FORM F38 (RULE 10-10 (2))

This is the[1st/2nd/3rd/etc.] affidavit of[name]in this case and was made on[date]
Court File No.:
Court Registry:
In the Supreme Court of British Columbia
Claimant:
Claimant 1 [joint family law case]:
Respondent:
Claimant 2 [joint family law case]:
AFFIDAVIT – DESK ORDER DIVORCE
[Rule 21-1 of the Supreme Court Family Rules applies to all forms.] [Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]
I,[address]
1 I am[the claimant/the respondent/Claimant 1/Claimant 2]
2 There is no possibility of reconciliation between my spouse and me.
[Select whichever one of the 2 following provisions is correct and remove the provision that has not been selected so

that it does not appear in the form when the form is filed.]

- 3 I believe that the facts set out in the notice of family claim are true.
- 3 I believe that the facts set out in the response to family claim and counterclaim are true.

[Select whichever one of the 2 following provisions is correct, provide any required information and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

- 4 The certificate of marriage or certified copy of the registration of marriage filed in this family law case fully and correctly describes the true particulars of the marriage.
- 4 It is impossible to obtain a certificate of marriage or a certified copy of the registration of marriage and instead, in accordance with section 52 (1) (a) of the Evidence Act, I refer to the affidavit of[name]....., a person who was present at the marriage ceremony, which affidavit is filed in this family law case.

[Select whichever one of the 4 following provisions is correct, complete the selected provision and remove the provisions that have not been selected so that they do not appear in the form when the form is filed.]

5	[Select this provision if the grounds for divorce are separation for more than one year.] I was living separate and apart from my spouse at the start of this family law case and I have lived separate and apart from my spouse since [date], except:[provide dates of any periods of attempted reconciliation]
5	[Select this provision if the grounds for divorce are adultery of a spouse and there has been an admission of adultery.] My spouse has admitted to me that[name of spouse] committed the acts of adultery alleged in Schedule 1 of the[notice of family claim/counterclaim]
	(a) as corroboration I refer to[Set out whichever one of the following is applicable: the affidavit(s of
	(b) I have not condoned the conduct of my spouse that is alleged as the grounds for divorce in that I have not forgiven my spouse for that conduct, nor have I encouraged or acquiesced in that conduct.
5	[Select this provision if the grounds for divorce are adultery of a spouse and there has been no admission of adultery.] I have no personal knowledge of the acts of adultery alleged in Schedule 1 of the[notice of family claim/counterclaim] and
	(a) in proof of the adultery committed by my spouse I refer to[Set out whichever one of the following is applicable: the affidavit(s) of
	(b) I have not condoned the conduct of my spouse that is alleged as the grounds for divorce in that I have not forgiven my spouse for that conduct, nor have I encouraged or acquiesced in that conduct.
5	[Select this provision if the grounds for divorce are physical or mental cruelty of a spouse.] My spouse has treated me with physical or mental cruelty since the date of the marriage as follows[provide details]
6	I am neither directly nor indirectly a party to an agreement or conspiracy for the purpose of subverting the administration of justice, or to any agreement, understanding or arrangement to fabricate or suppress evidence or to deceive the court.
	whichever one of the 2 following provisions is correct, provide any required information and remove the provision not been selected so that it does not appear in the form when the form is filed.]
7	There are no children of the marriage as defined by the Divorce Act (Canada).
7	There are children of the marriage as defined by the Divorce Act (Canada) and
	(a) those children are[provide the full name, age and birth date of each child of the marriage],
	(b) I have sworn a child support affidavit in Form F37, and
	(c) the following arrangements for parenting have been made:[provide details]
[Select o	and complete the following provision if you are seeking a change of name for yourself. If you are not seeking o

[Sele change of name for yourself, remove this provision so that it does not appear in the form when the form is filed.]

8	Pursuant to section 5 of the <i>Name Act</i> , I am seeking to change my name from to
	relates only to myself.
are not the forn	and complete the following provision if you are seeking a change of name for one or more minor children. If you seeking a change of name for one or more minor children, remove this provision so that it does not appear in when the form is filed. Renumber this provision as section 8 if you are seeking a change of name for one or inor children and have not included a section 8 immediately before this provision.]
9	Pursuant to section 5 of the <i>Name Act</i> , I am seeking to change the name(s) of the minor child(ren) of the marriage as follows, and a copy of the consent(s) to the change(s) of name referred to in this section of
	from to:
	[The following paragraphs must be included if the affidavit was sworn or affirmed by video conference:
	[#] "I acknowledge the solemnity of making a sworn statement/solemn declaration and acknowledge the consequences of making an untrue statement." <i>and</i>
	[##] "I was not physically present before the person before whom this affidavit was sworn or affirmed but was in that person's presence using video conferencing."]
SWOR	N (OR AFFIRMED) BEFORE ME)
British	.[commissioner's city/town]) Columbia on[date]))
A comr affidav	missioner for taking) vits for British Columbia) t name or affix stamp of commissioner]