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DIVORCE ACT MANUAL

Kristen Bucci

Release No. 3, December 2023

Publisher's Special Release Note 2023

The pages in this work were reissued in September 2023 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the September 2023 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

What's New in this Update:

This release contains updated to the Interpretation section of the book along with the addition of new entries to Appendix WP (Words & Phrases) and Appendix SLL (Selected Legal Literature).

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Highlights

- Intentional unemployment for the purpose of evading support obligations is not a material change of circumstances. In such a case the payor spouse's ability to continue to pay child support is within their control and a deliberate choice to make themselves impecunious precludes a finding of a material change in circumstances: *S.M. v. J.A.* (2023), 83 R.F.L. (8th) 22 (N.L. C.A.). See § 17:21.
- While they are only advisory, where a trial judge neither refers to the *Spousal Support Advisory Guidelines* nor identifies any justification for an award of lump-sum spousal support wholly at odds with the SSAG, the judge has erred in principle: *Sebok v. Babits* (2022), 465 D.L.R. (4th) 180, 65 R.F.L. (8th) 1 (B.C. C.A.), additional reasons (2022), 69 R.F.L. (8th) 1 (B.C. C.A.). See § 15.3:41 Spousal Support Advisory Guidelines