CHAPTER 1. CHILDREN'S LAW

I. CUSTODY AND ACCESS

Ş	1:1	COVID-19	Pandemic	Cases
---	-----	----------	----------	-------

- § 1:2 Generally
- § 1:3 Frivolous and Vexatious Proceedings and Family Violence
- § 1:4 The Form of Custody Orders
- § 1:5 —Sole Custody
- § 1:6 —Joint Custody
- § 1:7 —Shared Parenting
- § 1:8 —Parallel Parenting
- § 1:9 —Nesting Orders
- § 1:10 —Bridging Orders
- § 1:11 Rights of the Access Parent
- § 1:12 Standing in Custody and Access Cases
- § 1:13 Jurisdiction
- § 1:14 Procedure
- § 1:15 Evidence
- § 1:16 Appeals
- § 1:17 Costs

II. CUSTODY

A. FACTORS GOVERNING AWARD OF CUSTODY

- § 1:18 Generally
- § 1:19 Factors Concerning the Parents—Abuse
- § 1:20 —Conduct/Lifestyle
- § 1:21 —Interference with Parent/Child Relationship
- § 1:22 —Health
- § 1:23 —Parental Rights: Custodians other than Parents
- § 1:24 —Separation Agreements
- § 1:25 Factors Concerning the Child—Age
- § 1:26 —Separation of Siblings
- § 1:27 —Status quo: Stability in Parenting
- § 1:28 —Welfare of the Child
- § 1:29 —Wishes of the Child
- § 1:30 —Religious and Cultural Upbringing

III. ACCESS: CONTACT ORDERS

§ 1:31	Generally
§ 1:32	Vacations
§ 1:33	Access by Non-Parents
§ 1:34	Access to Adopted Children
§ 1:35	Factors Governing Award of Access: Contact Order-
	Age of the Child
§ 1:36	—Conduct and Lifestyle
§ 1:37	—Health
§ 1:38	—Religious and Cultural Upbringing
	—Status quo
§ 1:40	—Welfare of the Child
§ 1:41	—Wishes of a Child
§ 1:42	Interim Custody and Access
§ 1:43	Incidents of Custody
§ 1:44	—Mobility Rights
§ 1:45	—Religion
§ 1:46	—Education
§ 1:47	—Change of Name
§ 1:48	Restricted and Supervised Access
§ 1:49	Variation
§ 1:50	Assessments
§ 1:51	Representation of Children
§ 1:52	Enforcement
§ 1:53	Enforcement of Extra-provincial Custody/Access

CHAPTER 2. CHILD SUPPORT

I. GENERALLY

Rights

§ 2:1 Introduction

II. STANDING

- § 2:2 Who May Claim Child Support
- § 2:3 Who Is a Child for Child Support Purposes?
- § 2:4 Who Is a Parent?

III. ENTITLEMENT

- § 2:5 Generally
- § 2:6 Need

§ 2:28

§ 2:29

§ 2:30

Split Custody

Shared Custody Undue Hardship

TIMBLE OF	CONTENTS
§ 2:7 § 2:8 § 2:9 § 2:10	Ability to Pay Voluntary Withdrawal from Parental Control Support of Adult Children Parental Rejection
	HE FEDERAL CHILD SUPPORT UIDELINES
A.	OVERVIEW
§ 2:11 § 2:12 § 2:13	Generally The Enabling Divorce Act Provisions Income Tax Provisions
В.	INTERIM CHILD SUPPORT
§ 2:14	Generally
C.	THE GUIDELINES
§ 2:15	Generally: Presumptive Rules
§ 2:16	—Minor Children
§ 2:17	—Adult Children
§ 2:18	Payor Earns in Excess of \$150,000
§ 2:19	Voluntary Assumption of Parental Status: Step- Parent Support
§ 2:20	Health Insurance
§ 2:21	Add-ons: Special and Extraordinary Expenses
§ 2:22	—Childcare expenses incurred as a result of the custodial parent's employment, illness, disability, or education or training for employment
§ 2:23	—That portion of the medical and dental insurance premiums attributable to a child
§ 2:24	—Health-related expenses that exceed insurance reimbursement by at least \$100 annually, including various specified types of expense
§ 2:25	—Extraordinary expenses for primary or secondary school education or for any educational programs that meet a child's particular needs
§ 2:26	—Expenses for post-secondary education
§ 2:27	—Extraordinary expenses for extracurricular activities

§ 2:31	—Debts
§ 2:32	—Access
§ 2:33	—Second Families
§ 2:34	—Low Income
$\S 2:35$	—Standard of Living
§ 2:36	Form of Orders—Generally
§ 2:37	—Lump Sum
§ 2:38	—Security
§ 2:39	—Retroactive Child Support
§ 2:40	—Content of Orders
§ 2:41	Variation of Child Support Orders—Prospective
	Variations
§ 2:42	—Retrospective Variations
§ 2:43	Indexing
§ 2:44	Income
$\S 2:45$	—Calculation of Annual Income
§ 2:46	—Fluctuating Income
$\S 2:47$	—Shareholder, Director or Officer of Corporation
§ 2:48	—Imputing Income

V. ENFORCEMENT

§ 2:49 Generally

VI. FOREIGN ORDERS

§ 2:50 Generally

VII. APPEALS, PROCEDURE, JURISDICTION, AND COSTS

- § 2:51 Appeals
- § 2:52 Procedure
- § 2:53 Jurisdiction
- § 2:54 Costs

CHAPTER 3. SPOUSAL SUPPORT

I. GENERALLY

- § 3:1 The Ontario Court of Appeal Recognizes the Potential for a New Tort of Conspiracy in Family Law

- § 3:3 Jurisdiction of the Courts over First Nations Family Litigants
 § 3:4 Medium Length Marriages
 § 3:5 Conduct and Spousal Support
 § 3:6 Spousal Support Advisory Guidelines
- § 3:7 Application of the SSAG and High Income cases:
- § 3:8 The Importance of the Rule of 65
- § 3:9 The Relationship between Duration and Quantum
- § 3:10 The Principles of Spousal Support

II. A SUGGESTED SUPPORT ANALYSIS

§ 3:11 Generally

III. STANDING

§ 3:12 Generally

IV. ENTITLEMENT

A. OVERVIEW

§ 3:13 Generally

B. THE STATUTORY OBJECTIVES

- § 3:14 Generally
- § 3:15 Economic Advantages or Disadvantages Arising from the Marriage or its Breakdown
- § 3:16 Apportion Between the Spouses any Financial Consequences Arising from the Care of any Child of the Marriage Over and Above the Support Obligation Apportioned Between the Spouses
- § 3:17 Relieve any Economic Hardship to a Spouse Arising from the Breakdown of the Marriage
- § 3:18 Insofar as Practicable, Promote the Economic Selfsufficiency of Each Spouse Within a Reasonable Period of Time

V. FORM OF SUPPORT ORDER

- § 3:19 Generally
- § 3:20 Periodic Support
- § 3:21 Retroactive Support
- § 3:22 Lump Sum Support
- § 3:23 Benefit Plans

§ 3:24 Secured Orders § 3:25 Nominal Orders

VI. DURATION AND QUANTUM OF SUPPORT

- § 3:26 Duration of Support
- § 3:27 Quantum of Support

VII. FACTORS AFFECTING SUPPORT

- § 3:28 Generally
- § 3:29 Ability to Pay and the Calculation of Income
- § 3:30 Need
- § 3:31 Economic Disadvantage
- § 3:32 Economic Advantage: Compensatory Support to Address Unjust Enrichment
- § 3:33 Dependency
- § 3:34 Contractual Support
- § 3:35 Sick and Disabled Spouses
- § 3:36 Conduct
- § 3:37 Second Families
- § 3:38 Self-Sufficiency
- § 3:39 Separation Agreements, Marriage Contracts, and Cohabitation Agreements: Domestic Contracts
- § 3:40 Income Tax
- § 3:41 Disparate Lifestyles

VIII. INTERIM SUPPORT

§ 3:42 Generally

IX. INDEXING

§ 3:43 Generally

X. VARIATION

- § 3:44 Generally
- § 3:45 Material Change in Circumstances
- § 3:46 Needs, Means, Self-Sufficiency and Changing Careers
- § 3:47 Arrears
- § 3:48 Retirement: Double Dipping

XI. APPEALS, PROCEDURE, COSTS, AND ENFORCEMENT

§ 3:49 Appeals

η	LABI.	E O	r C	ON	וידיו	רואה	nc

- § 3:50 Procedure
- § 3:51 Costs
- § 3:52 Enforcement

XII. FOREIGN ORDERS

§ 3:53 Generally

CHAPTER 4. FAMILY PROPERTY

I. INTRODUCTION

§ 4:1 Generally

II. OWNERSHIP LAWS

- § 4:2 General Concepts
- § 4:3 Matrimonial real property on reserve lands
- § 4:4 The Current Law of Trusts and Family Law: The Predominance and misunderstanding of the Joint Family Venture Concept
- § 4:5 Severing a joint tenancy
- § 4:6 Express Trusts
- § 4:7 Resulting Trusts
- § 4:8 The Constructive Trust
- § 4:9 Married Couples: Constructive Trust as Matrimonial Property Law
- § 4:10 Unmarried Couples: Property Rights

III. DIVISION OTHERWISE THAN ACCORDING TO OWNERSHIP

- § 4:11 Generally
- § 4:12 Standing
- § 4:13 Jurisdiction
- § 4:14 Valuation Date
- § 4:15 What is Property?
- § 4:16 Interests in Property
- § 4:17 Valuation
- § 4:18 Deductions and Exclusions—Generally
- § 4:19 —Exclusions
- § 4:20 —Deductions
- § 4:21 —Notional Sale and Disposition Costs
- § 4:22 Difference Between Net Family Properties: Determining the Equalization Entitlement

- § 4:23 Equalization: Unequal Division
- § 4:24 Realizing the Entitlement

IV. PART II RIGHTS: SPECIAL RIGHTS IN RESPECT OF THE MATRIMONIAL HOME

- § 4:25 Generally
- § 4:26 What is a Matrimonial Home?
- § 4:27 Possession, Exclusive Possession, and Occupation Rent
- § 4:28 Sale/Encumbrance

V. COSTS, PROCEDURE, AND INTEREST

- § 4:29 Costs
- § 4:30 Procedure
- § 4:31 Interest

VI. APPEALS

§ 4:32 Generally

CHAPTER 5. DOMESTIC CONTRACTS

I. GENERALLY

§ 5:1 Overarching Principles Relating to Domestic Contracts

II. EFFECT OF DOMESTIC CONTRACTS

- § 5:2 Generally
- § 5:3 Under the Divorce Act—Support
- § 5:4 —Custody and Access
- § 5:5 Under Provincial Legislation—Matrimonial Property
- § 5:6 —Custody and Access
- § 5:7 —Support

III. VALIDITY OF DOMESTIC CONTRACTS

- § 5:8 Generally
- § 5:9 Settlements and Agreements Between Counsel
- § 5:10 Formal Validity
- § 5:11 Capacity
- § 5:12 Essential Validity—Custody and Access

- § 5:13 —Failure to Disclose
- § 5:14 —Lack of Understanding
- § 5:15 —Unfairness
- § 5:16 —Religious Remarriage
- § 5:17 The Common Law—Generally
- § 5:18 —Uncertainty
- § 5:19 —Duress/Practical Compulsion
- § 5:20 —Unconscionability and Undue Influence
- § 5:21 —Mistake
- § 5:22 —Misrepresentation
- § 5:23 —Independent Legal Advice
- § 5:24 Severance
- § 5:25 Termination/Discharge

IV. ENFORCEMENT OF DOMESTIC CONTRACTS

§ 5:26 Generally

V. OVERRIDING DOMESTIC CONTRACTS

- § 5:27 Custody and Access
- § 5:28 Matrimonial Property
- § 5:29 Support

VI. INTERPRETATION OF CONTRACTS

§ 5:30 Generally

VII. INCOME TAX

§ 5:31 Generally

VIII. AGREEMENTS TO MEDIATE AND/OR ARBITRATE

§ 5:32 Generally

Table of Cases

Index