



ALBERTA COURT OF JUSTICE

Edmonton Family & Youth Division

Practice Note 2.3: Private Guardianship Applications under the *Child, Youth and Family Enhancement Act*

Effective: May 1, 2025

APPLICATION OF PRACTICE NOTE

1. This practice note applies to proceedings under the *Child, Youth and Family Enhancement Act* [CYFEA] heard in Edmonton, Fort Saskatchewan, Leduc, Sherwood Park, St. Albert, Stony Plain and Wetaskiwin.

APPLICATION FOR PRIVATE GUARDIANSHIP

2. The applicant for a private guardianship order shall apply to the Court in the prescribed form:
 - a) If the applicant is the director, the prescribed form is Form 22 – Notice and Applications by a Director for a Private Guardianship Order [Court Rules and Forms Regulation](#), Alta Reg 39/2002.
 - b) If the applicant is not the director, the prescribed form is Form 21 – Notice and Application for a Private Guardianship Order [Court Rules and Forms Regulation](#), Alta Reg 39/2002.
3. The following matters shall be addressed in the affidavit section of the prescribed form:
 - a) the relationship between the child and the applicant;
 - b) the child’s circumstances, including living arrangements, other persons living in the child’s home, and whether the child has unique physical, psychological or emotional needs;

- c) the ability and willingness of the applicant to assume the responsibilities of a guardian;
- d) the results of a criminal record check of the applicant and other persons residing in the home;
- e) the results of an intervention record check of the applicant and other persons residing in the home;
- f) whether the guardian of the child has consented to the application and whether the child has consented, if the child is 12 years of age or older;
- g) if the applicant is applying to dispense with the consent of a guardian or a child 12 years of age or older, the grounds for that application; and
- h) if the applicant is applying to terminate the guardianship of a guardian of the child, the grounds for that application.

NOTICE

- 4. All notice requirements of ss. 53 and 53.1 of *CYFEA* must be met.
- 5. If the child is an Indigenous child, the applicant shall provide notice to any person or entity entitled to notice under s. 12 of [*An Act respecting First Nations, Inuit and Métis children, Youth and Families*](#), SC 2019, c 24.
- 6. The applicant shall file an affidavit of service concerning notice under this section.

HOME STUDY REPORTS

- 7. Subject to paragraph 8, an application for private guardianship must include a home study report as required by s. 52(1.1) of *CYFEA*.
- 8. An applicant may apply to the Court, on at least 7 days notice to the director, for leave to file a private guardianship application before a home study report has been completed. The application for leave shall be in Form 26 – Notice and Application [*Court Rules and Forms Regulation*](#) Alta Reg 39/2002.
- 9. If an applicant is granted leave to file a private guardianship application before a home study report has been completed, the Clerk of the Court shall refer the file to the Edmonton Family & Youth Assistant Chief Justice for the appointment of a case management judge to promote and ensure the fair and efficient conduct of the application, including the timely filing of a home study report.

10. A home study report must include the information required by s. 52(1.1) of *CYFEA* as well as a criminal record check and an intervention record check of the applicant and other persons residing in the home.

SCHEDULING OF UNCONTESTED PRIVATE GUARDIANSHIP HEARINGS

11. In Edmonton, an uncontested private guardianship application that is scheduled for disposition on the merits shall be scheduled for a family resolution hearing on the second or fourth Wednesday of each month.
12. In Fort Saskatchewan, Leduc, Sherwood Park, St. Albert, Stony Plain or Wetaskiwin, an uncontested private guardianship application scheduled for disposition on the merits shall be scheduled on a child protection or family docket date as the first matter after the docket is completed, with 20 minutes allocated for the hearing.
13. The applicant shall file all materials, including a home study report and cultural connection plan, 5 or more business days prior the hearing.

Dated this 14th day of April, 2025



Aran Veylan
Assistant Chief Justice
Alberta Court of Justice
Edmonton Family & Youth Division