

Guardianship Affidavit

Form 5

Provincial Court Family Rules
Rules 26, 51, 172

COURT STAMP

Registry location:

Court file number:

Last name of parties:
Party 1/ Party 2

Document number:
For registry use only

This Guardianship Affidavit provides evidence to the court respecting the best interests of the child in support of an application for guardianship of a child as required under section 51 of the Family Law Act and Rule 26.

Please read before completing the form:

- To complete this form, you must have completed the required record checks as referred to in the form. You will be required to attach the results to this affidavit.
- For guidance filling in this form, including how to complete the record checks, please read the guidebook. The guide is available from your local court registry or online at www.gov.bc.ca/court-forms.



The record checks must be dated within 60 days of the date you will file the affidavit. If you are past 60 days, you will need to request a new record check [Rule 26].

I, , of ,
Full name Occupation Address of party, City, Province

SWEAR OR AFFIRM THAT:

I know or believe the following facts to be true. If these facts are based on information from others, I believe that information to be true.



For more information about swearing or affirming an affidavit, see the guidebook.

About the child(ren)

1. I am applying under the Family Law Act to become a guardian of the following child(ren):

Child's full name	Child's date of birth (dd/mmm/yyyy)	Name(s) of child's current guardian(s)	Name(s) of child's parent(s) who are not current guardian(s)



For more information about who is a child's guardian, including when a parent is not a guardian, see the guidebook.

2. My date of birth is
(dd/mmm/yyyy)

3. The nature and length of my relationship with the child(ren) referred to in paragraph 1 of this affidavit is as follows:

Name of child	Nature of relationship to child (Specify whether parent, step-parent, grandparent, aunt, uncle, family friend, etc.)	Length of relationship



You may provide only the first name of the child for the rest of the questions that ask for the name of a child referred to in paragraph 1.

You may state "since birth" in the last column instead of putting the specific length, if applicable.

4. The current living arrangements of the child(ren) referred to in paragraph 1 of this affidavit are as follows:

Name of child	Current living arrangements



Briefly explain where and with whom the child is living right now.

5. I plan to care for the child(ren) referred to in paragraph 1 of this affidavit as follows:
Set out detailed plans for how the child(ren) is/are to be cared for



A guardian must exercise parental responsibilities in the best interests of the child [s. 43 Family Law Act]. S. 41 of the Family Law Act lists the parental responsibilities with respect to a child which a guardian may exercise in their care for the child.

Incidents of family violence

6. *Select whichever option is correct*

☐

I am not aware of any **incidents of family violence**, as that term is defined in section 1 of the Family Law Act, that affect the child(ren) referred to in paragraph 1 of this affidavit

☐

I am aware of the **following incidents of family violence**, as that term is defined in section 1 of the Family Law Act, that affect the child(ren) referred to in paragraph 1 of this affidavit:

Describe the incidents of family violence of which you are aware



Family violence is defined in s. 1 of the Family Law Act. In the case of a child, family violence includes, with or without an intent to harm a family member, direct or indirect exposure to family violence.

To determine what is in the best interests of a child, s. 37 (2) (g) requires you to consider the impact of any family violence on the child's safety, security or well-being, whether the family violence is directed toward the child or another family member.

Other children

7. *Select whichever option is correct*

☐

I am not a parent, step-parent or guardian of any children except that child/those children referred to in paragraph 1 of this affidavit

☐

I am the parent, step-parent or guardian of the following child(ren) who is/are not referred to in paragraph 1 of this affidavit

Child's full name	Child's date of birth (dd/mm/yyyy)	Nature of relationship to child (Specify whether parent, step-parent, grandparent, aunt, uncle, family friend, etc.)

Involvement in court proceedings

8. Select whichever option is correct

- ☐ I have **not been involved in court proceedings** in British Columbia under the Child, Family and Community Service Act, the Family Relations Act, the Family Law Act, or the Divorce Act (Canada), or in any court proceedings under comparable legislation in any other jurisdiction, concerning children under my care
- ☐ I have **been involved in the following court proceedings** in British Columbia under the Child, Family and Community Service Act, the Family Relations Act, the Family Law Act, or the Divorce Act (Canada), and/or in the following court proceedings under comparable legislation in any other jurisdiction, concerning children under my care:

Item	Names of the parties to the proceeding	Name and location of court in which the proceeding was conducted	Date of any orders concerning children under my care made in the proceeding
1			
2			
3			

The orders referred to in the table above are attached as Exhibits to this affidavit as follows:

- (a) The order dated (dd/mmm/yyyy) referred to in Item (1, 2, etc.) above is attached as Exhibit (A, B, etc.) to this affidavit
- (b) The order dated (dd/mmm/yyyy) referred to in Item (1, 2, etc.) above is attached as Exhibit (A, B, etc.) to this affidavit
- (c) The order dated (dd/mmm/yyyy) referred to in Item (1, 2, etc.) above is attached as Exhibit (A, B, etc.) to this affidavit



Court proceedings may be in Provincial Court or Supreme Court, including divorce or family law proceedings, or child protection.

Include any family proceeding (including divorce) where there were children of the marriage even if the children weren't the subject of any contested proceeding.



You must attach a copy of each order as an exhibit to this affidavit for filing.



For more information about how to reference and attach exhibits, see the guidebook.

Record checks

9. Attached to this affidavit and marked as Exhibit () is a copy of a **British Columbia Ministry of Children and Family Development records check** dated (dd/mmm/yyyy)
10. Attached to this affidavit and marked as Exhibit () is a copy of a **Protection Order Registry protection order records check** dated (dd/mmm/yyyy)
11. Attached to this affidavit and marked as Exhibit () is a copy of a **criminal records check** dated (dd/mmm/yyyy) obtained from the ()
Name and location of police force or department from which the criminal records check was obtained



You must attach a copy of each record check as an exhibit to this affidavit for filing.



For more information about getting your record checks, see the guidebook.

Criminal offences

12. Select whichever option is correct

- ☐ There are **no criminal offences, other than those, if any, specified in the criminal records check** referred to in paragraph 11 of this affidavit, of which I have been convicted and not pardoned
- ☐ **In addition to the convictions**, if any, specified in the criminal records check referred to in paragraph 11 of this affidavit, **I have been convicted of**, and not pardoned for, **the following criminal offences**:

Provide details of any criminal convictions, not referred to in the criminal records check, for which you have not received a pardon

13. Select whichever option is correct

- ☐ I am **not currently charged with any criminal offences**
- ☐ I am **currently charged with criminal offences**. The particulars of each charge are set out below:

Nature of alleged offence	Date of alleged offence (dd/mmm/yyyy)	Name and location of court in which proceedings are outstanding

Sworn or affirmed before me
at _____, British Columbia
City

on _____
Date

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A commissioner for taking affidavits in British Columbia
[print name or affix stamp of commissioner]

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Signature



This document must be signed only with a commissioner for taking affidavits. **Do not sign** the document until they tell you to. You will sign it with them.



Once the affidavit is signed with a commissioner, it must be filed within 7 days [Rule 26].