

## SAMPLE

# Affidavit

An **affidavit** is a written statement of facts in a specific form that you swear or affirm to be true before a Commissioner for Oaths or Notary Public. It is evidence in court. The court treats it the same way as if you were giving oral evidence.

One type of affidavit is an affidavit to support an application. This affidavit accompanies your request for a court order or your response to someone else's request for a court order. They are used in the Court of King's Bench.

Because an affidavit is a court form, you must prepare it using the correct form. Do not change the format of the form or only fill in parts of the form.

## HOW TO USE THIS SAMPLE AFFIDAVIT

This is a sample affidavit only – do not just copy it. It shows which parts of the affidavit to fill in and what information you may want to include. Refer to it as you create your own affidavit. The highlighted text provides further tips and instructions.

Find an affidavit you can download and edit on the Family Law Forms page of the [Court of King's Bench of Alberta's website](#). Look for Affidavit (Generic) – Form 49.

**Form 49**  
[Rule 13.19]

**COURT FILE NUMBER**

FL02-12345

If you have not been to this court yet, leave this blank. The court clerk will assign you a court file number when they file your documents.

Clerk's Stamp

**COURT**

COURT OF KING'S BENCH OF ALBERTA

**JUDICIAL CENTRE**

Calgary

Select the city or town where the courthouse is located.

**PLAINTIFF(S)**

Marjorie Jaqueline Simpson

Write the applicant's full name. The applicant is the person applying for the order.

**DEFENDANT(S)**

Homer Jay Simpson

Write the respondent's full name. The respondent is the person responding to the applicant's request for an order.

**DOCUMENT**

AFFIDAVIT

**ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT**

Marjorie Jaqueline Simpson  
1234 Springfield Way  
Calgary, AB T8J 9K0  
Email: mjsimpsonfakeaccount@yahoo.ca  
Phone: 123-456-7890

Write your full name, address, email and phone number. The other person needs this information to serve you documents.

**AFFIDAVIT OF MARJORIE JAQUELINE SIMPSON**

Type in your name.

**Sworn (or Affirmed) on March 1, 2024**

Type or write in the date you swear the affidavit.

I, **Marjorie Jaqueline Simpson**, of Alberta, SWEAR/AFFIRM AND SAY THAT:

Type in your name.

Present the facts in your affidavit in an organized way. Use numbered paragraphs. Keep paragraphs short (only a few sentences) and about only one topic.

In the first few paragraphs, tell the court why you are making this affidavit and whether there are other court orders related to this issue.

1. I make this affidavit in support of my application for a parenting order.
2. There are no court orders related to this application.

In the next several paragraphs, include background information to provide context for the court, such as:

- the names of the parties, including children
- the start and end dates of your relationship
- dates of when you got married or moved into together

3. I was born on January 6, 1990 and am 34 years old. The defendant, Homer Jay Simpson (Homer), was born on July 18, 1989 and is 34 years old.
4. Homer and I began our relationship in May of 2010. We began living together on June 1, 2012 and were married on July 30, 2014. We lived in Edmonton, Alberta throughout our relationship.
5. Homer and I separated on May 1, 2021. He moved out of the family home on that day.
6. Homer and I are parents to the following children:
  - a. Bartholomew Jojo Simpson, born April 1, 2017 (Bart), and
  - b. Lisa Marie Simpson, born May 9, 2019 (Lisa).

7. Homer initially disputed whether he was Bart's biological father. Homer voluntarily took a paternity test on November 10, 2023, which confirmed he is Bart's biological father. The results of that test are attached as **Exhibit A**.

For each exhibit (document) you want to attach to your affidavit as evidence, describe what it is and assign it a letter. Make sure you attach copies of these documents to your affidavit. The Commissioner for Oaths or Notary Public will mark and sign each exhibit.

In the next several paragraphs, explain facts to help the court make a decision about your situation. Be sure to only include facts, not opinions. If you are sharing a belief, be clear. For example, write "I believe ...".

8. I still live in the family home. Homer and I share the \$1,400 monthly mortgage payment but I pay all the utility bills for the home, including water, gas, power, internet and security. Copies of the mortgage statement and utility bills are attached as **Exhibit B**.
9. Homer lives in an apartment about a 10-minute drive from the family home.
10. I currently work as a real estate agent. As I earn commission only, my income fluctuates month-to-month and year-to-year. Last year, my income was \$70,000. A copy of my 2023 statement of commissions is attached as **Exhibit C**.
11. Homer is a safety inspector. I believe his income to be \$60,000 per year.
12. Since the separation, our two children have lived with me in the family home. The children spend every other weekend with Homer at his place. I insisted that Homer spend this time with the children to ensure the children have a relationship with their father.
13. For the children's whole life, I have been their primary caregiver. I prepare their meals, get them ready for the day, drop them off at daycare on days I work, pick them up from daycare, spend time with them when we get home, and get them ready for and put them to bed. Before the separation, Homer spent very limited time with our children, sometimes not seeing the children for an entire day as he would leave for work before they woke up and come home after they were in bed.
14. While the children are with Homer, he frequently calls or texts me looking for advice on how to care for the children. For example, he called me on February 17, 2024 to ask what to do because Lisa had a rash on her leg. She gets eczema sometimes, which I have explained to Homer before, but he had not remembered this nor the instructions I had previously given him to deal with rashes.

At the end of your affidavit, include a paragraph describing what kind of order you want the court to make. Be clear and specific about what you want the court to order.

15. I am requesting the court to make a parenting order as follows:

- a. The children continue to reside primarily with me.
- b. Homer will have parenting time every second weekend starting Fridays after school and ending on Sundays at 7:00pm.
- c. Homer and I will alternate having the children each year on the following occasions and school breaks: fall break, winter break, spring break, Easter and the children's birthdays.
- d. I will have parenting time on every Mother's Day and Homer will have parenting time on every Father's Day.
- e. Homer and I are both guardians for the children and share decision-making responsibilities, except that I alone will make all medical decisions for the children.
- f. Homer and I will facilitate our children's contact with extended family members and any half-siblings.

Leave the following section blank. The Commissioner for Oaths or Notary Public will complete it when you meet with them. DO NOT SIGN your affidavit until the Commissioner for Oaths or Notary Public asks you to do so.

SWORN (OR AFFIRMED) BEFORE ME at \_\_\_\_\_ )  
\_\_\_\_\_, Alberta, this \_\_\_ )  
day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Commissioner for Oaths in and for the )  
Province of Alberta )

\_\_\_\_\_  
(Print Name and Expiry/Lawyer/ )  
StudentAtLaw) )

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

## HOW TO MARK EXHIBITS

The Commissioner for Oaths or Notary Public must stamp or write the following statement on the back of each document you reference in and attach to your affidavit as an exhibit.

This is exhibit " \_\_\_\_\_ " referred to in the affidavit of

\_\_\_\_\_

sworn before me on \_\_\_\_\_

\_\_\_\_\_

(Commissioner for Oaths for the Province of Alberta)

\_\_\_\_\_

(Print Name and Expiry of Lawyer/Student-at-Law/ Commissioner or JP)

## ABOUT CPLEA

The Centre for Public Legal Education Alberta, also known as CPLEA, is a not-for-profit, non-government organization committed to making the law understandable for Albertans. We offer free legal information and learning resources in plain language.

Our resources increase awareness and understanding of the law and empower Albertans to take action and, ultimately, gain better access to justice.

Visit [www.cplea.ca](http://www.cplea.ca) to learn more about the laws that impact your life.

CPLEA is the operating name for the Legal Resource Centre of Alberta Ltd.

### Visit CPLEA's website about family law in Alberta!

Find more information about who is a child's guardian, how to get or change a parenting order, how to communicate with the other person, where to get legal support and much more.

Get started at [family.cplea.ca](http://family.cplea.ca)

## FUNDERS AND PARTNERS

We thank the **Alberta Law Foundation** and the **Department of Justice Canada** for providing operational funding, which makes resources like this possible.



Department of Justice  
Canada

Ministère de la Justice  
Canada

## DISCLAIMER

The information in this document is general information only about Alberta law. **It is not legal advice.** Contact a lawyer for legal advice.

The information in this document was correct at the time it was produced. The law may have changed since then, which may make the information outdated at the time you are reading it. The Legal Resource of Alberta Ltd. is not responsible for any loss arising from relying on or taking (or not taking) action as a result of this information.

© Centre for Public Legal Education Alberta

Reviewed: July 2024