that part of an agreement or order that is relevant to the subject matter of the provision, of this Act or of the regulations made under it, in which the reference is made, and
 - (b) includes part of an agreement or order.
- (2) A reference to a child's parent or guardian is to be read, as the context requires, as a reference to
 - (a) each parent or guardian of the child, or
 - (b) the parent or guardian who is the subject of the provision in which the reference is made.

Spouses and relationships between spouses

- 3 (1) A person is a spouse for the purposes of this Act if the person
 - (a) is married to another person, or
 - (b) has lived with another person in a marriage-like relationship, and
 - (i) has done so for a continuous period of at least 2 years, or
 - (ii) except in Parts 5 [*Property Division*] and 6 [*Pension Division*], has a child with the other person.
- (2) A spouse includes a former spouse.
- (3) A relationship between spouses begins on the earlier of the following:
 - (a) the date on which they began to live together in a marriage-like relationship;
 - (b) the date of their marriage.
- (4) For the purposes of this Act,
 - (a) spouses may be separated despite continuing to live in the same residence, and
 - (b) the court may consider, as evidence of separation,
 - (i) communication, by one spouse to the other spouse, of an intention to separate permanently, and
 - (ii) an action, taken by a spouse, that demonstrates the spouse's intention to separate permanently.