Form F37 (Rule 10-10(2))

This is the **1st** affidavit

of **Full Name** and

**Full Name** in this case,

and was made on **Date**

Court File No.: 12345

Court Registry: Vernon

**In the Supreme Court of British Columbia**

Claimant #1:

**MICHAEL JAMES SMITH**

Claimant #2:

**MARIE LOUISE SMITH**

**CHILD SUPPORT AFFIDAVIT**

We, **FULL NAME**, occupation, of Street Address in the City of Town, in the Province of British Columbia and **FULL NAME**, occupation, of Street Address in the City of Town, in the Province of British Columbia, SWEAR (OR AFFIRM) THAT:

1. We are Claimant 1 and Claimant 2.
2. The following is true to the best of my information and belief.

(a) Parties:

|  |  |
| --- | --- |
| Claimant 1’s name | Province of residence |
| Michael James Smith | British Columbia |
| Claimant 2’s name | Province of residence |
| Marie Louise Smith | British Columbia |

(b) Children

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Child’s name | Birthdate | Age | Child now living with | Relationship to Claimant 1 | Relationship to Claimant 2 |
| Ashley Jane Smith | January 1, 1999 | 18 | Shared | Natural child | Stepchild |
| Jenna Marie Smith | April 1, 2000 | 17 | Shared | Natural child | Natural child |

3. The Notice of Joint Family Claim never included a claim for a child support order.

4c. The Claimant and the Respondent have entered into an agreement as to income pursuant to section 15(2) of the Guidelines, a copy of which agreement is attached.

Pick which of these two paragraphs is correct and delete the other one. If you are using the second paragraph, check the fact sheets being attached and delete the ones that are not being attached.

5. The monthly amount in Schedule 1 of the Guidelines is $\_\_\_\_, payable by the Claimant and the Respondent.

5. I have completed and attach to this Affidavit:

* Supplementary Child Support Fact Sheet B (if the circumstances described in s. 9 of the Child Support Guidelines exist) [approximately equally shared parenting time]
* Supplementary Child Support Fact Sheet C (if the circumstances described in s. 8 of the Child Support Guidelines exist) [split parenting time in which each parent has primary residence of at least one child]
* Supplementary Child Support Fact Sheet D (one or more children is over the age of majority) [over 19]
* Supplementary Child Support Fact Sheet E (undue hardship is alleged) [this is required if the parent paying support is paying less than the Table Amount of support according to his or her Guideline Income]
* Supplementary Child Support Fact Sheet F (at least one of the party’s incomes exceeds $150,000)

6. The proposed order does not include child support but the following arrangements have been made for the support of the child: Parenting arrangements and child support have been addressed in the attached Separation Agreement.

7. The expenses under section 7 of the Guidelines are not included in the proposed order.

Pick whichever of these three paragraphs are correct and delete the ones that are not correct.

8a. Medical coverage is available for the children under the Claimant 1’s medical insurance plan.

8b. Medical coverage is available for the children under the Claimant 2’s medical insurance plan.

8c. Medical coverage is not available for the children under either of the party’s medical insurance plans.

9. There is no order of any court in force dealing with support of the children.

10. Attached as Exhibit “A” is the written agreement that deals with the support of the children.

NOTE: DON’T FORGET TO ATTACH THE SEPARATION AGREEMENT TO THE AFFIDAVIT.

11. The amount of arrears of child support, as of today’s date, under any existing order or written agreement is nil *or* $amount.

|  |  |  |
| --- | --- | --- |
| **SWORN (OR AFFIRMED) BEFORE** **me** at Town, British Columbia, this number day of Month, year.A Commissioner for taking Affidavits for the Province of British Columbia | ))))))))) | FULL NAME OF CLAIMANT #1 |

|  |  |  |
| --- | --- | --- |
| **SWORN (OR AFFIRMED) BEFORE** **me** at Town, British Columbia, this number day of Month, year.A Commissioner for taking Affidavits for the Province of British Columbia | ))))))))) | FULL NAME OF CLAIMANT #2 |

**COMPLETE AND ATTACH ONLY THOSE CHILD SUPPORT FACT SHEETS WHICH ARE MENTIONED IN THE FINAL AFFIDAVIT AND DELETE THE REST.**

Delete this section if it doesn’t apply.

SUPPLEMENTARY CHILD SUPPORT FACT SHEET A —
SPECIAL OR EXTRAORDINARY EXPENSES

[Section 7](http://laws-lois.justice.gc.ca/eng/regulations/SOR-97-175/section-7.html) expenses (net of tax credits and contributions from child(ren), etc.)

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Annual | Monthly |
| (a) | Child care expenses |       |       |
| (b) | Portion of medical and dental premiums attributable to the child(ren) |       |       |
| (c) | Health related expenses that exceed insurance reimbursement by at least $100 |       |       |
| (d) | Extraordinary primary, secondary or other educational expenses |       |       |
| (e) | Post-secondary school expenses |       |       |
| (f) | Extraordinary extracurricular activities expenses |       |       |
| (g) | **Total Section 7 expenses** | **$**  | **$**  |

Parties’ respective proportionate shares of the total net monthly Section 7 expenses referred to at line (g) above:

The proportionate share is the proportionate incomes of the parties. For example, if the respondent earns 50K and the claimant earns 30K, the respondent’s share is 62.5% and the claimant’s share is 37.5%. (Divide your income by the total of both your incomes.)

|  |  |  |
| --- | --- | --- |
|  | % | Amount(Annual) |
| Claimant’s proportionate share |       | $       |
| Respondent’s proportionate share |       | $       |

Total monthly child support payable by after taking into account the monthly Guidelines table amount under Schedule 1 of the Guidelines and the Section 7 expenses is $     .

To calculate this total monthly child support, divide the annual amount listed in this last table by 12 and add that to the basic monthly child support he or she needs to pay.

Delete this section if it doesn’t apply.

SUPPLEMENTARY CHILD SUPPORT FACT SHEET B — IF THE CIRCUMSTANCES DESCRIBED IN [SECTION 9](http://laws-lois.justice.gc.ca/eng/regulations/SOR-97-175/section-9.html) OF THE CHILD SUPPORT GUIDELINES EXIST

Fill out and attach this fact sheet if each parent has at least 40 percent of all parenting time (or has custody of or access to the children for 40 percent of the time).

|  |  |  |
| --- | --- | --- |
|  | Claimant | Respondent |
| Number of children =       |
| Approximate percentage of time children spend with each parent |      % |      % |
| Annual Guidelines incomeWhat you filled out in #4a and #4b above. | $       | $       |
| Guidelines table amountFor help on figuring out the table amount, see [What the child support guidelines are and how they work.](http://familylaw.lss.bc.ca/resources/fact_sheets/child_support_guidelines.php) | $       | $       |
| Difference between the Guidelines table amount of the claimant and the Guidelines table amount of the respondent | $      |
| Section 7 expenses paid directly by each partyDid you fill out Fact Sheet A (special or extraordinary expenses)? You can fill in your monthly proportionate share (the annual amount you filled in in the last table divided by 12). | $       | $       |

Any other relevant information regarding the conditions, means, needs and other circumstances of each spouse or of any child for whom support is sought:

It is proposed that child support in the amount of $      per month be paid by .

Fill in what you think (or if this is an uncontested divorce, what you have agreed) the monthly child support amount should be including special or extraordinary expenses.

Delete this section if it doesn’t apply.

SUPPLEMENTARY CHILD SUPPORT FACT SHEET C — IF THE CIRCUMSTANCES DESCRIBED IN [SECTION 8](http://laws-lois.justice.gc.ca/eng/regulations/SOR-97-175/section-8.html) OF THE CHILD SUPPORT GUIDELINES EXIST

Fill out and attach this fact sheet if you have two or more children, and each parent has custody of or most of the parenting time with one or more of those children.

|  |  |  |
| --- | --- | --- |
| (a) | Number of children principally resident with the claimant for whom support is claimed |       |
| (b) | Respondent’s annual Guidelines incomeWhat you filled out in #4b above. | $       |
| (c) | Guidelines table amount payable by the respondent for children « This no. will be automatically filled in with (a) | $       |
| (d) | Number of children principally resident with the respondent for whom the claimant is obliged to pay support  |       |
| (e) | Claimant’s annual Guidelines incomeWhat you filled out in #4a above. | $       |
| (f) | Guidelines table amount payable by the claimant for children « This no. will be automatically filled in with (d) | $       |

Difference between Guidelines table amounts: $      « calculate the difference between (c) and (f)

Delete this section if it doesn’t apply.

SUPPLEMENTARY CHILD SUPPORT FACT SHEET D — CHILD 19 YEARS OR OLDER

(a) Number of child(ren) 19 years of age or older for whom support is claimed:

(b) Child support is to be paid by (the “payor”)

(c) Monthly Guidelines table amount of the payor under Schedule 1 of the Guidelines: $      « What you filled out in #5 above.

Pick either of the following paragraphs and delete the other:

The person swearing this affidavit says that the Guidelines table amount is appropriate.

The person swearing this affidavit says that the Guidelines table amount is inappropriate and that the appropriate amount would be $ for the following reasons:

Why do you think the court should approve your proposed amount? Describe the condition, means, needs, and other circumstances of the child, and the financial ability of each parent to provide support to the child.

Delete this section if it doesn’t apply.

SUPPLEMENTARY CHILD SUPPORT FACT SHEET E — UNDUE HARDSHIP

Fill out and attach this fact sheet if one of you is claiming undue hardship. Note that In any claim for hardship, the court also compares the standards of living of the two households. The court will refuse this claim if it would result in the payor's household having a higher standard of living than the recipient’s. Fill in the sections that apply to your situation.

To add rows to a table, place your cursor in the right-hand cell of the last row and hit **Tab**.

1. Responsibility for unusually high debts reasonably incurred to support the family before separation or in order to earn a living

|  |  |  |
| --- | --- | --- |
| Owed to | Terms of debt (details) | Monthly Amount |
|  |  |  |
|  |  |  |
|  |  |  |

2. Unusually high expenses for exercising parenting time or contact with, or access to, a child

|  |  |
| --- | --- |
| Details of expense | Monthly Amount |
|  |  |
|  |  |

3. Legal duty under a court order or separation agreement to support another person

|  |  |  |
| --- | --- | --- |
| Name of person | Relationship | Nature of duty |
|  |  |  |
|  |  |  |

4. Legal duty to support a child, other than a child for whom support is claimed, who is

(a) under age 19, or

(b) 19 or older but unable to support himself or herself because of illness, disability or other cause

This includes having to make support payments to children of another family (e.g., from a previous marriage).

|  |  |  |
| --- | --- | --- |
| Name of person | Relationship | Nature of duty |
|  |  |  |
|  |  |  |

5. Legal duty to support a person who is unable to support himself or herself because of illness or disability

|  |  |  |
| --- | --- | --- |
| Name of person | Relationship | Nature of duty |
|  |  |  |
|  |  |  |

6. Other undue hardship circumstances

INCOME OF OTHER PERSONS IN HOUSEHOLD

|  |  |
| --- | --- |
| Name of person | Annual income |
|  |  |
|  |  |
|  |  |
| Total |  |

Delete this section if it doesn’t apply.

SUPPLEMENTARY CHILD SUPPORT FACT SHEET F — INCOME OVER $150,000

For help on figuring out the table amount, see [What the child support guidelines are and how they work](http://familylaw.lss.bc.ca/resources/fact_sheets/child_support_guidelines.php). Do not use the Child Support Online Lookup Tool, however. You’ll have to look up these figures in the actual tables.

|  |  |
| --- | --- |
| 1. | Total number of children for whom support is claimed =       |
| 2. | Guidelines table amount for $150,000 = |       |
| 3. | Plus      % of income over $150,000 = (This percentage is listed in the guidelines tables) |       |
| 4. | Guidelines table amount | **$TOTAL**  |

Pick one of the following two paragraphs and delete the others:

We have agreed on the Guidelines table amount set out in line 4 above as the amount of child support.

We have agreed on an amount of child support that differs from the Guidelines table amount and the amount of child support agreed on

(a) is $, and

(b) differs from the Guidelines table amount because

Why do you think the court should approve your proposed amount? Discuss the condition, means, needs, and other circumstances of the child, and the financial ability of each parent to support the child/children.