

# Index

## ACCESS

- Appeals
  - parenting time, § 6:26
  - practice and procedure, § 6:22
- Change in circumstances, § 5:253 to § 5:264
- Contempt, APP D § D:18
- COVID-19 concerns, APP A § A:2
- Enforcement, APP D § D:17
- Mobility, § 5:250
- Parenting order, definition, § 1:5
- Parenting time definition, § 5:247
- Variation of orders
  - generally, § 5:247, § 5:253
  - interim, § 5:251, § 5:252
  - parenting time, § 5:265
  - relocation, § 5:255 to § 5:259

## ADULTERY

- Generally, § 4:30 to § 4:40

## AGE OF MAJORITY, DEFINITION

- Generally, § 1:5

## ALBERTA PRACTICE

- Generally, APP F1 § F:1
- Adjournment, APP F1 § F:8
- Appeals, APP F1 § F:16
- Commencement of proceedings, APP F1 § F:4
- Corollary relief, APP F1 § F:13
- Costs, APP F1 § F:13
- Divorce without an appearance, APP F1 § F:10
- Joinder of Claims, APP F1 § F:2
- Notice to disclose, APP F1 § F:5
- Parenting after separation seminar, APP F1 § F:6
- Participation by Her Majesty's Proctor, APP F1 § F:7
- Parties to proceedings, APP F1 § F:3
- Pre-trial conferences, APP F1 § F:9
- Security for costs, APP F1 § F:15
- Summary judgment, APP F1 § F:11
- Trials, APP F1 § F:12

## ALIMONY

- See income tax aspects of income and property sharing

## APPEALS

- Generally, § 6:1 to § 6:3
- Costs, § 6:23
- Effective date of order, § 6:21
- Failure to make full financial disclosure, § 6:24
- Fresh evidence, § 6:14
- Interim custody, § 6:18
- Interim orders, from, § 6:16
- Interim support, § 6:17
- Jurisdiction, § 6:4
- Lack of procedural fairness, § 6:13
- Parenting (previously Custody), § 6:25
- Parenting time, § 6:26
- Practice and procedure, § 6:22
- Standard of review for errors of law, § 6:5 to § 6:12
- Stay of appeal, § 6:20
- Stay pending appeal, § 6:19
- Support, § 6:27
- Timeframe for appeal, § 6:15

## APPELLATE COURT

- Generally, § 1:6

## APPLICABLE GUIDELINES, DEFINITION

- Generally, § 1:5

## APPLICATION OF STATUTES

- Spousal support, to, § 9:2, § 9:4

## ATTRIBUTION

- See income tax aspects of income and property sharing

## AWARDS

- Fluctuating, § 15:7
- Indexed, § 15:8
- Interest on support awards, § 15:13
- Maintaining benefits, § 15:14
- Matrimonial home, § 15:9
- Nominal, § 17:12

**AWARDS—Cont'd**

- Other, § 15:16
- Provisional, § 15:15
- Remarriage or common-law marriage, § 15:10
- Support orders binding against estates, § 15:11

**BEST INTERESTS OF CHILD**

- Generally, § 5:101
- COVID-19 concerns, APP A § A:2
- Determining using assessors and assessments, § 5:102
- Orders, parenting or contact, § 5:89
- Parenting time, as much as is consistent, § 5:99
- Past Conduct of Parent, § 5:98

**BRITISH COLUMBIA PRACTICE**

- Generally, APP F2 § F:1
- Commencement of proceedings, APP F2 § F:5
- Costs, APP F2 § F:11
- Financial information, APP F2 § F:6
- Joinder of claims, APP F2 § F:2
- Jurisdiction, APP F2 § F:3
- Parties to proceedings, APP F2 § F:4
- Provisional orders, APP F2 § F:10
- Summary judgment, APP F2 § F:8
- Undefended divorce, APP F2 § F:7

**CAPITAL PROPERTY, CAPITAL GAINS EXEMPTION**

- See income tax aspects of income and property sharing

**CHANGE IN CIRCUMSTANCES**

- Child support
  - generally, § 5:222 to § 5:227
  - amount based on Table, § 5:220
  - amount not based on Table, § 5:221
  - children, related to, § 5:226
  - payee, related to, § 5:233 to § 5:235
  - payor, related to, § 5:228 to § 5:232
  - retroactive variation of order, § 5:236 to § 5:238
- Custody
  - generally, § 5:247, § 5:253, § 5:256
  - children moving, § 5:255, § 5:258 to § 5:259
  - child's wishes, § 5:254
  - conduct affecting children, § 5:262, § 5:266

**CHANGE IN CIRCUMSTANCES**

**—Cont'd**

- Custody—Cont'd
  - denial of access, § 5:263
  - parents' health affecting children, § 5:265
  - practice, § 5:264
  - remarriage of non-custodial parent, § 5:260
- Spousal support, see variation and review

**CHARTER ISSUES IN SUPPORT ENFORCEMENT**

- Generally, APP D § D:20

**CHILD OF THE MARRIAGE**

- Generally, § 1:7
- Adoption, § 1:7
- Age of child
  - over the age of majority, § 1:9
  - under the age of majority, § 1:8
- Case Law, § 1:7
- Definition, § 1:4, § 1:5
- "Divorce proceeding," § 1:34
- "In the place of a parent," standing
  - determination of whether or not spouse, § 1:26 to § 1:29
  - support beyond termination date, § 1:31
  - termination of parent-child relationship, § 1:30
- Parent-child relationship, § 1:23
  - child is not a "child of the relationship," § 1:24
- "Spouse" definition, § 1:35
- Support for transitional period, § 1:25
- "Variation order," definition, § 1:32
- Withdrawal from parental charge factors
  - assessed
    - generally, § 1:10
  - unable to withdraw education
    - generally, § 1:13, § 1:14
    - child not a "child of the marriage," § 1:15
    - child's obligation to contribute to education, § 1:16
    - continuing education after interruption, § 1:19
    - full-time education and earning income, § 1:17

## INDEX

### **CHILD OF THE MARRIAGE—Cont'd**

- Withdrawal from parental charge factors assessed—Cont'd
  - unable to withdraw education—Cont'd
    - illness or disability, § 1:11
    - child not a child of the marriage, § 1:12
  - lack of available employment, § 1:21
  - miscellaneous, § 1:22
  - part-time education, § 1:18
  - proof of continuing education, § 1:20

### **CHILD SUPPORT**

- Generally, § 5:6 to § 5:7
- Adoption orders, § 5:60
- Calculation, provincial child support service, § 7:43 to § 7:44
- Child is age of majority or over, § 5:65
- Child's own income, § 5:55
- Child's receipt of social assistance, § 5:56
- Commencement date for retroactive, § 5:36
- Constitutional issues, § 5:13 to § 5:15
- Costs, § 5:61
- Duty to disclose financial circumstances, § 5:59
- Enforcement
  - generally, APP D § D:1
  - arrears, suspension of support, APP D § D:9
  - bankruptcy of payor spouse, APP D § D:7
  - Charter issues, APP D § D:20
  - child support orders, APP D § D:8
  - committal, APP D § D:19
  - contempt
    - access orders, APP D § D:18
    - support orders, APP D § D:11
  - custody and access orders, APP D § D:16
  - execution, stay of, APP D § D:15
  - execution and charging orders, APP D § D:14
  - Family Order and Agreements Enforcement Assistance Act, APP D § D:2, APP D § D:21
  - garnishment, APP D § D:13
  - interest on support awards, APP D § D:10
  - jurisdictional issues, APP D § D:3
  - reciprocal, APP D § D:12

### **CHILD SUPPORT—Cont'd**

- Enforcement—Cont'd
  - registration against land, APP D § D:15
  - regulations, APP E § E:1 to APP E § E:3
  - spousal support orders
    - generally, APP D § D:4
    - one year rule, APP D § D:5
- Entitlement, § 5:18
- Evidentiary issues, § 5:17
- Financial issues, APP A § A:2
- Income adjustment Schedule, APP B § B:18
- Interim support
  - generally, § 5:20
  - in accordance with the Guidelines, § 5:21
- Jurisdiction
  - Charter of Rights and Freedoms, § 5:14
  - child support orders, § 5:11
  - child support proceedings, § 5:9
  - provincial legislation and Divorce Act, § 5:12
  - provincial statutes, § 5:15
  - variation proceedings, § 5:10
- No support due to child's rejection of parent, § 5:53
- Paramountcy, § 5:13
- Parties must be "former" married spouses, § 5:16
- Payment
  - death of payor or payee, § 5:57
  - duration of orders, § 5:48
  - lump sum, § 5:39 to § 5:46
  - orders to secure payment, § 5:47
  - set-off, § 5:51
  - third-party payments, § 5:50
  - to child, § 5:49
- Priority over other obligations, § 5:19
- Prior orders, judgements and written agreements, § 5:52
- Recalculation, provincial child support service, § 7:45
- Reconciliation attempt, effect of, § 5:58
- Retroactive payments, see retroactive child support
- Shared parenting time, § 5:75
- Special or extraordinary expenses, § 5:69
- Split parenting time, § 5:74
- Spousal support, relationship with, § 17:6

**CHILD SUPPORT—Cont'd**

- Table amount, § 5:66
- Tax consequences of agreement or order agreements or orders made before May 1997, § 5:80
- commencement date, § 5:81
- deduction/inclusion rules, § 5:76, § 5:77
- elimination of rule for child support, § 5:78
- determining amount to be included in income, § 5:79
- effect of formula, § 5:85
- prior payments where no variation, § 5:82
- prior payments with variation, § 5:83
- spouse exempt from paying federal or provincial income tax, § 5:86
- third-party payments, § 5:84
- Variation of order or calculation of amount, § 7:64
- Where guidelines provide otherwise, § 5:70
- Without formula
  - crossover between the two formulas, § 20:4
  - duration, § 20:3

**CHILD SUPPORT FORMULA, DETERMINE SPOUSAL SUPPORT WITHOUT**

- Crossover between two formulas, § 20:4
- Duration, § 20:3
- Quantum, § 20:2

**CHILD SUPPORT FORMULA, DETERMINING SPOUSAL SUPPORT WITH**

- Generally, § 21:1
- Adult children, § 21:8
- Basic Formula
  - duration, § 21:3
  - quantum, § 21:2
- Crossover between two formulas, § 21:9
- Custodial payor, § 21:7
- Shared parenting time, § 21:4
- Split parenting time, § 21:5
- Stepchildren, § 21:6

**CHILD SUPPORT GUIDELINES, EXCEPTIONS UNDER FEDERAL AND PROVINCIAL**

- Albert, APP K § K:1 to APP K § K:7

**CHILD SUPPORT GUIDELINES, EXCEPTIONS UNDER FEDERAL AND PROVINCIAL—Cont'd**

- British Columbia, APP K § K:8 to APP K § K:16
- Manitoba, APP K § K:17 to APP K § K:23
- New Brunswick, APP K § K:24 to APP K § K:30
- Newfoundland and Labrador, APP K § K:31 to APP K § K:37
- Northwest Territories, APP K § K:38 to APP K § K:44
- Nova Scotia, APP K § K:45 to APP K § K:51
- Nunavut, APP K § K:52 to APP K § K:58
- Ontario, APP K § K:59 to APP K § K:67
- Prince Edward Island, APP K § K:68 to APP K § K:74
- Quebec, APP K § K:75 to APP K § K:81
- Saskatchewan, APP K § K:82 to APP K § K:88
- Yukon, APP K § K:89 to APP K § K:95

**CHILD TAX BENEFITS**

- See income tax aspects of income and property sharing

**COLLUSION**

- Generally, § 4:70
- Definition, § 4:75

**COMPARISON OF HOUSEHOLD STANDARDS OF LIVING TEST**

- Generally, APP B § B:17

**COMPETENT AUTHORITY, DEFINITION**

- Generally, § 1:5

**CONDONATION**

- Generally, § 4:73

**CONDUCT**

- Generally, § 17:10

**CONNIVANCE**

- Generally, § 4:74

**CONSTITUTIONAL ISSUES**

- Federal power to grant maintenance under Divorce Act, § 10:4
- Paramountcy
  - federal legislation, § 10:4

## INDEX

### **CONSTITUTIONAL ISSUES—Cont'd**

- Paramountcy—Cont'd
  - operational conflict theory, § 10:4
- Support
  - discretion to proceed under Divorce Act or provincial legislation, § 10:4
  - under provincial statutes, § 10:4

### **CONTACT ORDER**

- Generally, § 5:121
- Best interests of the child, § 5:100
- Definition, § 1:5

### **CONTEMPT**

- Access orders, APP D § D:18
- Spousal and child support, APP D § D:11

### **COROLLARY RELIEF**

- See also child support, custody, access
- Generally, § 5:294, § 9:3
- Application of statutes, § 9:4
- Confirmation proceedings, § 5:282
- Corollary relief proceeding, definition, § 1:5
- Grounds for entitlement to spousal support, § 9:5
- Jurisdiction, § 10:1
- Legal effect throughout Canada
  - Right to, § 9:3
  - Severing from divorce, § 9:3
  - time limits, § 9:3
- Parenting orders, § 5:107
- Section 15 of Divorce Act, § 9:1
- Variation of order, § 5:292

### **COROLLARY RELIEF PROCEEDINGS**

- Application of statutes, § 9:4
- Definition, § 1:5
- Jurisdiction, § 10:1

### **COSTS**

- Generally, APP A § A:2
- Appeals, § 6:23
- Corollary relief, § 5:61
- Disclosure, § 17:4
- Parenting time and relocation, relating to, § 5:210

### **COURT**

- Duties
  - conflicting orders and civil protection orders, § 3:16

### **COURT—Cont'd**

- Duties—Cont'd
  - reconciliation, § 4:61 to § 4:67

### **COVID-19**

- Case index
  - generally, APP A § A:2
  - exclusive possession of matrimonial home, APP A § A:2
  - parenting, APP A § A:2
  - parenting time and wrongful removal/retention, APP A § A:2
- Court processes, APP A § A:1

### **CRUELTY**

- Generally, § 4:41, § 4:43 to § 4:57
- Continued cohabitation, § 4:46
- Definition, § 4:42
- Examples, § 4:47
- Intolerability, § 4:45
- Mental cruelty: humiliation, harassment, criticism, § 4:48
- Mental illness, § 4:49
- Mutual cruelty, § 4:50
- Neglect and taciturnity, § 4:51
- Philandering, § 4:52
- Physical violence, § 4:53
- Provocation, § 4:54
- Refusal to have children, § 4:55
- Relevant time, § 4:44
- Religious intolerance, § 4:56
- Sexual practices/issues, § 4:57
- Subjective test for, § 4:43

### **CUSTODY**

- See also custody and access
- Term repealed 2021, § 1:5

### **CUSTODY AND ACCESS**

- See also best interests of child
- Appeals
  - parenting (previously custody), § 6:25
  - parenting time, § 6:26
- Child's physical, emotional and psychological safety and well-being, § 5:95
- COVID-19 concerns, APP A § A:2
- Family violence
  - impact of, § 5:94, § 5:96
- Orders
  - enforcement, APP D § D:17
  - variation, § 5:242 to § 5:266

**CUSTODY AND ACCESS—Cont'd**

- Parenting time, best interests of child, § 5:99
- Past conduct, § 5:98
- Variation of orders
  - change in circumstances, § 5:253 to § 5:263
  - interim parenting order, § 5:251
  - interim variation of final parenting order, § 5:252
  - joint decision-making, § 5:249
  - parenting and consent orders, § 5:247 to § 5:248
  - parenting time, § 5:265
  - practice, § 5:264
  - review of parenting orders, § 5:266
  - sole to joint decision-making, from, § 5:250

**CUSTODY ORDER**

- Term repealed 2021, § 1:5

**DECISION-MAKING  
RESPONSIBILITY**

- Allocation, § 5:118
- Definition, § 1:5
- Entitlement to information, § 5:119

**DEFINITE PERIOD, SUPPORT FOR**

- Generally, § 15:3

**DELAY IN BRINGING APPLICATION**

- See also spousal support-interim
- Generally, § 15:6

**DESIGNATING BENEFICIARY**

- Generally, § 15:12

**DESK DIVORCES**

- Generally, § 7:38

**DETERMINATION OF INCOME**

- Generally, § 16:1
- Miscellaneous, § 16:6
- Self-employment income and various forms of non-employment income, § 16:4
- Use of CSG in SSAG calculations, § 16:3
- Without child support and with child support formulas, § 16:5

**DISCLOSURE**

- Generally, § 17:1, § 17:2
- Practice and procedure, § 17:5
- Sanctions, penalties and costs, § 17:4

**DISCLOSURE—Cont'd**

- Third parties, § 17:3

**DIVORCE, BARS TO**

- Collusion, § 4:70, § 4:75
- Condonation, § 4:73
- Connivance, § 4:72
- Doctrine of revival, § 4:74
- Duty of court, § 4:68
- Reasonable arrangements for support of children, § 4:71

**DIVORCE, EFFECTIVE DATE**

- Generally, § 4:76 to § 4:79
- Conclusive proof, § 4:84
- Earlier date
  - notice of appeal, § 4:82, § 4:83
  - special circumstances, § 4:80
  - undertaking not to appeal, § 4:81
- Reconciliation, § 4:85

**DIVORCE, GROUNDS FOR**

- Capacity to divorce, § 4:13
- Counter-petitions, § 4:14
- Marriages of convenience, § 4:12
- Marriage validity, § 4:8 to § 4:11

**DIVORCE, RECOGNITION OF  
FOREIGN, 7**

- Generally, § 7:5 to § 7:7
- Common law rules, § 7:11, § 7:12
- Fraud, § 7:14
- Presumption of validity, § 7:8, § 7:9
- Public policy, contrary to, § 7:15
- Validity, preclusion from, § 7:16
- Violation of natural justice, § 7:13
- Wife's domicile, § 7:10

**DIVORCE PROCEEDING,  
DEFINITION**

- Generally, § 1:5

**DIVORCE—SECTION 25 RULES**

- Generally, § 7:35 to § 7:37
- Desk divorces, § 7:38
- Discovery, § 7:41
- Publication bans, § 7:42
- Representation at proceedings, § 7:39
- Summary judgment, § 7:40

**DOMESTIC CONTRACTS**

- Interim orders and, see spousal support
- Jurisdiction to override, see variation and review

## INDEX

### **DRINKING**

Generally, § 4:47

### **DRUG ADDICTION**

Generally, § 4:47

### **ECONOMIC IMPACT OF MARRIAGE OR ITS BREAKDOWN**

Advantages or disadvantages arising from  
the marriage or its breakdown,  
§ 14:2

Hardship of the spouses arising from the  
breakdown of the marriage, § 14:4

### **ECONOMIC SELF-SUFFICIENCY**

Objective of spousal support, § 14:2

Promotion of, § 14:5

### **ENFORCEMENT**

Generally, APP D § D:1

Arrears, suspension of support, APP D  
§ D:9

Bankruptcy of payor spouse, APP D  
§ D:7

Charter issues, APP D § D:20

Child support orders, APP D § D:8

Committal, APP D § D:19

Contempt

access orders, APP D § D:18

support orders, APP D § D:11

Custody and access orders, APP D § D:16

Execution, stay of, APP D § D:15

Execution and charging orders, APP D  
§ D:14

Family Order and Agreements

Enforcement Assistance Act, APP D  
§ D:2, APP D § D:21

Garnishment, APP D § D:13

Interest on support awards, APP D § D:10

Jurisdictional issues, APP D § D:3

Reciprocal, APP D § D:12

Registration against land, APP D § D:15

Regulations, APP E § E:1 to APP E  
§ E:3

Spousal support orders

generally, APP D § D:4

inter-spousal agreements

jurisdiction of court to enforce, APP  
D § D:6

one year rule, APP D § D:5

### **ENTITLEMENT**

Generally, § 19:1

### **ENTITLEMENT—Cont'd**

Application of spousal support advisory  
guidelines

challenged agreements, role of SSAG  
in, § 19:6

effect of prior agreement on SSAG,  
§ 19:5

income sharing, § 19:3

interim orders, § 19:7

SSAG—advisory only, used to  
determine quantum and duration,  
§ 19:2

without and with child formula, § 19:4

Income, § 19:8

### **ESTATES, SPOUSAL SUPPORT ORDER BINDING AGAINST**

Generally, § 15:11

### **EVIDENCE, PROVINCIAL LAWS OF**

Generally, § 7:20 to § 7:22

Admissibility, § 7:23

Expert, § 7:25

Hearsay, § 7:24

Proof of marriage, § 7:29

Res judicata, § 7:27

Solicitor-client privilege, § 7:26

Striking pleadings, § 7:28

### **FACTORS IN MAKING SPOUSAL SUPPORT ORDER**

See spousal support

### **FAMILY DISPUTE RESOLUTION PROCESS, DEFINITION**

Generally, § 1:5

### **FAMILY INFORMATION SESSION (FIS) IN TORONTO**

Generally, APP F5 § F5:4

### **FAMILY JUSTICE SERVICES, DEFINITION**

Generally, § 1:5

### **FAMILY MEMBER, DEFINITION**

Generally, § 1:5

### **FAMILY ORDER AND AGREEMENTS ENFORCEMENT AND ASSISTANCE ACT**

Generally, APP D § D:2

### **FAMILY VIOLENCE, DEFINITION**

Generally, § 1:5

**FEDERAL CHILD SUPPORT GUIDELINES**

Generally, **APP 16A, § 5:63**  
 Guidelines, **APP B § B:2**  
 “Provide otherwise,” where guidelines, **§ 5:70**  
 Section 3—presumptive rule, **§ 5:65**  
 Section 4—payor income more than \$150,000, **§ 5:71**  
 Section 5—payor standing in place of parent, **§ 5:72**  
 Section 8—split parenting time, **§ 5:74**  
 Section 9—shared parenting time, **§ 5:75**  
 Special or extraordinary expenses, **§ 5:69, § 5:73**  
 Table amount, **§ 5:66**  
 2017 update, **§ 5:67**

**FEDERAL CHILD SUPPORT TABLES**

Generally, **APP B § B:3 to B:16**

**FLUCTUATING AWARDS OF SPOUSAL SUPPORT**

Generally, **§ 15:7**

**FOREIGN DIVORCE**

See divorce, recognition of foreign

**FOREIGN ORDER THAT VARIES PARENTING OR CONTACT ORDER, RECOGNITION OF**

Generally, **§ 7:19**

**FORMER SPOUSES**

Generally, **§ 11:1**

**FORMS**

Alberta, **APP H1**  
 British Columbia, **APP H2**  
 Manitoba, **APP H3**  
 New Brunswick, **APP H4**  
 Newfoundland and Labrador, **APP H5**  
 Northwest Territories, **APP H6**  
 Nova Scotia Civil Procedure Rules, 2009, **APP H7**  
 Nunavut, **APP H8**  
 Ontario, **APP H9**  
 Prince Edward Island, **APP H10**  
 Quebec, **APP H11**  
 Saskatchewan, **APP H12**  
 Yukon, **APP H13**

**FUNCTIONS PERFORMED BY EACH SPOUSE DURING COHABITATION**

Generally, **§ 13:8**

**GENERIC OFFER TO SETTLE**

Generally, **APP A § A:3**

**“HABITUALLY RESIDENT,” DEFINITION**

Generally, **§ 2:4**

**INCOME TAX ACT**

Amounts to be included in income, **APP C**

**INCOME TAX ASPECTS OF INCOME AND PROPERTY SHARING**

Generally, **APP J § J:1, APP J § J:19**  
 Alimony and maintenance, **APP J § J:2**  
 Attribution, **APP J § J:9**  
 Case study, **APP J § J:25 to APP J § J:30**  
 Commencement day of agreement, **§ 8:1**  
 Domestic contract or shareholders’ agreement, **APP J § J:15**  
 Federal budget  
     February 25, 1992, **APP J § J:20**  
     implications to family law  
         capital gains exemption, **APP J § J:24**  
         child care deduction, **APP J § J:23**  
         child tax benefits, **APP J § J:22**  
         common-law spouse, **APP J § J:21**  
 Legal fees, deductibility of, **APP J § J:17**  
 Money borrowed to finance lump sum or maintenance payments, interest on, **APP J § J:18**  
 Payments made prior to an order or written agreement, **APP J § J:4**  
 Principal residence consideration  
     exemption, **APP J § J:12**  
     family unit, **APP J § J:13**  
     qualifying property, **APP J § J:11**  
 R.R.S.P.’s, **APP J § J:10**  
 Taxation of dividends, **APP J § J:16**  
 Third party payments, **APP J § J:3**  
 Transfer of property  
     generally, **APP J § J:5**  
     capital gains exemption, **APP J § J:7**  
     capital property, **APP J § J:6**  
     noncapital property, **APP J § J:8**

## INDEX

### **INCOME TAX ASPECTS OF INCOME AND PROPERTY SHARING —Cont'd**

Unanticipated joint and several tax  
liability, **APP J § J:14**

### **INCOME TAX CONSIDERATIONS, CHILD SUPPORT**

See child support

### **INCOME TAX ISSUES**

Generally, § 17:11

### **INDEFINITE PERIOD, SUPPORT FOR**

Generally, § 15:4

### **INDEXED AWARDS**

Generally, § 15:8

### **INTEREST ON SUPPORT AWARD**

Generally, § 15:13

### **INTERIM CHILD SUPPORT**

Generally, § 5:20

In accordance with the Guidelines, § 5:21

Variation of order, § 5:20, § 5:21, § 5:251

### **INTERIM ORDERS AND VARIATION**

See variation and review

### **INTERIM SUPPORT**

Generally, § 12:1, § 12:3

Delay in application as a defence, § 12:7

Evidence and disclosure, § 12:5

Indefinite support, § 12:9

Jurisdiction to grant relief, § 12:2

Relationship to permanent support, § 12:6

### **JURISDICTION**

Application for contact order, § 2:20,  
§ 2:21

Child habitually resident outside of Can-  
ada, § 2:24

determine parenting orders or consent  
orders, § 2:27

Constitutional issues, § 10:4

Conversion of applications, § 5:278

Corollary relief proceedings, § 10:1

generally, § 2:8, § 2:10

jurisdiction to grant relief, § 2:9, § 2:11

severance of corollary relief, § 2:12

Divorce proceedings

generally, § 2:1, § 2:3

concurrent applications, § 2:5

counter-petitions, § 2:6

### **JURISDICTION—Cont'd**

Divorce proceedings—Cont'd  
other issues, § 2:7

Exercise of jurisdiction by judge, § 2:29

General, § 5:272

“Habitual resident,” § 2:4

Proceedings between provinces/  
designated jurisdictions, § 10:5

Removal or retention of child of marriage  
wrongful, § 2:23

Respondent, no action by, § 5:280

Support orders, to make, § 10:3

Transfer of proceedings where application  
for parenting order made, § 2:17 to  
§ 2:18

Variation proceedings, § 2:12 to § 2:15,  
§ 10:2

### **LEGAL ADVISOR**

Definition, § 1:5

Duties, § 3:14, § 4:58 to § 4:60

### **LEGAL EFFECT OF DIVORCE THROUGHOUT CANADA**

Generally, § 4:86

### **LEGAL FEES, DEDUCTIBILITY OF**

See income tax aspects of income and  
property sharing

### **LENGTH OF RELATIONSHIP**

Spousal support under Divorce Act and  
provincial statutes

Alberta, **APP L § L:1 to APP L § L:7**

British Columbia, **APP L § L:8 to APP  
L § L:32**

Manitoba, **APP L § L:33 to APP L  
§ L:39**

New Brunswick, **APP L § L:40 to APP  
L § L:46**

Newfoundland and Labrador, **APP L  
§ L:47 to APP L § L:53**

Northwest Territories, **APP L § L:54 to  
APP L § L:60**

Nova Scotia, **APP L § L:61 to APP L  
§ L:67**

Nunavut, **APP L § L:68 to APP L  
§ L:74**

Ontario, **APP L § L:75 to APP L  
§ L:90**

Prince Edward Island, **APP L § L:91 to  
APP L § L:97**

**LENGTH OF RELATIONSHIP—Cont'd**

Spousal support under Divorce Act and provincial statutes—Cont'd

Quebec, **APP L § L:98 to APP L § L:104**

Saskatchewan, **APP L § L:105 to APP L § L:111**

Yukon, **APP L § L:112 to APP L § L:118**

**LUMP SUM OR PERIODIC SPOUSAL SUPPORT**

See spousal support—method of payment

**LUMP SUM SPOUSAL SUPPORT**

See spousal support—method of payment

**MAINTAINING BENEFITS**

Generally, **§ 15:14**

**MARRIAGE BREAKDOWN**

Generally, **§ 4:3**

Adultery and cruelty, **§ 4:5**

Living separate and apart, **§ 4:4**

Reconciliation, **§ 4:6**

**MARRIAGE DISSOLVED BY DEATH**

Generally, **§ 4:90**

**MARRIAGE OF CONVENIENCE**

Generally, **§ 4:12**

**MATRIMONIAL HOME AWARD FOR SPOUSAL SUPPORT**

Generally, **§ 15:9**

**MEANS AND NEEDS**

Party from whom support is sought, of, **§ 13:1**

Party seeking support, of, **§ 13:6**

**METHOD OF PAYMENT OF SPOUSAL SUPPORT**

See spousal support

**MOBILITY OF PARENTS**

See custody and access

**NEGLECT**

Generally, **§ 4:51**

**NESTING AWARDS FOR SPOUSAL SUPPORT**

Generally, **§ 17:12**

**NORTHWEST TERRITORIES PRACTICE**

Generally, **App F3 § F3:1**

**NOVA SCOTIA PRACTICE**

Generally, **App F4 § F4:1**

Answer and counter-petition, **App F4 § F4:6**

Application to vary, rescind or suspend, **App F4 § F4:11**

Commencement of Proceedings, **App F4 § F4:5**

Corollary relief orders, enforcing, **App F4 § F4:12**

Costs and suit money, **App F4 § F4:15**

Failure to proceed, **App F4 § F4:10**

Financial statements, **App F4 § F4:7**

Joinder of Causes, **App F4 § F4:2**

Jurisdiction, **App F4 § F4:3**

Notice of hearing, **App F4 § F4:9**

Parties to proceedings, **App F4 § F4:4**

Pre-trial conference, **App F4 § F4:6**

Provisional orders, **App F4 § F4:13**

Undefended proceeding, **App F4 § F4:6**

**OBJECTIVES OF SPOUSAL SUPPORT ORDER**

See spousal support

**OFFER TO SETTLE, GENERIC FORM**

Generally, **APP A § A:3**

**ONTARIO PRACTICE**

Generally, **App F5 § F4:1**

Costs, **App F5 § F5:6**

Divorce Procedure in Superior Court of Justice, **App F5 § F5:2**

Divorce Procedure under Family Law Rules, **App F5 § F5:3**

Family Information Session (FIS) in Toronto, **App F5 § F5:4**

Uncontested divorces in Superior Court of Justice, Toronto, **App F5 § F5:5**

**ORDER ASSIGNEE, DEFINITION**

Generally, **§ 1:5**

**PARAMOUNTCY**

Generally, **§ 10:4**

**PARENTING ORDER**

See also custody and access; variation of custody and access orders

## INDEX

### **PARENTING ORDER—Cont'd**

- Application by person other than spouse, § 5:110
- Contents, § 5:111
- Corollary relief, § 5:107
- Definition, § 1:5
- Family dispute resolution process, § 5:113
- General, § 5:108
- Interim orders, § 5:109
- Prohibition on removal of child, § 5:116
- Relocation, § 5:114
- Schedule, § 5:117
- Supervision, § 5:115
- Terms and conditions, § 5:112

### **PARENTING PLANS**

- See also best interests of child; custody and access
- Generally, § 5:123

### **PARENTING TIME**

- Definition, § 1:5
- Person deemed to have, § 8:20
- Schedule, § 5:117

### **PARTIES**

- Spouses or former spouses, § 11:1

### **PARTIES TO A PROCEEDING**

- Duties
  - best interests of child, § 3:2
  - certification, § 3:12
  - complete, accurate and up-to-date information, § 3:8
  - comply with orders, § 3:10
  - family dispute resolution process, § 3:6
  - protection of children from conflict, § 3:4

### **PAYMENT TO THIRD PARTIES, REQUIRED UNDER ORDER FOR SPOUSAL SUPPORT**

- Generally, § 15:10

### **PAYOR'S INCOME, POST-SEPARATION INCREASES IN**

- Generally, § 13:3 to § 13:5

### **PERIODIC SUPPORT**

- Awards in addition to, § 15:22

### **PHILANDERING**

- Generally, § 4:52

### **PHYSICAL VIOLENCE**

- Generally, § 4:53

### **POST-SEPARATION INCREASES IN PAYOR'S INCOME**

- Generally, § 13:3 to § 13:5

### **PRACTICE**

#### **Alberta**

- generally, APP F1 § F1:1
- adjournments, APP F1 § F1:8
- appeals, APP F1 § F1:16
- commencement of proceedings, APP F1 § F1:4
- corollary relief, APP F1 § F1:13
- costs, APP F1 § F1:14
- divorce without an appearance, APP F1 § F1:10
- Her Majesty's Proctor, participation of, APP F1 § F1:7
- joinder of claims, APP F1 § F1:2
- notice to disclose, APP F1 § F1:5
- parenting after separation seminar, APP F1 § F1:6
- parties to proceedings, APP F1 § F1:3
- pre-trial conferences, APP F1 § F1:9
- security for costs, APP F1 § F1:15
- summary judgment, APP F1 § F1:11
- trials, APP F1 § F1:12

#### **British Columbia**

- generally, APP F2 § F2:1
- commencement of proceedings, APP F2 § F2:5
- costs, APP F2 § F2:11
- enforcement of orders, APP F2 § F2:9
- Financial Information, APP F2 § F2:6
- joinder of claims, APP F2 § F2:2
- jurisdiction, APP F2 § F2:3
- parties to proceedings, APP F2 § F2:4
- provisional orders, APP F2 § F2:10
- summary judgment, APP F2 § F2:8
- undefended divorce, APP F2 § F2:7

#### **Nova Scotia**

- generally, APP F4 § F4:1
- answer and counter-petition, APP F4 § F4:6
- application to vary, rescind or suspend, APP F4 § F4:12
- commencement of proceedings, APP F4 § F4:5
- costs and suit money, APP F4 § F4:15

**PRACTICE—Cont'd**

Nova Scotia—Cont'd

enforcing corollary relief orders, **APP F4 § F4:13**

failure to proceed, **APP F4 § F4:11**

financial statements, **APP F4 § F4:7**

joinder of causes, **APP F4 § F4:2**

jurisdiction, **APP F4 § F4:3**

notice of hearing, **APP F4 § F4:9**

parties to proceedings, **APP F4 § F4:4**

pre-trial conference, **APP F4 § F4:8**

provisional orders, **APP F4 § F4:14**

undefended proceeding, **APP F4 § F4:10**

Ontario

generally, **APP F5 § F5:1**

costs, **APP F5 § F5:6**

Family Information Session (FIS),  
Toronto, **APP F5 § F5:4**

procedure

Family Law Rules, **APP F5 § F5:3**

Superior Court of Justice, **APP F5 § F5:2**

uncontested divorces, **APP F5 § F5:5**

Quebec

costs, **APP F6 § F6:1**

**PRECEDENTS**

General, **APP I § I:1 to I:11**

Federal child support guidelines checklist,  
**APP I § I:32**

Uncontested divorce, **APP I § I:12 to I:31**

**PRINCIPAL RESIDENCE**

See income tax aspects of income and  
property sharing

**PRIOR ORDERS, JUDGEMENTS AND  
WRITTEN AGREEMENTS,  
EFFECT OF**

Child's receipt of income or  
benefits<sup>8213</sup>child's own income,  
**§ 5:55**

Child's receipt of social assistance/  
income from other sources, **§ 5:56**

Child's repudiation of parent-child rela-  
tionship

child's rejection of parent—no support,  
**§ 5:53**

child's rejection of parent—support  
granted, **§ 5:54**

Child support, effect on, **§ 5:52**

**PRIVILEGE, SELF-INCRIMINATION  
IN ADULTERY CASES**

Generally, **§ 4:39**

**PROCEDURAL ISSUES**

Generally, **APP A § A:2**

**PROPERTY AWARDS**

Effects of, **§ 17:8**

pensions and spousal support, **§ 17:9**

**PROVINCIAL CHILD SUPPORT  
SERVICE, DEFINITION**

Generally, **§ 1:5**

**PROVISIONAL AWARDS**

Generally, **§ 15:15**

**PROVISIONAL AWARDS OF SPOUSAL  
SUPPORT**

Generally, **§ 15:15**

**PROVOCATION**

Generally, **§ 4:54**

**QUEBEC PRACTICE**

Costs, **APP F6 § F6:1**

**RECONCILIATION**

Communication, **§ 4:67**

Duties of court, **§ 4:61 to § 4:63**

One spouse seeking, **§ 4:64**

Procedure for determining possibility,  
**§ 4:65**

Resumption of proceedings, **§ 4:67**

**RELIGIOUS INTOLERANCE**

Generally, **§ 4:56**

**RELOCATION**

Generally, **§ 5:204.50**

Definition, **§ 1:5**

Motion, **§ 5:211.50**

Orders, **§ 5:214**

**REMARRIAGE, REMOVAL OF  
BARRIERS TO RELIGIOUS**

Generally, **§ 7:1 to § 7:3**

**REMARRIAGE AND ORDER FOR  
SPOUSAL SUPPORT**

Generally, **§ 15:10**

**REMARRIAGE OR COMMON-LAW  
MARRIAGE, AWARDS**

Generally, **§ 15:10**

## INDEX

### RETROACTIVE CHILD SUPPORT

- Generally, § 5:38
- Commencement date, § 5:31
- Factors considered
  - circumstances of children, § 5:26, § 5:29
  - conduct of parent, § 5:26, § 5:28
  - delay, § 5:26, § 5:27
  - hardship award might cause, § 5:26, § 5:30
- Guideline formulas or court's discretion, § 5:35
- Jurisdiction under Divorce Act and provincial legislation, § 5:33
- Limitation period, § 5:32
- Meaning of retroactive, § 5:23
- No order made, § 5:36
- Objectives, § 5:25
- Order made, § 5:36
- Orders, availability of, § 5:24
- Supreme Court of Canada, § 5:22

### RETROACTIVE SPOUSAL SUPPORT

- Generally, § 15:2, § 28:1
- Interim period, for, § 28:2
- Lump sum—other, § 28:5
- Separation agreement set aside, § 28:4
- Support considered but not ordered, § 28:5, § 28:6
- Tax issues and lump sum, § 28:5, § 28:6
- Variation applications, § 28:3

### RETROACTIVE VARIATION OF CHILD SUPPORT

- Generally, § 5:236
- See also retroactive child support

### R.R.S.P.S

- See income tax aspects of income and property sharing

### RULES

- Alberta, APP G1
- British Columbia, APP G2
- Manitoba, APP G3
- New Brunswick, APP G4
- Newfoundland and Labrador, APP G5
- Northwest Territories, APP G6
- Nova Scotia, APP G7
- Nunavut, APP G8
- Ontario, APP G9
- Prince Edward Island, APP G10

### RULES—Cont'd

- Quebec, APP G11
- Saskatchewan, APP G12
- Yukon, APP G13

### SALE OF MATRIMONIAL HOME

- Generally, APP A § A:2

### SEPARATE AND APART

- Circumstances not amounting to marriage breakdown, § 4:27
- Date of separation, § 4:18, § 4:19
- Guidelines for determining, § 4:16
- Intention, § 4:17
- Reconciliation attempt, § 4:29
- Separation
  - compassionate hospital visits, § 4:22
  - insanity or long-term hospitalization, § 4:21
  - sexual intercourse during, § 4:28
  - temporary physical separations, § 4:20
- Under same roof, § 4:23 to § 4:26

### SEPARATION AGREEMENT

- Cases decided before enactment of Federal Child Support Guidelines, § 5:245
- Child support, § 5:244
- Enforcement, jurisdiction of court in, APP D § D:6
- Parenting or contact order, § 5:246

### SEXUAL PRACTICES

- Generally, § 4:57

### SPECIAL PROVISIONS IN S. 17(6.2) OF DIVORCE ACT

- See variation of child support

### SPECIFIED EVENT, SUPPORT UNTIL

- Generally, § 15:6

### SPOUSAL SUPPORT

- Appeals, § 6:27
- Application of statutes, § 9:4
- Constitutional issues, § 10:4
- COVID-19 determinations, APP A § A:2
- Delay in application as a defence, § 12:7
- Enforcement
  - bankruptcy of payor spouse, APP D § D:7
  - charter issues, APP D § D:20
  - contempt, APP D § D:11
  - garnishment, APP D § D:13

**SPOUSAL SUPPORT—Cont'd**

Enforcement—Cont'd

interest on awards, **APP D § D:10**  
 one year rule, **APP D § D:5**  
 orders, **APP D § D:4**  
 reciprocal, **APP D § D:12**  
 suspension of support awards, **APP D § D:9**

Factors

generally, **§ 13:1**  
 Functions performed by each spouse during cohabitation, **§ 13:8**  
 length of relationship, **§ 13:7**  
 means and needs of party from whom support sought, **§ 13:2**  
 means and needs of party seeking support, **§ 13:6**  
 order, agreement, or arrangement relating to support, **§ 13:9**  
 post-separation increases in payor spouse's income  
     increase in support granted, **§ 13:4**  
     support not granted, **§ 13:5**  
     time-limited support extended, **§ 13:4**

Financial issues, **APPA § A:2**

Grounds for entitlement, **§ 9:5**

In addition to periodic sums, **§ 15:22**  
 Income tax issues, **§ 17:11**  
 Indefinite, **§ 12:9**

Interim

generally, **§ 12:1 to § 12:3**  
 delay in application as a defence, **§ 12:7**  
 evidence and disclosure, **§ 12:5**  
 Indefinite support, **§ 12:9**  
 jurisdiction to grant relief, **§ 12:2**  
 relationship to permanent support, **§ 12:6**

Method of payment

lump sum  
     generally, **§ 15:17, § 15:19**  
     calculations, **§ 15:23**  
     granted, **§ 15:20**  
     jurisdiction, **§ 15:18**  
     periodic sums, in addition to, **§ 15:22**  
     refusal of awards, **§ 15:21**

Miscellaneous, **§ 15:25**

Nominal awards, **§ 17:11**

**SPOUSAL SUPPORT—Cont'd**

Grounds for entitlement, **§ 9:5—Cont'd**

Objectives to order for

generally, **§ 14:1**  
 economic advantages or disadvantages arising from marriage or its breakdown, **§ 14:2**  
 economic hardship of spouses arising from breakdown of marriage, **§ 14:4**  
 financial consequences arising from the care of any child of the marriage, **§ 14:3**  
 promotion of economic self-sufficiency, **§ 14:5**

Obligation of payor's estate, as, **§ 15:26**

Orders, **§ 7:65 to § 7:68**

Parties, **§ 11:1**

Pension amounts, **§ 17:9**

Periodic support—payment secured against payor's property, **§ 15:17, § 15:18**

Refusal of awards, **§ 15:21**

Relationship between child support, **§ 17:7**

Term-limited or indefinite order for support after termination of support order, **§ 15:5**

support for an indefinite period, **§ 15:4**

support for definite period, **§ 15:3**

support until specified event, **§ 15:6**

Terms and conditions for, **§ 15:2**

"To secure or pay," **§ 15:24**

Transfer of pension, **§ 17:9**

**SPOUSAL SUPPORT ADVISORY GUIDELINES**

Application, **§ 19:2**

Calculation of income under, **§ 19:8**  
 obtaining reliable and repeatable, **§ 29:1 et seq.**

Ceilings and floors

generally, **§ 24:1**  
 ceilings, **§ 24:2**  
 floors, **§ 24:3**

Decision, review of, **§ 27:3**

practice and procedure, **§ 27:5**

principles, general, **§ 27:4**

proceedings, types of, **§ 27:6**

specific situations, **§ 27:7**

## INDEX

### **SPOUSAL SUPPORT ADVISORY GUIDELINES—Cont'd**

Entitlement, § 19:1

Exceptions

Generally, § 25:1 to § 25:2

debt payment, § 25:4

financial circumstances in interim  
period, compelling, § 25:3

illness and disability, § 25:6

non-primary parent to fulfil parenting  
role under custodial payor  
formula, § 25:11

non-taxable payor income, § 25:10

other grounds, § 25:14

prior support obligations, § 25:5

property division, reapportionment of  
property, § 25:8

short marriages without children,  
§ 25:7

small amounts, inadequate compensa-  
tion under the with child support  
formula, § 25:13

special needs of child, § 25:12

Judicial reception, § 27:1

July 8, 2008, § 30:1

Observations of SSAG authors, § 27:2

Restructuring

generally, § 23:1

duration, extended, § 23:3

front-end loading, § 23:2

lump sum, § 23:4

Retroactive support

generally, § 28:1

interim period, for, § 28:2

lump sum issues, other, § 28:6

Not ordered but considered, § 28:7

tax issues and lump sum retroactive  
awards, § 28:5

variation applications, § 28:3

Review, § 26:3

Steps to using, § 29:2 et seq.

Using the ranges

compensatory or non-compensatory  
basis for support, § 22:2

other, § 22:3

property awards, exempt or excluded  
assets, debts, if any, § 22:1

Variation and review, § 26:1 to § 26:3

### **SPOUSAL SUPPORT ORDER, DEFINITION**

Generally, § 1:5

### **SPOUSE, DEFINITION**

Generally, § 1:5

### **SUPPORT APPLICATION, DELAY IN BRINGING**

Generally, § 17:6

### **SUPPORT ORDER**

Definition, § 1:5

Obligation of payor's estate, § 15:27

Support after termination of support  
order, § 15:5

Support for definite period, § 15:3

Support for indefinite period, § 15:4

### **TERMINATION OF SUPPORT ORDER, SUPPORT AFTER**

Generally, § 15:5

### **TERM-LIMITED OR INDEFINITE SPOUSAL SUPPORT ORDER**

Generally, § 15:3 to § 15:5

### **TERMS AND CONDITIONS**

Generally, § 15:1

Retroactive spousal support, § 15:2

Specific awards of support

designating beneficiary, § 15:12

fluctuating awards, § 15:7

indexed awards, § 15:8

interest on support award, § 15:13

maintaining benefits, § 15:14

matrimonial home, § 15:9

other, § 15:16

provisional awards, § 15:15

remarriage or common-law marriage,  
§ 15:10

support orders binding against estates,  
§ 15:11

Support

after termination of order, § 15:5

definite period, for, § 15:3

indefinite period, for, § 15:4

Support until specified event, § 15:6

### **TERMS AND CONDITIONS OF SPOUSAL SUPPORT ORDER**

See spousal support

### **TRANSITIONAL PROVISIONS**

Generally, § 8:5

Commencement, § 8:32

## TRANSITIONAL PROVISIONS

### —Cont'd

- Orders previously made, variation and enforcement, § 8:8 to § 8:9, § 8:28 support, § 8:14
- Person deemed to have contact order, § 8:21
- Person deemed to have parenting and decision-making responsibility, § 8:20
- Provisional, § 8:30

## VARIATION AND REVIEW

- Generally, § 18:3 to § 18:4
- Change in circumstances
  - proving change, onus of, § 18:10
  - when order may be made, § 18:9
- Consent orders for support, § 18:49
- Default in payment in variation application, effect of, § 18:43
- Delay in enforcement, § 18:8
- Factors for variation of spousal support order, § 18:7
- Facts known at time of order, § 18:11
- Foreign divorces, § 18:56
- Interference with parenting time rights, § 18:48
- Interim orders, § 18:33
  - pending variation, § 18:34
- Jurisdiction to override spousal support provisions of agreements, § 18:51
- Objectives of order, § 18:6
- Order incorporating spousal support provisions of agreements, § 18:52
- Order to dismiss or terminate support, § 18:53
- Payee's circumstances, change in, § 18:23
  - cohabiting, § 18:25
  - disabled, § 18:29
  - inflation, § 18:24
  - other, § 18:32
- Payee no longer has primary responsibility for children, § 18:27
- Property awards to Payee, § 18:28
- remarriage, § 18:26
- squandering assets, § 18:31
- welfare, on, § 18:30
- Payor's circumstances, change in, § 18:12
  - bankruptcy, § 18:13
  - cohabiting, § 18:14
  - deceased, § 18:20

## VARIATION AND REVIEW—Cont'd

- Payor's circumstances, change in, § 18:12
  - Cont'd
    - future contingencies, § 18:16
    - involuntary loss of or reduction in income, § 18:18
    - other, § 18:22
    - payor voluntarily reducing own income, § 18:19
    - remarriage, § 18:15
    - retirement, § 18:17
- Relationship between Divorce Act and provincial legislation, § 18:5
- Retroactive variation of support orders
  - generally, § 18:44
  - arrears, § 18:45
  - delay inducing belief arrears would not be enforced, § 18:46
  - tax credits, § 18:47
- Review proceedings, § 18:57
- Section 17 provisions, § 18:1 to § 18:2
- Suspension of support payments, § 18:50
- Variation and rescission of support orders, § 18:54 to § 18:55
- Variation ordered
  - generally, § 18:35
  - after support for limited term expires, § 18:36
  - discharge of security, § 18:41
  - gradual phasing out, § 18:38
  - lump sum awards, § 18:39
    - add, § 18:40
  - mode of payment, change of, § 18:37
  - support order binding payor's estate, § 18:42

## VARIATION OF CHILD SUPPORT

- Generally, § 5:216, § 5:218
- Cases decided before enactment of The Federal Child support Guidelines, § 5:243
- Change in circumstances
  - access provisions not followed, § 5:225
  - amount includes determination based on applicable table, § 5:220
  - amount not based on a table, § 5:221
  - children and post-secondary education, § 5:223
  - children earning or otherwise receiving income, § 5:224

## INDEX

### **VARIATION OF CHILD SUPPORT**

#### **—Cont'd**

- Change in circumstances—Cont'd
  - child withdrawing from parental control, § 5:226
  - orders before May 1997, § 5:222
  - payee's income, change in, § 5:233
  - payee spouse remarrying or entering common law relationship, § 5:234
  - payor's income, decrease in, § 5:228
  - payor's income, increase in, § 5:229
  - payor spouse remarrying or entering common law relationship, § 5:231
  - undue hardship, § 5:230
- Consent, on, § 5:242
- Interim support orders, § 5:235
- Practice and procedure, § 5:243
- Related sections of Divorce Act, § 5:216, § 218
- Retroactive, § 5:236
- Review of order, § 5:217
- Section 17 History, § 5:216

### **VARIATION OF CUSTODY AND ACCESS AWARDS**

- Change in circumstances
  - generally, § 5:253
  - children moving, § 5:255 to § 5:259
  - child's wishes, § 5:254

### **VARIATION OF CUSTODY AND ACCESS AWARDS—Cont'd**

- Change in circumstances—Cont'd
  - conduct affecting children, § 5:262
  - denial of parenting time by Court or parent, § 5:263
  - parent's health affecting children, § 5:261
  - remarriage of parent who does not have majority of parenting time, § 5:260
- Interim parenting order, § 5:251
- Interim variation of final parenting order, § 5:252
- Joint decision-making, § 5:249
- Parenting and consent orders, § 5:248
- Parenting or contact order, § 5:247
- Parenting time orders, § 5:265 to § 5:266
- Practice, § 5:264
- Sole to joint decision-making, § 5:250

### **VARIATION ORDER, DEFINITION**

- Generally, § 1:5, § 5:215

### **VARIATION PROCEEDING, DEFINITION**

- Generally, § 1:5

### **WORDS AND PHRASES**

- Generally, APP WP

