

CHILD SUPPORT

What is Child Support?

If two parents decide to separate or get divorced one parent will be required to make payments in order to support their children financially. This is called child support.

Child support obligations start right away when you separate from your spouse or common-law partner.

The support payments are usually paid by the parent that spends the least amount of time with the child (payor) to the parent who takes care of the child most of the time. In cases where both parents spend equal amounts of time with the child, the parent with the higher income may still have to pay child support. Both parents are legally responsible for financially supporting the children.

The court will usually order a parent to pay child support even if both parents agree that no support payments are required.

Purpose of Child Support:

To help cover the costs of caring for the child.



Who pays Child Support?

- Parent
- Non-birth parent
- Adoptive parent
- Step-parent (If the court believes the step-parent has the same relationship with the child as a parent).

You do not need to be married to be required to pay child support.

Paying child support is absolutely required under the law. You have to pay it even if you don't live with or see your child.

How Much Child Support will I get?

The amount you get will be based on:

- The income of the parent paying child support and
- The number of children they are supporting

There are rules for calculating the amount of child support. For most people child support is calculated using the Federal Child Support Guidelines (for couples that are married and seeking a divorce, unless both parents live in Manitoba, Quebec and New Brunswick) or provincial or territorial guidelines (couples that never married or are married but decided to separate and not get divorced). The guidelines contain tables where you can find out how much monthly support you can get based on the gross annual income of the payor and the number of children you have. This amount is also known as the “table amount”.

Example: If you have two children and earn \$40,000 before taxes, your monthly child support payment will be \$597 as per the Federal Child Support Guidelines.

An online calculator for the Federal Child Support Guidelines can be found at:

<https://www.justice.gc.ca/eng/fl-df/child-enfant/2017/lo-ok-rech.aspx>

The purpose of the monthly amount is to cover everyday expenses such as: **Rent, Bills, Groceries, Clothing, School Supplies.**

Special or extraordinary expenses

Special or extraordinary expenses are additional expenses that are not covered in the table amount, also known as “section 7 expenses”. The payor will need to contribute to these expenses in addition to the table amount.

Some examples of section 7 expenses are:

- Childcare fees
- Health expenses, orthodontics, glasses etc
- Extracurricular activities
- Tutors or private school fees

The expense must be reasonable and necessary to be considered a section 7 expense.

How to get Child Support

1. Separation Agreement – A couple can agree on how much child support payments will be and how frequent. This will not require them to go through the court process. The agreement can still be filed with the court so that it is enforceable.
2. Court – The couple can go through the court process and a judge will consider several factors. The judge will use the guidelines to determine the amount of the support payments. The judge may also consider additional factors and order the payor to pay a higher or lower amount than the guidelines specify.

How long can I get child support for?

Child support must be paid as long as your child is a dependent. This usually means until the child turns 18.

A child is not a dependent if:

- they marry, or
- they are at least 16 years old and decide to leave home.

A child who is 18 or older may still be considered a dependent if:

- they have a disability or illness, or
- they are going to school full-time

When does Child Support end?

- If there is a written agreement or a court order, it may specify when the child support payments will end.
- If there is no time specified, child support will continue until a court order or agreement is changed.

What if my child's parent does not pay child support?

If you think the other parent will not make the child support payments in the agreement, you can register your agreement with the Family Responsibility Office (FRO). The FRO will enforce the support payments. A court order will automatically be sent to the FRO but agreements outside of court will need to be filed with the court and then registered with the FRO.

Once the agreement is registered with the FRO, the FRO may be able to:

- Take money directly from the payor's bank account
- Suspend the payor's driver's license
- Start a court case against the payor

Changing Child Support

If your situation changes, or your partner's situation changes, you may need to make changes to your child support agreement or order.

Your separation agreement or court order may already say how to deal with these changes. For example, it could specify the circumstances in which child support will end. If this is the case, you will not need to make a new agreement or get another court order.

Otherwise, if changes need to be made and both of you agree to the changes, you can draft and sign a new agreement. If you had previously filed it with the court and the FRO, you can file a new agreement to replace the previous one. If you agree to change your existing court order, you can file documents with the court and ask the court to give you a consent order based on your new agreement. If you cannot agree to make a new separation agreement or to change your order, you can try to settle your matter outside of court through a process called "alternative dispute resolution (ADR)", or you could go to court and ask the judge to make changes.

Common reasons for updating an agreement could include:

- The income for the payor has gone up
- The payor is going through financial difficulty, such as a job loss
- The child has started working full-time or got married
- There are new special or extraordinary expenses