

Adult Guardianship Act

Affidavit of Proposed Guardian

(required for each applicant, other than an applicant that is a financial institution or the Public Guardian and Trustee of British Columbia)

[STYLE OF CAUSE]

I, (name) of (address) (occupation) MAKE OATH AND SAY as follows:

1. I am the (relationship) of the (name of adult). My date of birth is _____.
2. (Adult's) date of birth is _____. (Adult) resides at (address).
3. I believe (adult) needs to make decisions about his/her (personal care and/or health care and/or financial affairs) and he/she will benefit from the assistance of a (personal and/or property) guardian. I further believe (adult's) needs would not be met by alternative means of assistance.

(Set out reasons why you believe the adult needs a guardian and why other means of assistance is insufficient.)
4. (Adult) needs to make decisions about (describe in detail major decisions to be made).
5. It is my intention to assist the adult by (set out general overview of plan for assisting adult). Particulars of my intentions are set out in the plan(s) for guardianship attached to this my affidavit as Exhibit "A".
6. (Include this paragraph if applying for additional orders.) I am also applying for the following orders (include reasons for each order requested):
7. I believe that I am the appropriate person to be appointed personal and/or property guardian because (list reasons).
8. I believe that I do not have a conflict of interest with (adult).
9. I [do not] provide personal care or health care services to the adult for direct or indirect compensation.
10. (Set out in this paragraph any wishes the adult, when capable, expressed orally or in writing, respecting who should or should not act as the adult's guardian, including any Nomination of Guardian or Committee. If the wishes are set out in writing, attach a copy of that document as an exhibit to this affidavit).

Attached to this my affidavit as Exhibit “_____” is a true copy of _____ dated _____ in which (the adult) expresses his/her wishes respecting who (should/should not) be (the adult’s) guardian.

11. (If the adult has made one or more of the following instruments, attach a copy of each instrument as a separate exhibit to this affidavit.)

For an application for Property Guardianship:

- A Power of Attorney
- An Enduring Power of Attorney
- A Representation Agreement for routine financial management or management of legal and financial affairs

For an application for Personal Guardianship:

- A Representation Agreement for personal and health care
- An Advance Directive)

Attached to this my affidavit as Exhibit “_____” is a true copy of _____ dated _____ made/granted by (the Adult) [repeat for each instrument attached].

12. I have read those sections of the *Adult Guardianship Act* which describe the duties of guardians, and I agree to comply with those duties if the Court appoints me as a guardian for (adult).
13. I am aware that as a guardian I must consider any standards or guidelines in any Code of Practice published under the *Adult Guardianship Act*.
14. (Do not include this paragraph if you are a proposed personal guardian only.) If appointed as property guardian I understand that I may be required to pass my accounts before the court or the Public Guardian and Trustee and am prepared to do so as directed by the Public Guardian and Trustee.
15. I am not an undischarged bankrupt.
16. I (have been/have not been) convicted of an offence described in section 27 (1) (e) of the *Adult Guardianship Act*.
17. (If you are a proposed property guardian and you are applying for an exemption to the requirement to post security for the performance of your duties as guardian, set out your reasons in this paragraph).
18. (Include any additional relevant information in support of the application.)

SWORN before me at _____)
in the Province of British Columbia)
this ____ day of (month), (year).)

(Signature of Affiant)

A Commissioner for taking Affidavits)
in the Province of British Columbia)

CONSULTATION DRAFT