



April 15, 2020

**Unsworn or unaffirmed affidavits may be filed with requests for urgent family hearings during the period of reduced court operation due to COVID-19**

Applications for court orders in family matters are usually accompanied by affidavits, written statements of fact that have been sworn or affirmed to be true before a commissioner for oaths such as a lawyer or justice of the peace. Because B.C.'s Provincial Court registries have not been providing in-person services since March 27, 2020 and many lawyers' offices are now closed, it has become more difficult for people to have their affidavits sworn or affirmed.

As a result, the Provincial Court of British Columbia is concerned that requiring sworn or affirmed affidavits to support applications for urgent family hearings may result in denying people timely access to the Court for potentially urgent matters. The Chief Judge has therefore advised Provincial Court registries that **the materials filed in support of urgent family hearing requests need not be sworn or affirmed** during the period of reduced court operations due to COVID-19.

When an "urgency determination hearing" is scheduled, a judge will review the written material filed, together with any evidence they may hear. The judge may attach whatever weight they consider appropriate to unsworn or unaffirmed documents. If the judge decides the matter is urgent, they will refer the matter to be scheduled for hearing.

People submitting affidavits must still take care to ensure their affidavits are accurate and true. Either during a hearing about the urgency of their application, or during a hearing on the application if one is granted, the judge will likely require them to swear or affirm that the contents of their affidavit are true.