

AFFIDAVIT

Form 34

(Rule 18.1 (1))

In the Provincial Court of British Columbia

Under the Provincial Court (Family) Rules

Court File Number:
FMEP Case Number:
Court Location:

In the case between:

NAME _____

And:

NAME _____

I, NAME _____

OCCUPATION _____

of ADDRESS _____ CITY _____

PROVINCE _____ POSTAL CODE _____

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 applying under the *Family Law Act* to become a guardian of the following child(ren):

Full name of child	Birthdate of child (MMM/DD/YYYY)	Name(s) of current guardian(s) of child	Name(s) of parent(s) who are not current guardian(s) of child
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2. My date of birth is _____ (MMM/DD/YYYY)

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

Full name of child	Nature of relationship to child (specify whether parent, step-parent, grandparent, aunt, uncle, family friend, etc.)	Length of relationship
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4. The current living arrangements applicable to the child(ren) referred to in paragraph 1 of this affidavit are as follows:

Full name of child	Current living arrangements
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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):

6. (Check whichever paragraph 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):

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7. (Check whichever paragraph 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:
- | | | |
|--------------------|-------------------------------------|--|
| Full name of child | Birthdate of child
(MMM/DD/YYYY) | Nature of relationship to child
(specify whether parent, step-parent or guardian) |
|--------------------|-------------------------------------|--|
- _____
- _____

8. (Check whichever paragraph 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)* concerning children under my care, or in any other 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)* concerning children under my care, and in the following court proceedings under comparable legislation in any other jurisdiction concerning children under my care.
- | | | | |
|------|------------------------------------|--|---|
| Item | Names of 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 _____

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

- (a) The order dated _____ (MMM/DD/YYYY) referred to in _____ (Item 1, 2, etc.) above is attached as Exhibit _____ to this affidavit.
- (b) The order dated _____ (MMM/DD/YYYY) referred to in _____ (Item 1, 2, etc.) above is attached as Exhibit _____ to this affidavit.

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 _____ (MMM/DD/YYYY) (Note that under rule 18.1, if there is to be no hearing for this application, this records check must be dated within 60 days of the date on which this affidavit is filed)
10. Attached to this affidavit and marked as Exhibit _____ is a copy of a Protection Order Registry protection order records check dated _____ (MMM/DD/YYYY) (Note that under rule 18.1, if there is to be no hearing for this application, this records check must be dated within 60 days of the date on which this affidavit is filed)
11. Attached to this affidavit and marked as Exhibit _____ is a copy of a criminal records check dated _____ (MMM/DD/YYYY) obtained from the _____ (name and location of police force or department from which the criminal records check was obtained) (Note that under rule 18.1, if there is to be no hearing for this application, this records check must be dated within 60 days of the date on which this affidavit is filed)

12. (Check whichever paragraph 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. (Check whichever paragraph 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
(MMM/DD/YYYY) | Name and location of court in which proceedings are outstanding |
|---------------------------|--|---|
- _____
- _____

Sworn or affirmed before me

at _____ British Columbia

on _____ DATE

A Commissioner for Taking Affidavits for British Columbia

* "Application" also includes a notice of motion.

Signature

Complete this affidavit if personal service was successful.

If you served the Affidavit (Form 34) on the reverse of this page together with another document(s), you need to complete only one affidavit of personal service, listing all documents served on the person named.

Check box(es) for each document served, and name the document. Make sure you mark each attached document with the correct Exhibit letter.

If you must make a correction, or cross anything out, please initial.

This section must be sworn or affirmed before a Commissioner for Taking Affidavits.

AFFIDAVIT OF PERSONAL SERVICE (FORM 5)

In the Provincial Court of British Columbia

I swear or affirm that I _____ NAME _____ OCCUPATION _____

of _____ ADDRESS _____ personally served _____ NAME OF PERSON SERVED _____

on _____ DATE _____ at _____ ADDRESS _____

with a copy of the following documents:

- EXHIBIT " _____ "
- EXHIBIT " _____ "
- EXHIBIT " _____ "
- EXHIBIT " _____ "

The party was identified to me in this manner:

- I know the person
- He/she admitted to being this person.
- Other (specify) _____

Sworn or affirmed before me

at _____ DATE _____ British Columbia

on _____

A Commissioner for Taking Affidavits for British Columbia

Signature

Complete this affidavit if you served the Affidavit (Form 34) by mail, by fax, e-Mail or by substituted service.

If you served the Affidavit (Form 34) on the reverse of this page together with another document(s), you need to complete only one affidavit of service, listing all documents served on the person named.

Check appropriate box(es) for each document served and name the document. Make sure you mark each attached document with the correct Exhibit letter.

If you must make a correction, or cross anything out, please initial.

This section must be sworn or affirmed before a Commissioner for Taking Affidavits.

AFFIDAVIT OF SERVICE (FORM 13)

In the Provincial Court of British Columbia

I swear or affirm that I _____ NAME _____ OCCUPATION _____

of _____ ADDRESS _____ served _____ NAME OF PERSON SERVED _____

on _____ DATE _____ at _____ ADDRESS _____

with a copy of the following documents:

- | | Name of document |
|--------------------------|-------------------|
| <input type="checkbox"/> | EXHIBIT " _____ " |
| <input type="checkbox"/> | EXHIBIT " _____ " |
| <input type="checkbox"/> | EXHIBIT " _____ " |
| <input type="checkbox"/> | EXHIBIT " _____ " |

The party was served in this manner:

- Fax (attach a copy of Form 10)
- E-Mail
- Mail
- By substituted service as ordered by the court.

Sworn or affirmed before me

at _____ DATE _____ British Columbia

on _____

A Commissioner for Taking Affidavits for British Columbia

Signature