

# Voluntary Surrender of Guardianship Agreement by Guardians(s)

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

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

born at \_\_\_ /a.m/p.m. 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 \_\_\_ a.m./p.m. 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