This document must be filled out on-screen (and not by hand). To make these red tips reappear after printing, click **Ctrl-z** (Macs: **command-z**).

[How do you write an affidavit?](https://family.legalaid.bc.ca/bc-legal-system/legal-forms-documents/affidavits/how-do-you-write-affidavit)

Form F38 (Rule 10-10(2))

How many affidavits have you filled out in this family law case? Number this affidavit accordingly.

This top section (**court file no.**, **registry**, **roles**, and **names**) should be the same as what’s on the original Notice of Family Claim (Form F1 or F3). If you’re filing for joint divorce, change **Claimant** and **Respondent** to **Claimant 1** and **2**. Please hit **Tab** after changing it as some of the wording on the rest of the form will change according to what you choose.

This is the affidavit

of                          « your name(s) in this case

and was made on           « dd/Mmm/yyyy

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Your full legal names, including *also known as*:

:« role

:« role

There are two versions of this form. Delete the pages that don’t apply to you.

You may delete any instructions in red if you wish.

AFFIDAVIT—DESK ORDER DIVORCE

This section is for those filling out this affidavit separately (whether you’re applying for a sole or joint divorce).
If you’re filling out this affidavit together, delete this entire section right up to the heading on page 3.
Starting from this section, do not hit Tab to go from grey field to grey field.

I, , of , , SWEAR (OR AFFIRM) THAT:

1. I am .

The next paragraph means there’s no chance you and your spouse will get back together. This is required to get a divorce; you can’t cross it out or change it.

2. There is no possibility of reconciliation between my spouse and me.

3. I believe that the facts set out in the are true.

**Pick either the first or second paragraph marked #4**, and delete the other. If you can’t get a certificate of marriage, you can use the evidence of someone at the wedding ceremony as proof of the marriage. They’ll need to swear or affirm an affidavit (Form F30):

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 , a person who was present at the marriage ceremony, which affidavit is filed in this family law case.

**Pick one of the paragraphs marked #5**, and delete the others. Usually the grounds for divorce are you’ve been living separate and apart for a year (first paragraph). The other grounds of divorce are adultery and mental cruelty. Our self-help guide is only intended to be used in cases of undefended divorces.

5. 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 , except: « date range(s) where you lived together since separating; otherwise, delete this part of the paragraph that starts with *except*.

5. has treated with physical or mental cruelty since the date of the marriage as follows:

5. has admitted to that committed the acts of adultery alleged in schedule 1 of the and

(a) as corroboration I refer to the of marked as **Exhibit “A”** to this affidavit.

(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. I have no personal knowledge of the acts of adultery alleged in Schedule 1 of the and

(a) as corroboration I refer to the of marked as **Exhibit “A”** to this affidavit.

(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.

This next paragraph (#6) is where you swear or affirm that you aren’t making up evidence or deceiving the court. An example would be saying you’ve lived apart for a year when you haven’t. You can’t delete or change this paragraph.

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.

Pick either the first or second paragraph marked #7, and delete the other. Children of the marriage = under 19, or 19 or over but you’re still supporting because they’re in school or they have an illness or disability that prevents them from becoming independent.

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

|  |  |  |
| --- | --- | --- |
| Name | Age | Birthdate dd/Mmm/yyyy |
|  |  |  |
|  |  |  |

To add rows to the table, put the cursor in the bottom right-hand cell and press **Tab**.

(b) I have sworn/affirmed a child support affidavit in Form F37, and

(c) the following arrangements for parenting have been made:

e.g., The claimant and the respondent have a parenting agreement dated dd/Mmm/yyyy, a copy of which is attached to this affidavit and marked as Exhibit A [or B, C, etc.]. According to the agreement, we share parenting time of the children, [name(s)], equally. The children spend one week with the claimant and then one week with the respondent. We each make day-to-day decisions about the children when they’re with us. We share all major decision-making. We agree that this parenting arrangement will continue after the date of this affidavit.

If you want an order that your name be changed, include #8. You don’t need to ask for a legal change of name if you used your spouse’s name while married and you want to go back to your name before marriage. Delete #8 if it doesn’t apply and renumber the paragraph that comes after.

8. Pursuant to section 5 of the *Name Act*, I am seeking to change my name from to . This application for a name change relates only to myself.

If you’d like to change the name of one or more children under the age of 19, include #9. Delete if it doesn’t apply.

9. Pursuant to section 5 of the *Name Act*, 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 who the attached to this affidavit and marked as , from to .

The left-hand section below is for the person swearing your documents (the notary, lawyer, or commissioner). They’ll also get you to sign in the right-hand section below in front of them (don’t sign until then).

Make sure this signature section is on the same page with at least one line from a preceding paragraph.

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| --- | --- | --- |
| SWORN (OR AFFIRMED) BEFORE MEat                     ,« town or cityBritish Columbia,on      « dd/Mmm/yyyy A commissioner for taking affidavits for British Columbia [*print name or affix stamp of commissioner*] | )))))))))))) |  [*signature*] |

Delete the following pages if you’re filling out this affidavit separately.

AFFIDAVIT—DESK ORDER DIVORCE

This section is for those filling out this affidavit together with your spouse.
Starting from this section, do not hit Tab to go from grey field to grey field.

We, , of , ,

and

, of , ,

SWEAR (OR AFFIRM) THAT:

1. We are claimant 1 and claimant 2.

The next paragraph means there’s no chance you and your spouse will get back together. This is required to get a divorce; you can’t cross it out or change it.

2. There is no possibility of reconciliation between my spouse and me.

3. We believe that the facts set out in the notice of family claim are true.

**Pick either the first or second paragraph marked #4**, and delete the other. If you can’t get a certificate of marriage, you can use the evidence of someone at the wedding ceremony as proof of the marriage. They’ll need to swear or affirm an affidavit (Form F30):

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*, we refer to the affidavit of , a person who was present at the marriage ceremony, which affidavit is filed in this family law case.

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5. Claimant 1 and claimant 2 were living separate and apart from each other at the start of this family law case and claimant 1 and claimant 2 have lived separate and apart from each other since , except: « date range(s) where you lived together since separating; otherwise, delete this part of the paragraph that starts with *except*.

5. has treated with physical or mental cruelty since the date of the marriage as follows:

5. has admitted to that committed the acts of adultery alleged in schedule 1 of the and

(a) as corroboration we refer to the of marked as **Exhibit “A”** to this affidavit.

(b) has not condoned the conduct of that is alleged as the grounds for divorce in that has not forgiven for that conduct, nor has encouraged or acquiesced in that conduct.

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(a) as corroboration refers to the of marked as **Exhibit “A”** to this affidavit.

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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

|  |  |  |
| --- | --- | --- |
| Name | Age | Birthdate dd/Mmm/yyyy |
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If one of you wants an order that your name be changed, include #8. You don’t need to ask for a legal change of name if you used your spouse’s name while married and you want to go back to your name before marriage. Delete #8 if it doesn’t apply and renumber the following paragraph.

8. Pursuant to section 5 of the *Name Act*, is seeking to change name from to . This application for a name change relates only to .

If you’d like to change the name of one or more children under the age of 19, include #9. Delete if it doesn’t apply.

9. Pursuant to section 5 of the *Name Act*, we are 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 who the attached to this affidavit and marked as , from to .

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| SWORN (OR AFFIRMED) BEFORE MEat                     ,« town or cityBritish Columbia,on      « dd/Mmm/yyyy A commissioner for taking affidavits for British Columbia [*print name or affix stamp of commissioner*] | )))))))))))) |  [*signature*] |
| SWORN (OR AFFIRMED) BEFORE MEat                     ,« town or cityBritish Columbia,on      « dd/Mmm/yyyy A commissioner for taking affidavits for British Columbia [*print name or affix stamp of commissioner*] | )))))))))))) |  [*signature*] |