



# GUIDEBOOK |

## Preparing an Affidavit - General

PROVINCIAL COURT FAMILY RULES

This guidebook will provide you with legal information and tips about how to prepare an Affidavit – General Form 45. It provides information in addition to what's in the form instructions and content. It contains helpful information and links to other resources and information. We recommend using the online version available at [www.gov.bc.ca/court-forms](http://www.gov.bc.ca/court-forms) or scan the QR code to access it.



If you prefer to have a physical copy of this guidebook, you can print it out. You may choose to print only specific pages. The printed guidebook is 9 pages total.

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## Tips for completing court forms

A court form is a tool for you to communicate your information to the court and the other party. The forms help you provide the information the court will need to make an informed decision.

1. **Take your time to read each question and instruction.** Don't rush. Make sure you understand what is asked before answering.
2. **Write your answers in clear and simple language.** You don't need to use special wording or legal terms.
3. **Stick to the facts. Present them in a logical order.** Avoid unnecessary details or explanations unrelated to your case.
4. **Provide complete answers to each question.** If a question has multiple parts, answer each part.
5. **Be accurate.** Especially names and dates. You should follow the date format in the instructions, usually dd/mm/yyyy, for example 12/MAY/2024.
6. **Ask for help.** If you're unsure how to answer a question or fill out a section, ask for help.
7. **Review the form before filing.** Once you've completed the form, review it to make sure you haven't missed anything or made any errors. It's a good idea to ask a trusted friend, family member, or other person to review it. They may catch any mistakes you missed.

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## Help navigating the court forms

If you're unsure about how to answer a question or fill out a section of the form, ask for help.

- Court registry, [Justice Access Centre](#) or [Family Justice Centre](#) staff can help answer questions about the forms. They can't help filling out your forms or give advice about legal problems.
- [Justice Access Centres](#) and [Family Justice Centre](#) staff can support you in navigating and completing court forms. For more information about their services, including how to reach them, visit [www.gov.bc.ca/family-justice-services-division](http://www.gov.bc.ca/family-justice-services-division).
- Only lawyers can fill out a court form for you, tell you what to write, or give you advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask court registry staff, Justice Access Centre or Family Justice Centre staff to refer you to someone who can help. There are some lawyers who might be able to help you for free.

## Table of Contents

Tips for completing court forms .....	1
Help navigating the court forms.....	1
1   Getting started .....	3
What is an affidavit? .....	3
2   Writing an Affidavit – General Form 45.....	3
Registry location, court file number, and last names of the parties .....	3
Information about the person completing the affidavit .....	4
Paragraph 1   Reason for the affidavit .....	4
Paragraph 2 to ...   Your story.....	4
How do I identify the source of my information? .....	5
What are exhibits?.....	5
How do I reference and attach an exhibit?.....	5
Where can I get more information about how to write an affidavit, including what information to put in my affidavit?.....	6
3   Swearing or affirming your affidavit.....	6
How do I swear or affirm my affidavit? .....	6
What if I can't meet with a commissioner for taking affidavits?.....	7
4   Filing the affidavit .....	7
5   Serving the affidavit.....	7
Proof of service.....	8

***This guidebook provides general information only and is not provided as legal advice.  
If you have a legal issue, you should contact a lawyer for legal advice about your own  
situation. Registry staff, staff at a Justice Access Centre or Family Justice Centre, and the  
Provincial Court cannot provide legal advice.***

## 1 | Getting started

### What is an affidavit?

An affidavit is used to present evidence to the court. It is a written document that contains facts that you must swear under oath (usually on a Bible or other religious book) or affirm (non-religious promise) to be true. After you swear or affirm the affidavit, it is evidence of the facts and events it sets out, just as if you took the stand in a courtroom to provide those facts.

An affidavit:

- must be in the first person (from the writer's point of view, using "I");
- must include facts (what you saw, heard, did or said);
- must identify the source of your 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 should not include information that is not); and,
- can have important documents or photographs referenced and attached to it - these are called exhibits.

An affidavit may be made by a party (a person directly involved in an application before the court) or another person who can provide facts that are relevant for the case.

## 2 | Writing an Affidavit – General Form 45

Here you'll find information to help you complete the form. Each section corresponds to a different part of the form. It includes information and tips to help you navigate the form and court process with confidence.

### Information you'll need to complete the form

Try to collect as much information as possible before you start to complete the form. The type of information and documents you'll need will depend on what evidence you are presenting to the court in your affidavit. You might need:

- Full names of people
- Dates of events
- Address or location details
- Copies of photographs or documents you may be attaching as an exhibit



Rule 171 sets out the requirements for an affidavit.

### Registry location, court file number, and last names of the parties

These fields are used to help match your affidavit to the correct court file.

If you have an existing court file, copy this information from the top right corner of any filed document.

If you don't have an existing court file, registry staff will give your case a file number when you file your documents. You can fill in the registry location and last names of the parties.

Registry location:	<input type="text"/>
Court file number:	<input type="text"/>
Last name of parties: Party 1/ Party 2	<input type="text"/>
Document number: For registry use only	<input type="text"/>

### Information about the person completing the affidavit

An affidavit must be in the first person (from the writer's point of view, using "I") and include the name, occupation and address of the person who is making the affidavit.

**TIP:** The address does not have to be the address where you live but should be clear if that is the case. If you are a party to the case, you can use your address for service. If, for example, you are a child's teacher making the affidavit, you may choose to use the school address instead of your home address. If you do not live at the address for service, you can add 'care of' or 'c/o' to show it is not your personal address.

### Paragraph 1 | Reason for the affidavit

An affidavit should only be filed when there is an application before the court that the affidavit is about.

Indicate if you are making the affidavit in support of an application or in response to an application, and the type of application (for example, case management, protection, priority parenting, relocation, enforcement).

### Paragraph 2 to ... | Your story

The affidavit must be written in the **first person** (from the writer's point of view, using "I").

An affidavit must include only **facts** (what you saw, heard, did or said) and events that are **relevant** to the application. **It is your story.**

**Everything in your affidavit must be true to the best of your knowledge.** Do not provide your opinion in your affidavit.

**TIP:** You do not need to use any special wording except when you are referencing an exhibit. The key is to be clear and direct so that the judge can understand.

### When writing your affidavit, make sure that you:

- Use short sentences
- Put each fact or piece of information in its own paragraph
- Number each paragraph (2, 3, 4, 5, ...)
- Number each page of your affidavit

- If you need to add more pages to your affidavit, add them before the signature

**NOTE:** Your affidavit including exhibits cannot be longer than 25 pages, unless you have permission from the court to have a longer affidavit.

- Include only facts that are relevant (related) to your case. This is information that can be used to prove or disprove an important fact or issue in your case.
- Identify the source of your information if certain facts are not within your personal knowledge
- Reference and attach relevant exhibits

### How do I identify the source of my information?

If certain facts are not within your personal knowledge, you must identify the source of your information and that you believe the information is true. For example, "On November 29<sup>th</sup>, 2019, Mrs. Johnson told me Jack was not at school and I believe this to be true."

### What are exhibits?

**Exhibits are documents that you attach to your affidavit**, usually to support a fact you talk about in the affidavit. If you refer to documents, for example a report card, a letter or email, or a photograph, you must talk about it in your story and state that it is attached as an exhibit. For example, if you say that you received an email from your child's teacher, you might want to attach a copy of the email to show that you did receive it.

When you bring your affidavit to be sworn or affirmed, you must also bring all your exhibits. Each exhibit will be marked by the commissioner for taking affidavits using a certificate (usually a stamp) with wording like this: "This is Exhibit [A, B, C...] referred to in the affidavit of [name] sworn (or affirmed) before me on [date] at [location]" and is signed by the commissioner for taking affidavits.

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](#).

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

### How do I reference and attach an exhibit?

When you attach an exhibit, you must introduce it in your affidavit. To introduce it, you must explain what the document is, reference the document, and say that you are attaching it as an exhibit.

Each exhibit is identified with a letter, Exhibit "A", "B", "C" and so on. For example:

8. On December 2<sup>nd</sup>, 2019, I received an email from Jack's teacher, Mrs. Johnson, about his behaviour in class. The email is attached to this affidavit as Exhibit A.

**All exhibits must be attached at the end of the affidavit.**

Where can I get more information about how to write an affidavit, including what information to put in my affidavit?

For more information about how to write an affidavit, or what information should be included in an affidavit, refer to the following resources or talk to a lawyer:

**Legal Aid BC – How do you write an affidavit?**

<https://familylaw.lss.bc.ca/bc-legal-system/legal-forms-documents/affidavits/how-do-you-write-affidavit>

**Clicklaw Wikibooks – How do I prepare an affidavit?**

[https://wiki.clicklaw.bc.ca/index.php?title=How Do I Prepare an Affidavit%3F](https://wiki.clicklaw.bc.ca/index.php?title=How_Do_I_Prepare_an_Affidavit%3F)

**Provincial Court of BC – Family Resources – Preparing for a family court trial**

<https://www.provincialcourt.bc.ca/types-of-cases/family-matters/links>



### 3 | Swearing or affirming your affidavit

The affidavit contains facts that you must swear under oath (usually on a Bible or other religious book) or affirm (non-religious promise) to be true with a commissioner for taking affidavits.

**You can't make any changes to your affidavit once it has been sworn or affirmed, so make sure you've reviewed it before you do.**

#### How do I swear or affirm my affidavit?

To swear or affirm an affidavit, you must meet with a commissioner for taking affidavits. Lawyers, notary publics and many court registry staff are commissioners for taking affidavits.

It is free to have your affidavit sworn or affirmed with the court registry staff. You can go in person to any [Provincial Court Registry](#). If you have the document sworn or affirmed at a different court registry, you will still need to file it at the court registry where the existing case is filed.

The commissioner will check your photo ID to make sure you are who you say you are, ask you if you understand the contents of your affidavit, then ask you to swear or affirm that the contents are true. The commissioner will then watch you sign the document before signing it themselves.

**TIP:** Do not sign the affidavit until you are with a commissioner for taking affidavits and they tell you to sign it.

Make sure that you bring any documents you are attaching to your affidavit as exhibits with you. The commissioner will also need to date and sign the exhibits.

## What if I can't meet with a commissioner for taking affidavits?

Rule 172 allows you to file an unsworn affidavit if you can't meet with a lawyer, notary or someone at the courthouse to swear or affirm it before you file it. To file an unsworn affidavit, the person who made the document must sign it and must be available to swear or affirm that the contents of the affidavit are true at a future court appearance. The court usually will not consider it as evidence until this has been done.

## 4 | Filing the affidavit

You must file the affidavit at the court registry where the case is located. It can be filed:

- electronically using the [Family Law Act 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](#)

For courthouse locations, addresses, and contact information visit:

[www.gov.bc.ca/courthouse-locations](http://www.gov.bc.ca/courthouse-locations)

There are no fees for filing Provincial Court family documents.

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**TIP: If you are filing in person**, you must make extra copies of the affidavit for filing. **Copy the affidavit AFTER it has been sworn or affirmed by a commissioner for taking affidavits.** One set for you, one set for the court, and one set for each other party. **Be sure to bring all copies of the documents to the registry.**

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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.

## 5 | Serving the affidavit

It is important that each other party is aware of what step is being taken in the case.

Service is the act of giving or leaving documents with the required person.

There are two types of service – personal service and ordinary service.

You must serve each other party with a copy of the filed affidavit.

The affidavit can be served by **ordinary service to the address of service** for each party.

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**TIP:** If you are serving the affidavit with other court documents, check how the other document needs to be served. It makes sense to serve all the documents together, but the other document may have to be served by personal service.

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**Ordinary service** means that a party must be served to their address for service in one of the following ways:

- by leaving the documents at the party's address for service
- by mailing the documents by ordinary mail to the party's address for service
- by mailing the documents by registered mail to the party's address for service
- if the party's address for service includes an email address, by emailing the documents to that email address
- if the party's address for service includes a fax number, by faxing the documents to that fax number

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**TIP:** Remember to take note of any deadline you might have for service. It might make a difference which method of service you choose and when you need to serve the document.

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Rule 179 sets out when a document is considered to have been served depending on which method of service is used. For example, a document served after 4:00pm is actually considered to have been served the next day. A document served by ordinary mail is considered served 14 days after it is mailed. Check first!

**Personal service** means an adult person who is at least 19, **other than you**, must hand-deliver the documents **directly to the person** being served. A party cannot personally serve a document on the other party.

Some documents must be personally served, like the Application About a Family Law Matter and the Application About a Protection Order.

A party's **address for service** is the address they have provided to the court. A party who does not have an address for service must be served by personal service.

The rules about service are found in Part 12 Division 4 of the Provincial Court Family Rules.

### Proof of service

The court may need proof you had the affidavit served. The person serving the documents must complete a Certificate of Service Form 7 so that you can prove service of the documents. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.