Index

ACCESS	APPEALS—Cont'd
Generally, § 5:163	Costs, § 6:23
Abuse or neglect, § 5:174 to § 5:180	Custody, § 6:25
Appeals	Effective date of order, § 6:21
parenting time, § 6:26	Failure to make full financial disclosure,
practice and procedure, § 6:22	§ 6:24
Change in circumstances, § 5:253 to	Fresh evidence, § 6:14
§ 5:264	Interim custody, § 6:18
Child abduction, § 5:174 to § 5:181	Interim orders, from, § 6:16
Child's health, § 5:167	Interim support, § 6:17
Controlled substance use, § 5:182 to	Jurisdiction, § 6:4
§ 5:183	Lack of procedural fairness, § 6:13
Counselling, § 5:188	Parenting time, § 6:26
Criminality, § 5:186	Practice and procedure, § 6:22
Financial issues, § 5:187	Standard of review for errors of law, § 6:5 to § 6:12
Maximum contact principle, § 5:164	
Mental health issues, § 5:183 to § 5:184	Stay of appeal, § 6:20 Stay pending appeal, § 6:19
Miscellaneous, § 5:189	Support, § 6:27
Mobility, § 5:171, § 5:250	Timeframe for appeal, § 6:15
Non-parent access	
denied, § 5:170 granted, § 5:169	APPELLATE COURT
Not terminated, § 5:172	Generally, § 1:6
Parental alienation, § 5:117 to § 5:118	APPLICABLE GUIDELINES,
Parent-child relationship, interference	DEFINITION
with, § 5:165	Generally, § 1:5
Parenting order, definition, § 1:5	
Parenting time definition, § 5:247	APPLICATION OF STATUTES
Practice and procedure, § 5:175 to	Spousal support, to, § 9:2, § 9:4
§ 5:177	AWARDS
Religious and cultural upbringing,	Fluctuating, § 15:7
§ 5:168	Indexed, § 15:8
Variation of orders	Interest on support awards, § 15:13
generally, § 5:174, § 5:247, § 5:253	Maintaining benefits, § 15:14
interim, § 5:251, § 5:252	Matrimonial home, § 15:9
parenting time, § 5:265	Nominal, § 17:12
relocation, § 5:255 to § 5:259	Other, § 15:16
ADULTERY	Provisional, § 15:15
Generally, § 4:30 to § 4:40	Remarriage or common-law marriage, § 15:10
AGE OF MAJORITY, DEFINITION	Support orders binding against estates,
Generally, § 1:5	§ 15:11
APPEALS	BEST INTERESTS OF CHILD
Generally, § 6:1 to § 6:3	Generally, § 5:101

CHILD OF THE MARRIAGE—Cont'd BEST INTERESTS OF CHILD—Cont'd Assessors and assessments, § 5:129 Definition, § 1:4, § 1:5 Conflict between spouses, § 5:125 "Divorce proceeding," § 1:34 Consent to travel, one parent unreason-"In the place of a parent," standing ably withholds, § 5:120 to § 5:123 determination of whether or not spouse, Family violence, § 5:126 § 1:26 to § 1:29 History of care, § 5:124 support beyond termination date, Maximum contact, § 5:104, § 5:164 § 1:31 termination of parent-child relationship, Orders, parenting or contact, § 5:89 § 1:30 Parental alienation, § 5:108 to § 5:118 Parent-child relationship, § 1:23 Parenting time, as much as is consistent, child is not a "child of the relation-§ 5:97.50 ship," § 1:24 Parties other than spouses, § 5:128 "Spouse" definition, § 1:35 Past Conduct of Parent, § 5:97.25, Support for transitional period, § 1:25 § 5:103 "Variation order," definition, § 1:32 Plans for child's care, § 5:127 Withdrawal from parental charge factors Views of the child, § 5:105 to § 5:107 assessed CHANGE IN CIRCUMSTANCES generally, § 1:10 Child support unable to withdraw education generally, § 5:222 to § 5:227 generally, § 1:13, § 1:14 amount based on Table, § 5:220 child not a "child of the marriage," amount not based on Table, § 5:221 § 1:15 children, related to, § 5:226 child's obligation to contribute to payee, related to, § 5:233 to § 5:235 education, § 1:16 payor, related to, § 5:228 to § 5:232 continuing education after interrupretroactive variation of order, § 5:236 tion, § 1:19 to § 5:238 full-time education and earning Custody income, § 1:17 generally, § 5:247, § 5:253, § 5:256 illness or disability, § 1:11 child not a child of the marriage, children moving, § 5:255, § 5:258 to § 5:259 § 1:12 child's wishes, § 5:254 lack of available employment, § 1:21 conduct affecting children, § 5:262, miscellaneous, § 1:22 § 5:266 part-time education, § 1:18 denial of access, § 5:263 proof of continuing education, § 1:20 parents' health affecting children, CHILD SUPPORT § 5:265 Generally, § 5:6 to § 5:7 practice, § 5:264 Adoption orders, § 5:60 remarriage of non-custodial parent, Calculation, provincial child support ser-§ 5:260 vice, § 7:43 to § 7:44 Spousal support, see variation and review Child is age of majority or over, § 5:65 CHILD OF THE MARRIAGE Child's own income, § 5:55 Generally, § 1:7 Child's receipt of social assistance, § 5:56 Adoption, § 1:7 Commencement date for retroactive, Age of child § 5:36 over the age of majority, § 1:9 Constitutional issues, § 5:13 to § 5:15 under the age of majority, § 1:8 Costs, § 5:61 Case Law, § 1:7 Duty to disclose financial circumstances, "Custody," definition, § 1:33

§ 5:59

CHILD SUPPORT—Cont'd	CHILD SUPPORT—Cont'd
Interim support	Tax consequences of agreement or order
generally, § 5:20	—Cont'd
in accordance with the Guidelines, § 5:21	prior payments where no variation, § 5:82
Jurisdiction	prior payments with variation, § 5:83
Charter of Rights and Freedoms, § 5:14	spouse exempt from paying federal or
child support orders, § 5:11	provincial income tax, § 5:86
child support proceedings, § 5:9	third-party payments, § 5:84
provincial legislation and Divorce Act, § 5:12	Variation of order or calculation of amount, § 7:64
provincial statutes, § 5:15	Where guidelines provide otherwise,
variation proceedings, § 5:10	§ 5:70
No support due to child's rejection of parent, § 5:53	COLLUSION
Paramountcy, § 5:13	Generally, § 4:70
Parties must be "former" married	Definition, § 4:75
spouses, § 5:16	COMPETENT AUTHORITY, DEFINITION
Payment	Generally, § 1:5
death of payor or payee, § 5:57 duration of orders, § 5:48	· ·
· -	CONDONATION
lump sum, § 5:39 to § 5:46	Generally, § 4:73
orders to secure payment, § 5:47 set-off, § 5:51	CONDUCT
third-party payments, § 5:50	Generally, § 17:10
to child, § 5:49	CONNIVANCE
Priority over other obligations, § 5:19	Generally, § 4:74
Prior orders, judgements and written	· ·
agreements, § 5:52	CONSTITUTIONAL ISSUES
Recalculation, provincial child support	Federal power to grant maintenance under Divorce Act, § 10:4
service, § 7:45	Paramountcy
Reconciliation attempt, effect of, § 5:58	federal legislation, § 10:4
Retroactive payments, see retroactive	operational conflict theory, § 10:4
child support	Support
Shared parenting time, § 5:75	discretion to proceed under Divorce
Special or extraordinary expenses, § 5:69	Act or provincial legislation,
Split parenting time, § 5:74	§ 10:4
Spousal support, relationship with, § 17:6	under provincial statutes, § 10:4
Table amount, § 5:66	CONTACT ORDER, DEFINITION
Tax consequences of agreement or order	Generally, § 1:5
agreements or orders made before May 1997, § 5:80	COROLLARY RELIEF
commencement date, § 5:81	See also child support, custody, access
deduction/inclusion rules, § 5:76,	Generally, § 5:294, § 9:3
§ 5:77	Application of statutes, § 9:4
elimination of rule for child support,	Confirmation proceedings, § 5:282
§ 5:78	Corollary relief proceeding, definition,
determining amount to be included in	§ 1:5
income, § 5:79	Grounds for entitlement to spousal sup-
effect of formula, § 5:85	port, § 9:5

CUSTODY AND ACCESS COROLLARY RELIEF—Cont'd Jurisdiction, § 10:1 See also best interests of child Legal effect throughout Canada Appeals Right to, § 9:3 custody, § 6:25 Severing from divorce, § 9:3 parenting time, § 6:26 time limits, § 9:3 Child's physical, emotional and psychological safety and well-being, Section 15 of Divorce Act, § 9:1 § 5:95 Variation of order, § 5:292 Conflict between spouses, § 5:125 COROLLARY RELIEF PROCEEDINGS Family violence, § 5:126 Application of statutes, § 9:4 impact of, § 5:94, § 5:96 Definition, § 1:5 History of care, § 5:124 Jurisdiction, § 10:1 Joint custody generally, § 5:136, § 5:146 to § 5:147 COSTS communication and cooperation. Appeals, § **6:23** § 5:139 to § 5:144 Corollary relief, § 5:61 decision-making authority, § 5:138 Disclosure, § 17:4 interim, § 5:145 Parenting time and relocation, relating to, primary residency/care, § 5:137 § 5:210 status quo, § 5:159 Mobility of parents **COURT** generally, § 5:152 Duties final orders conflicting orders and civil protection permission to move denied, § 5:158 orders, § 3:16 permission to move granted, § 5:157 reconciliation, § 4:61 to § 4:67 interim orders **CRUELTY** generally, § 5:153 Generally, § 4:41, § 4:43 to § 4:57 permission to move denied, § 5:155 permission to move granted, § 5:154 Continued cohabitation, § 4:46 Nesting orders, § 5:161 Definition, § 4:42 One parent unreasonably withholds Examples, § 4:47 consent to travel, § 5:120 to § 5:123 Intolerability, § 4:45 Orders Mental cruelty: humiliation, harassment, joint, § 5:136 to § 5:151 criticism, § 4:48 sole, § 5:130 to § 5:135 Mental illness, § 4:49 variation, § 5:242 to § 5:266 Mutual cruelty, § 4:50 Other rights of custodial parent, § 1:163, Neglect and taciturnity, § 4:51 § 5:162 Philandering, § 4:52 Parallel parenting, § 5:151 Physical violence, § 4:53 Parental alienation, § 5:108 to § 5:119 Provocation, § 4:54 Parenting time, best interests of child. Refusal to have children, § 4:55 § 5:124 Relevant time, § 4:44 Parties other than spouses, § 5:128 Religious intolerance, § 4:56 Past conduct, § 5:97.25, § 5:99, § 5:103 Sexual practices/issues, § 4:57 Plan for child's care, § 5:127 Subjective test for, § 4:43 Shared parenting, § 5:148 to § 5:151 **CUSTODY** Sole custody See also custody and access generally, § 5:130, § 5:131 Definition, § 1:33 final order, § 5:134 to § 5:135 Term repealed 2021, § 1:5 temporary, § 5:132 to § 5:133

CUSTODY AND ACCESS—Cont'd

Split custody, § 5:160

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

10 8 5:248

parenting time, § 5:265

practice, § 5:264

review of parenting orders, § 5:266 sole to joint decision-making, from, § 5:250

Views of child, § 5:105 to § 5:107

CUSTODY ORDER

Term repealed 2021, § 1:5

DECISION-MAKING RESPONSIBILITY, DEFINITION

Generally, § 1:5

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 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

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

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

FAMILY DISPUTE RESOLUTION PROCESS, DEFINITION

Generally, § 1:5

FAMILY JUSTICE SERVICES, DEFINITION

Generally, § 1:5

FAMILY MEMBER, DEFINITION

Generally, § 1:5

FAMILY VIOLENCE, DEFINITION

Generally, § 1:5

FEDERAL CHILD SUPPORT GUIDELINES

"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

FEDERAL CHILD SUPPORT

GUIDELINES—Cont'd

Special or extraordinary expenses, § 5:69, § 5:73

Table amount, § **5:66** 2017 update, § **5:67**

FLUCTUATING AWARDS OF SPOUSAL SUPPORT

Generally, § 15:7

FOREIGN ORDER THAT VARIES PARENTING OR CONTACT ORDER, RECOGNITION OF

Generally, § 7:19

FORMER SPOUSES

Generally, § 11:1

FUNCTIONS PERFORMED BY EACH SPOUSE DURING COHABITATION

Generally, § 13:8

"HABITUALLY RESIDENT," DEFINITION

Generally, § 2:4

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

I. 1. C. : t. \$ 12.0

Indefinite support, § 12:9

Jurisdiction to grant relief, § 12:2

Relationship to permanent support, § 12:6

JOINT CUSTODY

Generally, § 5:136, § 5:146 to § 5:147 Communication and cooperation, § 5:139 to § 5:144

Decision-making authority, § 5:138 Interim, § 5:145
Primary residency/care, § 5:137
Status quo, § 5:159

JURISDICTION

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

Child habitually resident outside of Canada, § 2:24

determine parenting orders or consent orders, § 2:27

Constitutional issues, § 10:4

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 other issues, § 2:7

Exercise of jurisdiction by judge, § 2:29 "Habitual resident," § 2:4

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

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 § 2:16, § 10:2

LEGAL ADVISOR

Definition, § 1:5 Duties, § 3:14, § 4:58 to § 4:60

LEGAL EFFECT OF DIVORCE THROUGHOUT CANADA

Generally, § 4:86

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

NESTING ORDERS

Generally, § 5:161

ORDER ASSIGNEE, DEFINITION

Generally, § 1:5

PARALLEL PARENTING

Corollary proceedings, § 5:141

PARAMOUNTCY

Generally, § 10:4

PARENTING ORDER

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

Definition, § 1:5

PARENTING PLANS

See also best interests of child; custody and access

Proposed, § 5:127

PARENTING TIME

Definition, § 1:5

Person deemed to have, § 8:20

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

PRIOR ORDERS, JUDGEMENTS AND WRITTEN AGREEMENTS, EFFECT OF

Child's receipt of income or benefits8213child's own income, § 5:55

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

Child's repudiation of parent-child relationship

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

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

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, DEFINITION

Generally, § 1:5

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**

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

RETROACTIVE CHILD SUPPORT —Cont'd

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

RETROACTIVE VARIATION OF CHILD SUPPORT

Generally, § 5:236
See also retroactive child support

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
Parenting or contact order, § 5:246

SEXUAL PRACTICES

Generally, § 4:57

SHARED PARENTING

Generally, § 5:148 Denied, § 5:150 Ordered, § 5:149

SOLE CUSTODY

Generally, § 5:130 to § 5:131 Final order, § 5:134 to § 5:135 Temporary, § 5:132 to § 5:133

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

See variation of child support

SPECIFIED EVENT, SUPPORT UNTIL

Generally, § 15:6

SPLIT CUSTODY

Generally, § 5:160

SPOUSAL SUPPORT

Appeals, § 6:27
Application of statutes, § 9:4
Constitutional issues, § 10:4
Delay in application as a defence, § 12:7
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 relat-

ing 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

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

enforcement, § 8:8 to § 8:9, § 8:28

support, § 8:14

SPOUSAL SUPPORT—Cont'd SUPPORT APPLICATION, DELAY IN Grounds for entitlement, § 9:5—Cont'd BRINGING Method of payment—Cont'd Genarally, § 17:6 lump sum—Cont'd SUPPORT ORDER periodic sums, in addition to, Definition, § 1:5 § 15:22 Obligation of payor's estate, § 15:27 refusal of awards, § 15:21 Support after termination of support Miscellaneous, § 15:25 order, § 15:5 Nominal awards, § 17:11 Support for definite period, § 15:3 Objectives to order for Support for indefinite period, § 15:4 generally, § 14:1 TERMINATION OF SUPPORT ORDER. economic advantages or disadvan-SUPPORT AFTER tages arising from marriage or its breakdown, § 14:2 Generally, § 15:5 economic hardship of spouses arising TERM-LIMITED OR INDEFINITE from breakdown of marriage, SPOUSAL SUPPORT ORDER § 14:4 Generally, § 15:3 to § 15:5 financial consequences arising from the care of any child of the mar-TERMS AND CONDITIONS riage, § 14:3 Generally, § 15:1 promotion of economic self-suffi-Retroactive spousal support, § 15:2 ciency, § 14:5 Specific awards of support Obligation of payor's estate, as, designating beneficiary, § 15:12 § 15:26 fluctuating awards, § 15:7 Orders, § 7:65 to § 7:68 indexed awards, § 15:8 Parties. § 11:1 interest on support award, § 15:13 Pension amounts, § 17:9 maintaining benefits, § 15:14 Periodic support—payment secured matrimonial home, § 15:9 against payor's property, § 15:17, other, § 15:16 § 15:18 provisional awards, § 15:15 Refusal of awards, § 15:21 remarriage or common-law marriage, Relationship between child support, § 15:10 § 17:7 support orders binding against estates, Term-limited or indefinite order for § 15:11 support after termination of support Support order, § 15:5 after termination of order, § 15:5 support for an indefinite period, definite period, for, § 15:3 § 15:4 indefinite period, for, § 15:4 support for definite period, § 15:3 Support until specified event, § 15:6 support until specified event, § 15:6 Terms and conditions for, § 15:2 TERMS AND CONDITIONS OF SPOUSAL SUPPORT ORDER "To secure or pay," § 15:24 See spousal support Transfer of pension, § 17:9 TRANSITIONAL PROVISIONS SPOUSAL SUPPORT ORDER, Generally, § 8:5 DEFINITION Commencement, § 8:32 Generally, § 1:5 Orders previously made, variation and

SPOUSE, DEFINITION

Generally, § 1:5

TRANSITIONAL PROVISIONS VARIATION AND REVIEW—Cont'd —Cont'd Payor's circumstances, change in, § 18:12 Person deemed to have contact order. —Cont'd § 8:21 other, § 18:22 Person deemed to have parenting and payor voluntarily reducing own decision-making responsibility, income, § 18:19 § 8:20 remarriage, § 18:15 Provisional, § 8:30 retirement, § 18:17 Relationship between Divorce Act and VARIATION AND REVIEW provincial legislation, § 18:5 Generally, § 18:3 to § 18:4 Retroactive variation of support orders Change in circumstances generally, § 18:44 proving change, onus of, § 18:10 arrears, § 18:45 when order may be made, § 18:9 delay inducing belief arrears would not Consent orders for support, § 18:49 be enforced, § 18:46 Default in payment in variation applicatax credits, § 18:47 tion, effect of, § 18:43 Review proceedings, § 18:57 Delay in enforcement, § 18:8 Section 17 provisions, § 18:1 to § 18:2 Factors for variation of spousal support Suspension of support payments, § 18:50 order, § 18:7 Variation and rescission of support orders, Facts known at time of order, § 18:11 § 18:54 to § 18:55 Foreign divorces, § 18:56 Variation ordered Interference with parenting time rights. generally, § 18:35 § 18:48 after support for limited term expires, Interim orders, § 18:33 § 18:36 pending variation, § 18:34 discharge of security, § 18:41 Jurisdiction to override spousal support gradual phasing out, § 18:38 provisions of agreements, § 18:51 lump sum awards, § 18:39 Objectives of order, § 18:6 add, § 18:40 Order incorporating spousal support promode of payment, change of, § 18:37 visions of agreements, § 18:52 support order binding payor's estate, Order to dismiss or terminate support, § 18:42 § 18:53 Payee's circumstances, change in, § 18:23 VARIATION OF CHILD SUPPORT cohabiting, § 18:25 Generally, § 5:216, § 5:218 disabled, § 18:29 Cases decided before enactment of The inflation, § 18:24 Federal Child support Guidelines, other, § 18:32 § 5:243 Pavee no longer has primary Change in circumstances responsibility for children, § 18:27 access provisions not followed, § 5:225 Property awards to Payee, § 18:28 amount includes determination based remarriage, § 18:26 on applicable table, § 5:220 squandering assets, § 18:31 amount not based on a table, § 5:221 welfare, on, § 18:30 children and post-secondary education, Payor's circumstances, change in, § 18:12 § 5:223 bankruptcy, § 18:13 children earning or otherwise receiving cohabiting, § 18:14 income, § 5:224 deceased, § 18:20 child withdrawing from parental control, § 5:226 future contingencies, § 18:16 orders before May 1997, § 5:222 involuntary loss of or reduction in income, § 18:18 payee's income, change in, § 5:233

VARIATION OF CHILD SUPPORT —Cont'd

Change in circumstances—Cont'd 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 conduct affecting children, § 5:262

VARIATION OF CUSTODY AND ACCESS AWARDS—Cont'd

Change in circumstances—Cont'd 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, § 1:33, § 5:215

VARIATION PROCEEDING, DEFINITION

Generally, § 1:5