

Child Support

UNDERSTANDING CHILD SUPPORT

a glossary of common terms



MAYER DEARMAN & PELLIZZARO
COMMITTED TO EXCELLENCE IN THE PRACTICE OF LAW



**BOTH PARENTS, EVEN IF
DIVORCED, HAVE AN
ONGOING DUTY TO
SUPPORT THEIR
CHILDREN.**

CHILD SUPPORT TERMS

Arrears of Child Support

The amount of child support that the payor is behind on and owes pursuant to an order or separation agreement. This is not necessarily the amount that should have been paid. For example, the payor may have fallen behind in his or her payments because they lost their job. In that case, a court may cancel or reduce the arrears after taking into account the change in circumstances.

Child Support

Tax-free payments made by one parent to the other for the support of a child after the parents have separated or divorced. Child support is generally determined by reference to the payor parent's income using the Tables (amounts) in the Child Support Guidelines. In some cases, child support may be higher or lower than the basic Table Amount set by the Child Support Guidelines, for example if the parents have shared custody or the payor would suffer undue hardship if he or she paid the full amount.

Child Support Recalculation Service

A government service that recalculates at specified intervals such as every two years. Not every child support order can be processed by the Child Support Recalculation Service. Once a recalculation occurs, the amount of child support may increase, decrease, or stay the same, based on the financial circumstances of the payor at the time of the recalculation.



Extraordinary Expense

In some cases, a court may order, or the parties may agree that the parent who is paying child support will also make an additional contribution to the cost of Extraordinary Expenses (also called Section 7 Expenses). Expenses that may qualify as Extraordinary Expenses include child care expenses (daycare), expenses for post-secondary education, and extracurricular activities. However, not all expenses qualify as extraordinary.



Financial Disclosure

Information provided by one of the parties to the other in order to determine the amount of child support that ought to be paid. Typically this includes the person's last three income tax returns and notices of assessment, as well as proof of their current year's income such as recent pay stubs.

Maintenance Enforcement Program

A government service that works to collect child and spousal support on behalf of support recipients. Anyone who is entitled to child support can register their order or agreement with MEP and require that payments be made through them. If the payor falls into arrears of payment, MEP will take action to collect the support owed and will also levy fines and penalties on any overdue child support.

Notice of Motion

A legal document filed in court which schedules a court hearing to obtain an interim order. For example, a Notice of Motion may ask that the judge order the other side to produce financial disclosure and to begin paying child support.

Notice of Motion to Vary

A legal document filed in court which asks a Judge to vary the terms of an existing order. For example, it may ask the court to increase or decrease an existing amount of support or terminate one's obligation to pay altogether.

Suspension of Enforcement

An order of a court requiring the Maintenance Enforcement Program (MEP) to temporarily stop attempting to collect money owed to a support recipient. This is always a temporary order, meant to be in place only until the court can decide if the Payor is entitled to a reduction in the amount that he or she owes.

Retroactive Child Support

The amount of child support that a court determines should have been paid but was not, such as where the parent failed to pay any child support or may have paid less than required based on their income.

Table Amount

The amount of basic child support determined by the applicable Table of the Child Support Guidelines. A Table is essentially a chart that sets out the amount of child support that is owed based on the payor's income and the number of children. The table amount does not include any contribution to Extraordinary Expenses, which are in addition.

Undue Hardship

A situation in which a payor cannot afford to pay the amount of child support required under the Child Support Guidelines because of their financial circumstances, such as having other children to support or being responsible for a large amount of debt left over from the relationship. Very few situations qualify as undue hardship and in most cases, regardless of how difficult it may be, payors are required to pay the amount set out in the Child Support Guidelines.

Vary or Variation

To vary means to change an Order or a term of an Agreement. Usually this is done by filing a Notice of Motion to Vary in court. A court may vary the amount of child support payable if there has been a change in the financial situation, or if custody has changed.

ABOUT MAYER DEARMAN & PELLIZZARO

Established in 1964 , **Mayer Dearman & Pellizzaro** is a full service law firm located in Thompson, Manitoba.

Committed to providing our clients with customised legal solutions, we are able to utilise our significant and extensive experience to protect your legal rights.

Mayer Dearman & Pellizzaro specializes in criminal defence, family law, labour law, wills and estates, and real estate law.

Our lawyers have appeared at all levels of Court in Manitoba, and represent clients throughout the province including Thompson and the surrounding area.

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