

Voluntary Surrender of Guardianship Agreement by Guardians(s)

Manitoba
Family
Services
and Housing

The Child and Family Services Act – subsection 16(1)

IN THE MATTER OF: _____ ("the child")
(Full Name)

born at ____/am/pm the ____ of _____, ____

BETWEEN: _____ ("the agency")

-and-

_____ ("the guardian or guardians")

of the _____ of _____ in Manitoba

WHEREAS in accordance with *The Child and Family Services Act* the guardian(s) of the above-named child has/have indicated their wish to surrender the child to the agency and at least forty-eight hours have expired since the time of birth of the child.

THIS AGREEMENT WITNESSES:

1. The guardian(s) hereby surrender(s) guardianship of the child to the agency.
2. The agency hereby accepts the permanent guardianship of the child.
3. The guardian(s) acknowledge(s) that:

a) the parent(s) of the child were:

_____, born the ____ day of _____, ____, died the ____ day of _____, ____ at _____
and _____, born the ____ day of _____, ____, died the ____ day of _____, ____ at _____;

b) _____ is/are the legal guardian(s) of the child by order of _____ in dated _____ ;

c) _____ has/have provided the agency with proof of a) and b) in a form and manner acceptable to the director;

(d) subject to clause (g) and (h) herein all _____ rights and obligations with respect to the child are hereby terminated;

(e) _____ fully understand(s) the effect of this voluntary surrender including the fact that the

agency shall now have the right to place the child for adoption immediately following the signing of this agreement;

(f) _____ has/have been advised of _____ right to independent legal advice prior to the signing of this agreement;

(g) _____ has/have been informed that _____ may, by notice in writing to the director or to the agency, withdraw _____ voluntary surrender of guardianship within twenty-one days after the date of this agreement but not thereafter, and, if _____ does/do so withdraw, the child will be returned to _____ unless there are reasonable and probable grounds to believe that the child is in need of protection;

(h) _____ has/have been informed that if more than one year has expired since the signing of this agreement and the child has not been placed for adoption, _____ may, in a form and manner acceptable to the director, apply to withdraw _____ voluntary surrender of guardianship and if the mandating authority approves the application, this agreement is terminated;

(i) _____ has/have been informed of the availability of openness agreements in *The Adoption Act*, and acknowledges that these agreements can only be made with the consent of the adoptive parents of the child; and

(j) _____ shall not be given notice of an application for an Order of Adoption.

SIGNED at the ___ of _____ in the Province of Manitoba at ___ am/pm this ___ day of _____, ____.

In the presence of:

Witness

Guardian

Witness

Guardian

Accepted at the ___ of _____ in the Province of Manitoba this ___ day of _____, ____, on behalf of the agency.

Witness

Executive Director/Regional Director

Agency

FORM CFS-14

AFFIDAVIT OF EXECUTION FOR A VOLUNTARY SURRENDER OF GUARDIANSHIP

The Child and Family Services Act

IN THE MATTER OF:

(Full Name)

a child, born the _____.

TO WIT:

I, _____ of the _____ of _____ in the Province of Manitoba, make oath and say/solemnly affirm that:

- 1. I am employed by _____, an agency in Manitoba as defined in The Child and Family Services Act, and as such have personal knowledge of the facts hereinafter deposed by me.
2. I know _____ the _____(s) of the aforesaid _____.
3. Prior to accepting the surrender of guardianship I explained fully to the _____(s) the effect of the agreement and advised _____ of _____ right to independent legal advice, in compliance with subsection 16(13) of The Child and Family Services Act.
4. The _____(s) of _____ own free will and volition decided to surrender the child and thereafter signed the Voluntary Surrender of Guardianship Agreement before me on the _____ day of _____, _____.
5. The said _____(s) stated to me that _____ fully understood the effect of the said agreement.

SWORN (AFFIRMED) before me at the _____)
_____)
of _____)
_____)
in the Province of _____)
_____)
this _____ day of _____, _____.)

Signature of Witness

A Commissioner for Oaths in and for The Province of Manitoba My Commission expires

- Copy 1 - agency for court
Copy 2 - agency
Copy 3 - guardian(s)
Copy 4 - Director of Child and Family Services
Copy 5 - mandating authority
All five copies must be signed and witnessed

