

Affidavit - General

Form 45

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

Need assistance with how to complete this form?

Refer to the guidebook if you need more information about how to complete this form. Find it online, with interactive links, at www.gov.bc.ca/court-forms or pick up a printed copy from your local court registry.

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 Affidavit – General Form 45

Complete this form if you are presenting written evidence to the court in support of an application or in response to an application that is before the court.

Rule 171 sets out the requirements for an affidavit. The Provincial Court's [FAM13 Practice Direction | Affidavits and Exhibits for use in Family Proceedings](#) also includes requirements for affidavits.

An affidavit:

- must be in first person
- must include facts
- must identify the source of the information if certain facts are not within your personal knowledge
- must include information that is relevant to the application the court needs to decide, and
- can have important documents or photographs referenced and attached to it as exhibits

There are also formatting requirements. Your affidavit must:

- be divided into paragraphs numbered in order and have page numbers
- include page numbers for exhibits, if applicable
- not be longer than 25 pages, including exhibits, unless you have permission from the court to have a longer affidavit
- contain at least one paragraph of text above the jurat (signature portion of the affidavit) and have the jurat all on one page. Do not split the jurat.

Exhibits must be in printed document format. They may not be provided on a USB stick or other electronic storage device including a video or audio file.

Exhibits must not include an intimate image of any person. Instead, a written description of the intimate image may be included. A judge will determine whether to allow the image itself to be introduced. For more information about what an intimate image may include, please see the Provincial Court's [FAM13 Practice Direction | Affidavits and Exhibits for use in Family Proceedings](#).



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 www.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

Make sure you follow the instructions in the form and include all the required information. You don't need to use any special wording. Try to be clear and concise.

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

Do you need more space on the form to write your affidavit?

If you use the Family Law Act Online Forms Service to complete the affidavit form, it will automatically expand to fit your content. You will need to print the document to have it signed.

For the paper or PDF version of the form, you can add extra pages. You can create the extra page(s) for your affidavit using any word processing program or by handwriting them on plain paper, as needed.

You must reference the extra page(s) on the affidavit before the jurat (signature portion of the affidavit). Use the last paragraph on the form to reference the attached additional paragraphs and number of pages. For example, "Paragraphs 5 to 9 are attached and there are a total of 5 pages".

Be sure to number each paragraph and page.

If you are submitting your affidavit by email or other electronic means, the document must be submitted as a single PDF including the form and any additional pages, including exhibits.

How do I prepare the form for filing?

- collect the completed affidavit and any exhibits referenced in the form
- print or make copies of the completed form and all attachments: 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 document with a commissioner for taking affidavits

The affidavit 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.

What if I can't get my affidavit sworn or affirmed?

If you can't get the document sworn or affirmed before the document is filed, [Rule 172](#) allows the unsworn document to be filed if you will be available to swear or affirm that the contents of the document are true during your court appearance.



Filing the form at the registry

After you've filled out the form, you must file it 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 form to make sure it's complete before filing it. You'll be given a copy for your records along with a copy for the other party.



Serving the document

Serve a copy of the affidavit on each other party.

The affidavit can be served by **ordinary service to the address of service** for each party. Their address for service is the address they have provided to the court.

See the guidebook if you need more information about serving the affidavit.

You may need proof the documents were served. The person serving the documents must complete a [Certificate of Service Form 7](#) to prove service of the document took place. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.

Affidavit - General

Form 45

Provincial Court Family Rules
Rules 171 and 172

COURT STAMP

Registry location:

Court file number:

Last name of parties:
Party 1/ Party 2

Document number:
For registry use only

This Affidavit provides evidence to the court of the facts and events it sets out.

Please read before completing the form:

- An affidavit is used to present written evidence that is relevant to the case to the court.
- The affidavit must be signed with a commissioner for taking affidavits. Lawyers and notaries are all commissioners for taking affidavits. The court registry also has staff who are commissioners for taking affidavits who can swear or affirm your affidavit for free.
- For guidance completing this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

I, , of ,
Full name Occupation Address of person, 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.

1. I am making this affidavit

- ☐ in support of an application
Briefly describe the type of application
- ☐ in response to an application
Briefly describe the type of application

List the facts that you wish to present to the court using short sentences. Each fact or piece of information should be organized into its own numbered paragraphs (starting with 2). If certain facts are not within your personal knowledge, identify the source of your information. If you refer to documents, attach them to this affidavit and mark them as exhibits.

2.
3.
4.

(+)

Sworn or affirmed before me
at , British Columbia
City
on
Date

A commissioner for taking affidavits in British Columbia

Signature

print name or affix stamp of commissioner