



## Sample affidavit

An affidavit should answer three questions:

1. Who is my family?
2. What do I want?
3. Why should I get it?

### 1. Who is my family?

- Names, ages and dates of birth of all the children
- Information about any children who are not part of the application (for example, a child from a previous relationship or a child who is over 18 years of age) and what the arrangements for them are
- The full names of both parents
- The type of relationship the parents are in (married, common-law, never lived together)
- Who everyone is living with right now
- Any informal arrangements for the children that are in place right now and for how long
- When the parents separated and why, briefly

1. My name is Virginia Radcliffe. This affidavit supports my application for parenting time, decision-making responsibility and child support. I am married to Joe Black. We have two children, Samantha Black, born January 1, 2021, who is 4 years old, and Sarah Black, born November 13, 2023, who is almost two years old.

2. I separated from Joe on January 2, 2025, after he hit me in the face. I went to the women's shelter and have been living there ever since with both my children. Joe has seen the girls twice since I left. I made arrangements to drop them at his mother's house, where he visited with them for several hours. I am prepared to keep doing this until we sort everything out.

## 2. What do I want?

- Parenting time with mother: primary or shared
- Parenting time with the other parent: how much, schedule, supervised or not?
- Child support
- Spousal support
- Division of property
- Exclusive possession of the family home
- Restraining order

3. I am seeking primary parenting time and sole decision-making responsibility for Samantha and Sarah, with my husband to have parenting time every other weekend when he is not away for work. Exchanges need to be supervised. My mother-in-law, Jessica Black, is prepared to do this for us. The children's time with their father should begin Saturday mornings at 10:00 a.m. and end Sunday afternoons at 5:00 p.m. My husband can communicate with the children by phone during the week.

4. I am also seeking child support as set out by the Federal Child Support Guidelines and spousal support for me.

5. We own our own house and some RRSPs, and I am seeking 50 percent of the value of that property.

6. I am seeking exclusive possession of our home, located at 37 Ridgewood Drive, Yourtown, as well as a restraining order.

## 3. Why should I get it?

This section of the affidavit, generally quite long, provides the evidence to support the earlier sections.

7. Parenting time: I have always been the primary caregiver to our children. My husband and I agreed that I would stay home with the children until they were in school full time. His work as a heavy equipment operator keeps him away from home for long periods of time. He is a good father but his employment makes it difficult for him to be a primary parent to our daughters. I am responsible for all the day-to-day caregiving and attend to

medical and other appointments, such as getting Samantha to hockey and swimming lessons, remembering birthday parties, helping with homework and the like. I realize that now we are separated, I will have to look for work, but I will look for a job that allows me to be home by 5:00 p.m. each day. When Joe is away, he would not be able to care for the children in the evenings and overnight if they were to live primarily with him.

8. I have also had primary responsibility for decision making related to the children. I found a pediatrician and dentist for them and have made most of the decisions about what recreational activities Samantha would become involved in. Joe is interested in spending time with the children but has never wanted the responsibility associated with making decisions about their lives.

9. I think the children should stay with me as I am the parent they are the most used to and this will create less of a disruption for them.

10. Because I have always made the major parenting decisions and because I do not think Joe and I can communicate effectively, I do not think shared decision-making responsibility would work well for the children.

11. As well, Joe has become increasingly abusive to me over the past year, and I do not think this makes him a suitable parent for shared decision making or significant parenting responsibilities.

12. Because I have been the main caregiver, Joe has never had responsibility for the kids for more than a couple of hours at a time. Shared parenting time and decision making are not appropriate because of his treatment of me.

13. Joe has always needed to have a lot of control over me and what I do. I think that was one of the reasons he was happy to have me stay at home with the kids. He likes to know everything I do in the day, where I have gone, who I have seen. He Facetimes me several times a day to make sure I am where he thinks I should be and becomes very angry if I don't pick up. He really discouraged me from keeping up my friendships, going out with my workmates and even from spending time with my family.

14. When I was pregnant with Sarah, Joe developed an explosive temper and would yell at me and throw things around, even breaking some things, over very small disagreements. Sometimes this happened in front of Samantha, who would become very upset.

15. In December 2024, he became furious because I had taken the girls to my mum's for the day and didn't answer his repeated Facetime calls. He was at home and, when I returned, he yelled at me while I was trying to get the children out of their car seats, and then grabbed me by the shoulders and shook me really hard. I was holding the

baby, who was 13 months old at the time. She was not hurt physically, but she was very upset and screamed for a long time before I could settle her down. I had bruises on my shoulders the next day. He was very apologetic and said it would never happen again. However, he has grabbed, shaken or pushed me more than a dozen times since. On January 2, he became very angry after Samantha's birthday party ended because he said I spent too much time talking and laughing with my friends and not enough time with him. He hit me very hard across the face. The girls were both in the room at the time. I picked up the baby and took Samantha by the hand and ran out of the house. I went to our neighbour, who gave us a ride to the shelter.

16. Since then, Joe has told me how bad he feels about what he did, but he is not prepared to go to counselling—he just says that if I listened to him better he would not get so angry. He texts and Facetimes me more than 20 times a day and will not leave me alone.

17. For all these reasons, I know that shared parenting time and decision making would not work for me or for the children.

18. Parenting time with their father: I think it is important for the girls to have a relationship with their father. I think if he has a relatively short period of time with them, he can manage fine. He will likely spend a lot of time with his parents, who are good with the girls. Because of his violence to me, I do not want to see him to exchange the children, so I would like to drop them off at his parents' place before he gets there and then pick them up after he has left. I think for now, given the ages of the girls, time with their father every other weekend with one overnight, as his employment permits, is appropriate. I will be happy to discuss increasing the time once we see how this goes.

19. Exclusive possession of our home: I wish to remain in the family home to maintain some stability for the children. This will mean Samantha can keep her friends in the neighbourhood and attend the school she is already registered at. Our house is only a short walk from my parents-in-law, who are very involved with the children. Because there have been a few episodes of violence by my husband, I need the protection of an exclusive possession order.

20. Restraining order: Because Joe has been so persistent in trying to contact me since I left and because I am afraid he will be physically violent again, I need a restraining order to make sure I am safe.

21. Child support: Joe makes good money. His income is up and down a bit, but in the years we have been married, he has never earned less than \$120,000 a year. He is well able to support the children.

22. Spousal support: As soon as things stabilize a bit for the children and we get back into our home, I will look for work. I worked for the government as an executive assistant before having the girls and will try to get hired back there. It was a union job and paid well. Until I find a job, however, I need spousal support. Since the decision for me to stay at home with our children was a joint one, I feel I deserve support until I can become re-employed.