

INDEX

References are to section/rule numbers of the Acts, Regulations and Rules included in this work. Adoption Information Disclosure, AID; Arbitration Act, 1991, AA; Arbitration Act, 1991 Regulation, AAR; Administrative Calculation and Recalculation of Child Support, ACRCS; Bankruptcy and Insolvency Act, BIA; Canada Evidence Act, CEA; Change of Name Act, CNA; Child Support Guidelines (Ontario), CSG; Child, Youth and Family Services Act, 2017, CYFSA; Children's Law Reform Act, CLRA; Children's Law Reform Act Regulation — Custody Claims by Non-Parents, CLRAR; Civil Marriage Act, CMA; Cost of Living Adjustments Methods of Calculation Regulation, CLA; Court of Justice Act, CJA; Creditors' Relief Act, CRA; Criminal Code, CC; Disclosure of Adoption Information, DAIR; Divorce Act, DA; Election of Surviving Spouse Regulation, ESSR; Evidence Act, EA; Family Law Act, FLA; Family Law Rules, FLR; Family Law Rules — Formal Requirements of the Child Protection Continuing Record, FRCPCR; Family Orders and Agreements Enforcement Assistance Act, FOAEAA; Family Responsibility and Support Arrears Enforcement Act, FRSAEA; Family Support Orders and Agreements Garnishment Regulations, FSOAGR; Federal Child Support Guidelines, FCSG; Fees Charged by Director Regulation, FDR; Garnishment, Attachment and Pension Diversion Act, GAPDA; Income Tax Act, ITA; Intercountry Adoption Act, 1998, IAA; Interjurisdictional Support Orders Act, ISO; Interjurisdictional Support Orders Reciprocating Jurisdiction Regulation, ISORJR; Marriage (Prohibited Degrees) Act, MPDA; Marriage Act, MA; Marriage Act General Regulation, MAR; Partition Act, PA; Pension Benefits Act, PBA; Pension Benefits Act Family Law Matters Regulation, PBAFLMR; Pension Benefits Division Act, PBDA; Pooled Registered Pension Plans Act, 2015, PRPPA; Release of Information for Family Orders and Agreements Enforcement Regulations, IFOAR; Rules of Civil Procedure, RCP; Recommended Standard Terms for Support Orders Regulation, RSTSOR; Statutory Powers Procedure Act, SPPA; Succession Law Reform Act, SLRA; Vital Statistics Act, VSA.

A

Abduction

- defence, CC, ss. 284, 285
- Hague convention, CLRA, s. 46, Sched.
- no defence, CC, s. 286
- offence of, CC, ss. 282, 283

Absconding Debtor

- arrest, of, FLA, s. 43(1); FRSAEA, ss. 40, 49
- bail, FLA, s. 43(2)

Access, *see* Custody

Access Right

- defined, FOAEAA, s. 2

Admission of Facts, FLR, r. 22

Adoption

- access, termination, CYFSA, s. 191(1)
- adopted child, defined, CYFSA, s. 217(1)
- appeals, CYFSA, s. 215
- applicant a minor, CYFSA, s. 200
- change of name, CYFSA, s. 206

Index

Adoption (*cont'd*)

- confidentiality and disclosure of records, CYFSA, ss. 221, 222, 227, 294; VSA, ss. 48.1–48.7; DAIR, ss. 1–3
- consents, CYFSA, ss. 180–182
 - copy of consent, FLR, r. 34(13)
 - independent legal advice, FLR, r. 34(10)–(12)
 - motion to withdraw consent, FLR, r. 34(14)
- definitions, CYFSA, s. 179
- Director
 - notice to, CYFSA, s. 193
 - review by, CYFSA, ss. 192, 193(3)
 - statement by, CYFSA, s. 202
- disclosure of records, *see* confidentiality and disclosure of records
- foreign
 - effect of, CYFSA, s. 218
- First Nations, Inuk or Métis child, CYFSA, ss. 186, 187
- hearing, CYFSA, s. 204
 - interim orders, CYFSA, s. 213
 - place of, CYFSA, s. 203
 - power of court, CYFSA, s. 205
 - participation of adult, CYFSA, s. 205(4)
 - participation of child, CYFSA, s. 205(3)
 - successive adoption orders, CYFSA, s. 214
- homestudy, CYFSA, ss. 189, 190
- injunction, CYFSA, s. 228
- interim order, CYFSA, s. 213
- international, *see* Intercountry Adoption Act, 1998
- legal representation of child, CYFSA, s. 211
- licence required to place child, CYFSA, s. 244
- limitation on placement by society, CYFSA, s. 184
 - material to be filed with adoption application, FLR, r. 34(4)–(8)
 - multiple adoptions of one person, AID, s. 16, DAIR, s. 2
 - notice to Director, CYFSA, s. 193
 - offences, CYFSA, ss. 240–242
 - openness applications, forms, FLR, r. 34(17)
 - openness agreements, CYFSA, s. 212
 - openness orders, CYFSA, ss. 194–198, 207–208
 - order, CYFSA, ss. 199, 200
 - child born in another province, state, jurisdiction, VSA, s. 30
 - effect of, CYFSA, s. 216
 - registration of, VSA, s. 28
 - placement for, CYFSA, s. 183
 - of child inside Canada, CYFSA, s. 188
 - of child outside Canada, CYFSA, s. 190(1)
 - planning, CYFSA, s. 185
 - procedure, FLR, r. 39
 - records, CYFSA, ss. 221, 222, 227, 294
 - regulations, CYFSA, ss. 339–349
 - relationships, maintenance of, CYFSA, s. 20
 - review by Director, CYFSA, ss. 192, 193(3)
 - status of adopted child, CYFSA, s. 217(2)–(6)

Adoption Information Disclosure

- access to copies of adoption orders, AID, s. 15
- adding names to register, AID, s. 7
- administration of register by MCSS custodian, AID, s. 4
- application, AID, s. 2
- death information, VSA, s. 48.13
- definitions, AID, s. 1
- designation of custodians, AID, s. 3

Index

- Adoption Information Disclosure (*cont'd*)
- disclosure of certified copy of adoption order, AID, s. 21
 - disclosure of information, AID, ss. 2, 14; VSA, ss. 48.1, 48.6, 48.7, DAIR, ss. 1, 2
 - disclosure of uncertified order, VSA, s. 48.1
 - disclosure re: out of province adoptions, AID, s. 10
 - disclosure to a birth parent, VSA, s. 48.2
 - disclosure to Department of Indian Affairs and Northern Development, AID, s. 17
 - disclosure to MCSS custodian, AID, s. 20
 - disclosure to officers and employees, AID, s. 24
 - disclosure to other jurisdiction, AID, s. 19
 - disclosure to PGT or estate trustee, AID, s. 18
 - disclosure under Vital Statistics Act, AID, s. 2
 - disclosure veto, VSA, s. 48.5
 - MCSS custodian, AID, s. 4
 - multiple adoptions of one person, AID, s. 16
 - notice, preferred manner of contact, VSA, ss. 48.3, 48.4
 - offences, VSA, s. 56.1
 - openness orders and agreements, AID, s. 22
 - register continued, AID, s. 6
 - register examinations and disclosure of information, AID, s. 8
 - request for information under Vital Statistics Act, AID, s. 12
 - requests for non-identifying information, AID, s. 9
 - request re severe illness, AID, s. 11
 - search by MCSS custodian, AID, s. 16
 - search for minor, AID, s. 13

- ServiceOntario, AID, s. 23
- ServiceOntario custodian, AID, s. 5

Amending Application, Answer or Reply, FLR, r. 11

Appeals

- abandoned, RCP, r. 61.14
- amendments, RCP, r. 61.08
- appeal of temporary order to Divisional Court, FLR, r. 38(13)
- appeal record, FLR, r. 38(6)–(7), (9)
- appeals governed by Family Law Rule, FLR, r. 38(1)
- appellant's factum, FLR, r. 38(6), (8), (9); RCP, r. 61.11
- books
 - • appeal, RCP, r. 61.10
 - • exhibit, RCP, r. 61.10.1
- commencement, RCP, r. 61.04
- Creditors' Relief Act, CRA, s. 16
- cross-appeals, RCP, rr. 61.07, 61.15
- delay, RCP, rr. 61.13, 61.13.0.1
- evidence, certificate or agreement re, RCP, r. 61.05
- failure to obtain order to continue appeal, RCP, r. 61.13.1
- from support order, FLA, s. 48
- interlocutory order, appeals from, RCP, r. 62
- interjurisdictional support orders, ISO, s. 40
- motion for leave
 - • divisional court, RCP, r. 61.03
 - • court of appeal, RCP, r. 61.03.1
- motions, generally, RCP, r. 61.16
- Ontario Court (Prov. Div.), from, repealed, September 15, 1999
- perfecting, RCP, r. 61.09
- procedure, RCP, r. 62.01
- respondent's factum, FLR, r. 38(9), (10); RCP, r. 61.12
- security for costs, RCP, r. 61.06

Index

Appeals (*cont'd*)

- stay, RCP, r. 63
- Superior Court of Justice, to, FLR, r. 38(2)

Applicant

- application, FLR, r. 2(1), 8
- defined, FLR, r. 2(1)

Arbitration

- advice, AA, s. 2.2(2)
- arbitral tribunal
 - composition of, AA, ss. 9–16
 - jurisdiction of, AA, ss. 17, 18
- arbitrator
 - qualifications, AAR, s. 3
- awards, AA, ss. 2.1(1), 33–42, 44
- appeal of, AA, s. 45(6), FLR, 38(46)
- claim relating to, FLR, 8(3.2)
- conduct of, AA, ss. 19–30
- conflict of laws, AA, s. 2.1(2), 32(1)
- contracting out, AA, s. 3
- costs, AA, s. 54
- court intervention, AA, ss. 6–8
- definitions, AA, s. 1, FLR, 8(1.1), (1.2), 32.1
- enforcement, FLA, s. 59.8, FLR, 8(1.1), (1.2), 32.1
- family arbitration, AA ss. 1–4, FLA ss. 51, 59.1–59.8, O. Reg. 134/07
- fees and expenses, AA, s. 55, 56
- financial statement exception, FLR, s. 13(1.4)
- interest, AA, s. 57
- limitation periods, AA, s. 52
- motion, FLR s. 14(24)
- records of family arbitrations, AAR, s. 4
- remedies, AA, ss. 45–50.1
- secondary arbitration, FLA, s. 59.7
- standard provisions, AAR, s. 2
- termination of, AA, s. 43
- third-party processes, AA, s. 2.2(1)

Automatic Order, FLR, r. 8.0.1

B

Band

- defined, CYFSA, s. 2(1)

Bankruptcy and Insolvency Act,

- annulment of bankruptcy, BIA, s. 181
- arm's length, not at, BIA, s. 109(6), (7)
- assignments, precedence of, BIA, s. 70(1)
- claims
 - common law partner, by, BIA, s. 137(2)
 - family support, of, BIA, s. 121(4)
 - postponement of, BIA, s. 137(1)
 - priority of, BIA, s. 136
 - property in possession of bankrupt, of, BIA, s. 81
 - provable, BIA, s. 121
 - spouse, by, BIA, s. 137(2)
- common law partner, claims by, BIA, s. 137(2)
- definitions, BIA, ss. 2, 4
- discharge
 - bankrupt, of, BIA, s. 170(7)
 - debts not released, BIA, s. 178
 - granting of, BIA, s. 172
 - opposition to, BIA, s. 170(7)
 - refusal of, BIA, s. 172
 - trustee, of, BIA, ss. 40, 41
- family relationships, BIA, s. 4(3)
- family support claims, BIA, s. 121(4)
- mediation, BIA, s. 68(6)–(8)
- orders under, BIA, s. 68(10), (12)
- property
 - bankrupt, of, BIA, s. 67
 - persons claiming against, BIA, s. 81
- preferences, BIA, s. 95
- receiving orders, precedence of, BIA, s. 70(1)

Index

Bankruptcy and Insolvency Act, (*cont'd*)

- secured creditor realizing on, BIA, s. 69.3(2)
- set-off, BIA, s. 97(3)
- spouse, claims by, BIA, s. 137(2)
- stays, BIA, ss. 69.3(1), 69.4
- surplus income, BIA, s. 68
- trustees
 - • discharge of, BIA, ss. 40, 41
 - • • stays pending, BIA, s. 69.3(1)
 - • duties, BIA, s. 38
 - • powers, BIA, s. 38, 68(3)–(6)
 - • remuneration, BIA, s. 68(11)
 - • vesting of property, BIA, s. 71
 - • vote, family not entitled, BIA, s. 113(3)

Barriers to Religious Remarriage, DA, s. 21.1; FLA, s. 2(4), (5)**Beneficiaries**

- designation of beneficiaries of interest in funds or plans, SLRA, Part II

Best Interests

- adoption, CYFSA, s. 179(2)
- child protection, CYFSA, s. 74(3)
- custody, and, CLRA, s. 24
- domestic contract, and, FLA, s. 56(1)
- generally, CYFSA, s. 1

Birth

- adding forename to registration, VSA, s. 15
- birth certificate
 - • admissibility, VSA, s. 46
 - • contents, VSA, s. 43
 - • limit, VSA, s. 45.2
 - • who may obtain, VSA, ss. 44, 45
- certification, VSA, s. 9
- changing sex designation, VSA, s. 36
- child's name, VSA, s. 10
- continuing obligation and offence, VSA, s. 11

- guarantee required, VSA, s. 45.1
- notice, VSA, s. 8
- searches, VSA, s. 48
- still-births, VSA, s. 9.1

Bonds, Recognizances and Warrants, FLR, r. 32

- cancelling bond, FLR, r. 32(11)
- form of bond and other requirements, FLR, r. 32(2)
- form of warrant for arrest, FLR, r. 32(12)
- warrant to bring person to court, FLR, r. 32(1)

C**Case**

- defined, FLR, r. 2(1)
- starting a case, FLR, r. 8
 - • answering a case, FLR, r. 10
 - • claim for custody/access, FLR, r. 8(3.1), 10(4.1), 11(3.1), 15(5.1), 3
 - • filing an application, FLR, r. 8(1), (4)
 - • reply, FLR, r. 10(6)
 - • no answer, FLR, r. 10(5)
 - • service of application, FLR, r. 8(5)–(11)
 - • serving and filing answer, FLR, r. 10(1)
 - • withdrawing, combining or splitting cases, FLR, r. 12

Case Management

- associate judge (Family Court of Superior Court of Justice, Ottawa), by, FLR, r. 42
- case management judge, FLR, r. 33(2), 39(9), (10)
- Family Court of Superior Court of Justice, FLR, r. 1(3), 39
 - • fast track, FLR, r. 39(4)–(6)
 - • standard track, FLR, r. 39(7)–(8)
- Ontario Court of Justice, FLR, r. 1(4), 40

Index

Case Management (*cont'd*)

- practice directions, FLR, r. 1(11)
- Superior Court of Justice (other than Family Court), FLR, r. 41

Central Registry of Divorce Proceedings, DA, SOR/86-600

Change of Name, CNA, ss. 1–12.1; FLR, r. 35; VSA, ss. 31, 31.1

- access to records by Ministry of Solicitor General, CNA, s. 8(1.1)–(1.4)
- adoption, in, CYFSA, s. 206
- appeal to Ontario Court (Gen. Div.), CNA, s. 11
- application for change of name, CNA, s. 4; R.R.O. 1990, Reg. 68, s. 2
- • exception, confidential change, CNA, s. 4(1.1)
- application to change child's name, CNA, s. 5; R.R.O. 1990, Reg. 68, s. 3
- change, defined, CNA, s. 1
- check with Ministry of Solicitor General, CNA, s. 7.1
- confidentiality, when permitted, CNA, s. 8(2)
- definitions, CNA, s. 1
- exception for publishing notice of change of name, R.R.O. 1990, Reg. 68, s. 6
- fees, R.R.O. 1990, Reg. 68, s. 5
- offences, CNA, s. 12
- person's name, CNA, s. 2
- police records check, CNA, ss. 6(9), (10), (11), 7.1(3)
- procedure, CNA, s. 6
- • accompanying statement, R.R.O. 1990, Reg. 68, s. 4
- publication, registration and notice, CNA, s. 8
- Registrar General
- • duty, CNA, ss. 1.1, 7, 7.1
- • powers, CNA 12.1
- registration, name changed outside Ontario, VSA, s. 30.1

- regulations, CNA, s. 13
- revocation, CNA, s. 10
- substitution of new name, CNA, s. 9
- surname and forename, CNA, s. 2(3)
- transition, CNA, ss. 12.0.1, 12.0.2
- translation of prescribed documents, R.R.O. 1990, Reg. 68, s. 7

Child

- defined, CYFSA, s. 2(1); CLRA, s. 18(2); CNA, s. 1; FLA, s. 1(1); FLR, r. 2(1); IAA, s. 1(1); SLRA, ss. 1, 57
- name, VSA, s. 10
- obligation to support parent, FLA, s. 32

Child Abuse Register

- confidentiality of, CYFSA, s. 133(6)
- definitions, CYFSA, s. 133(1)
- Director, CYFSA, s. 133(2)
- duty of society, CYFSA, s. 133(3)
- establishment of, CYFSA, s. 113(5)
- protection from liability, CYFSA, s. 133(4)

Child and Family Service Authority

- defined, CYFSA, s. 74(5)

Child and Family Services Review

- Board, CYFSA, s. 333; IAA, s. 1(1)

Child Care Expenses

- tax consequences, ITA, s. 63

Child in Care

- defined, CYFSA, s. 2(1)

Child of the Marriage

- defined, DA, s. 2(1), (2)

Child Protection

- abuse
- • generally, CYFSA, s. 136
- • legal recovery because of, CYFSA, s. 138
- agencies
- • Children's Aid Societies, designation as, CYFSA, s. 34(1)

Index

- Child Protection (*cont'd*)
- alternative dispute resolution, CYFSA, s. 17
 - appeals, CYFSA, s. 121
 - best interests of child
 - defined, CYFSA, s. 74(3)
 - paramountcy, CYFSA, s. 1
 - child abuse register, CYFSA, ss. 133–134
 - child and family service authority defined, CYFSA, s. 74(5)
 - child defined, CYFSA, ss. 2(1), 74(1)
 - child in need of protection
 - best interest of child, defined, CYFSA, s. 74(3)
 - definition, CYFSA, s. 74(2)
 - child protection case, FLR, r. 2(1)
 - child protection worker, CYFSA, s. 74(1)
 - Children's Aid Society
 - accountability agreement, CYFSA, s. 41
 - compliance orders, CYFSA, s. 43
 - designation, CYFSA, s. 34(1)
 - director, appointment of, CYFSA, s. 38
 - directives, CYFSA, s. 42
 - duties, CYFSA, s. 35(1)
 - funding, CYFSA, s. 40
 - revocation of status, CYFSA, s. 44(3)
 - consents, capacity to, CYFSA, s. 21
 - continued care and support, CYFSA, s. 124
 - continuing record
 - formal requirements, FLR, r. 9(6.1); FRCPCR
 - customary care, CYFSA, s. 80
 - Director, powers of, CYFSA, s. 135
 - duty to report, CYFSA, ss. 125–128
 - Family Law Rules, FLR, r. 33
 - best interests of child, FLR, r. 33(3)
 - conference, FLR, r. 17
 - costs, FLR, r. 24(2)
 - forms for child protection cases, FLR, r. 33(7)
 - timetable, FLR, r. 33(1)
 - French language services, CYFSA, s. 16
 - foster care, definition, CYFSA, s. 2(1)
 - injunction, CYFSA, s. 143
 - interim and extended society care, CYFSA, ss. 109–112
 - legal representation of child, CYFSA, s. 78
 - Minister, powers of, CYFSA, ss. 44–46
 - notice, CYFSA, s. 79
 - offences, CYFSA, ss. 140–142
 - parent, defined, CYFSA, s. 74(1)
 - parties, CYFSA, s. 79
 - proceedings, commencing, CYFSA, ss. 81, 82
 - proceedings for declaration
 - access, CYFSA, ss. 104, 105
 - adjournments, CYFSA, s. 94
 - alternative dispute resolution, CYFSA, s. 95
 - appeals, CYFSA, s. 121
 - apprehension
 - child in care, CYFSA, s. 83
 - child under 12, CYFSA, s. 84
 - child, generally, CYFSA, s. 85
 - runaway child, CYFSA, s. 85
 - assessment, CYFSA, ss. 98–103
 - delay, CYFSA, s. 96
 - detention, CYFSA, s. 88
 - evidence, CYFSA, s. 93
 - hearing
 - generally, CYFSA, ss. 87, 90
 - in camera, CYFSA, s. 87(4)
 - jurisdiction, CYFSA, s. 91
 - legal representation, CYFSA, s. 78
 - native children, CYFSA, ss. 63(2), 65(1), 74(3), 342

Index

- Child Protection (*cont'd*)
 - • orders
 - • • excluding media, CYFSA, s. 87(5), (6)
 - • • expiry, CYFSA, s. 123
 - • • payment, CYFSA, s. 108
 - • • prohibiting publication, CYFSA, s. 87(6), (8)–(10)
 - • • reasons, CYFSA, s. 97
 - • • review, CYFSA, ss. 113–120
 - • • time limit, CYFSA, s. 122
 - parties and notice, CYFSA, s. 79
 - reasons, CYFSA, s. 97
 - regulations, CYFSA, s. 340
 - review team internal to Society, CYFSA, s. 129
 - right of entry, CYFSA, s. 86
 - right to examine child, CYFSA, s. 86(5)
 - setting a date, CYFSA, s. 96
 - transcript, CYFSA, s. 87(10)
 - witness, power to summon, CYFSA, s. 92
 - program supervisor, CYFSA, ss. 59–61
 - prohibition, CYFSA, s. 139
 - records, CYFSA, ss. 130–132
 - residential placement advisory committee, CYFSA, ss. 63–66
 - restraining order, CYFSA, s. 137
 - review teams, CYFSA, s. 129
 - rights of children in care, CYFSA, ss. 3–23
 - • society agreements with 16 and 17 year-olds, CYFSA, s. 77
 - • temporary care agreement, CYFSA, s. 75
 - • termination of agreements, CYFSA, s. 76
- Child Support Guidelines
 - amount
 - • children age of majority and older, CSG, s. 3(2); FCSG, s. 3(2)
 - • children under age of majority, CSG, s. 3(1); FCSG, s. 3(1)
 - • incomes over \$150,000, CSG, s. 4; FCSG, s. 4
 - • shared custody, CSG, s. 9; FCSG, s. 9
 - • split custody, CSG, s. 8; FCSG, s. 8
 - • spouse in place of parent, CSG, s. 5; FCSG, s. 5
 - • standards of living, comparison, CSG, s. 10(3),(4), Sched. II; FCSG, s. 10(3), (4), Sched. II
 - • undue hardship, CSG, s. 10; FCSG, s. 10
 - application, FLA, s. 33(11), CSG, s. 2(4); FCSG, s. 2(4)
 - defined, FLA, s. 1(1), FLA, r. 2(1)
 - definitions, FCSG, s. 2
 - dependant, defined, FLA, s. 29
 - deviations from
 - • consent orders, FLA, s. 33(14), 37(2.5)
 - • reasonable arrangements, FLA, s. 33(15), 37(2.6)
 - • special provisions, FLA, s. 33(12), 37(2.3)
 - domestic contracts, application to, FLA, s. 56(1.1)
 - financial disclosure obligation, CSG, ss. 21–25; FCSG, ss. 21–25
 - • annual obligation, CSG, s. 24.1
 - imputing income, CSG, s. 19; FCSG, s. 19
 - income determination, CSG, ss. 15–20, Sched. III; FCSG, ss. 15–20, Sched. III
 - medical and dental coverage, CSG, s. 6; FCSG, s. 6
 - objectives, CSG, s. 1; FCSG, s. 1
 - paternity agreements, application to, FLA, s. 56(1.1)
 - special or extraordinary expenses, ACRCs, s. 1; CSG, s. 7; FCSG, s. 7
 - tables, Ontario, CSG, Sched. I

Index

- Child Support Guidelines (*cont'd*)
- variation application, FLA, s. 37(2.1)–(2.6)
- Child Support under Divorce Act,** *see also* Child Support Guidelines
- consent orders, DA, s. 15.1(7)
 - guidelines
 - applicability, DA, s. 15.1(3)
 - establishment, DA, s. 26.1
 - order for child support, defined, DA, s. 26.1(3)
 - orders, DA, s. 15.1
 - form, FCSG, s. 11
 - information specified in, FCSG, s. 13
 - security, FCSG, s. 12
 - priority over spousal support, DA, s. 15.3
 - provincial child support service
 - *calculation of child support*, DA, s. 25.01
 - defined, DA, s. 2(1)
 - recalculation of child support, DA, s. 25.1
 - reasonable arrangements, DA, s. 11(1)(b)
 - reduction or termination, consequences, DA, s. 15.3(3)
 - tax consequences, ITA, ss. 56, 56.1, 60, 60.1
 - variation rescission or suspension, FCSG, s. 14; DA, s. 17
 - factors, DA, s. 17(4)
- Child Support under Family Law Act,** *see also* Child Support Guidelines
- calculation, ACRCS, ss. 2–10; FLA, s. 39
 - Child Support Guidelines, application of, FLA, s. 33(11)
 - domestic contract
 - filing with court, FLA, s. 35(1)
 - effect of, FLA, s. 35(2)
 - enforcement despite waiver, FLA, s. 35(4)
 - existing contracts and arrears, FLA, s. 35(5), (6)
 - setting aside, FLA, s. 35(3)
 - effect of divorce proceeding, FLA, s. 36
 - financial statement, FLA, s. 41
 - exceptions, FLA, s. 33(12)–(15)
 - order
 - adding party, FLA, s. 33(5), (6)
 - appeal, FLA, s. 48
 - applicants, FLA, s. 33(2), (3)
 - determination of amount, FLA, s. 33(9)
 - form, CSG, s. 11
 - generally, FLA, s. 33(1)
 - information specified in, CSG, s. 13
 - purposes, FLA, s. 33(7)
 - security, CSG, s. 12
 - parental obligation, FLA, s. 31
 - pledging credit for necessities, FLA, s. 45
 - powers of court, FLA, s. 34(1)
 - assignment of support, FLA, s. 34(3), (3.1)
 - indexing factor, FLA, s. 34(6)
 - indexing of support payments, FLA, s. 34(5)
 - limitation of jurisdiction of Ontario Court of Justice, FLA, s. 34(2)
 - support order binds estate, FLA, s. 34(4)
 - priority over spousal support, FLA, s. 38.1(1)
 - recalculation, ACRCS, ss. 11–22; FLA 39.1
 - reduction or termination, consequences, FLA, s. 38.1
 - restraining order, FLA, s. 40
 - variation, CSG, s. 14; FLA, s. 37

Index

Child, Youth and Family Services Act, 2017

- access order, CYFSA, s. 104
- adoption
 - adoption orders, CYFSA, ss. 199–211, 216–219
 - appeals, CYFSA, s. 215
 - confidentiality of adoption records, CYFSA, s. 227
 - consent, CYFSA, ss. 180–182
 - decision to refuse to place child, CYFSA, ss. 192, 193
 - decision to remove child after placement, CYFSA, ss. 192, 193
 - generally, CYFSA, O. Reg. 155/18, ss. 92–109, O. Reg. 157/18, ss. 28–40
 - injunction, CYFSA, s. 228
 - interim orders, CYFSA, ss. 213, 214
 - maintenance of relationships, CYFSA, s. 220
 - openness agreements, CYFSA, s. 212
 - openness orders, CYFSA, ss. 194–198
 - placement for adoption, CYFSA, ss. 183–191
 - records, confidentiality and disclosure, CYFSA, ss. 221–226
 - registration of placement, CYFSA, O. Reg. 156/18, ss. 66–68
 - regulations, CYFSA, s. 346
- adoption licensing
 - application for licence, CYFSA, O. Reg. 156/18, s. 76
 - delivery of licence and records, CYFSA, s. 238
 - generally, CYFSA, O. Reg. 155/18, ss. 110–112, O. Reg. 157/18, ss. 41–42
 - hearing by tribunal, CYFSA, ss. 233–237
 - injunctions, CYFSA, s. 239
 - offences, CYFSA, ss. 240–242
 - records, reports and files, CYFSA, O. Reg. 156/18, ss. 73–75
 - refusal and revocation, CYFSA, ss. 231, 232
 - regulations, CYFSA, s. 346
 - requirement for licence, CYFSA, ss. 229, 230
 - trust account, CYFSA, O. Reg. 156/18, s. 72
- alternative dispute resolution, alternative methods, CYFSA, O. Reg. 155/18, s. 3
- appeals, CYFSA, s. 121
- child abuse register, CYFSA, ss. 133–134, O. Reg. 156/18, ss. 33, 34
- Child and Family Services Review Board, CYFSA, s. 333
- child protection
 - access, CYFSA, ss. 104–107
 - appeals, CYFSA, s. 121
 - assessments, CYFSA, ss. 98–103, O. Reg. 155/18, ss. 34–36
 - bringing children to place of safety, CYFSA, ss. 83–86, O. Reg. 155/18, ss. 29–33, O. Reg. 156/18, ss. 45–47
 - child abuse register, CYFSA, ss. 133, 134
 - claim for recovery, CYFSA, s. 138
 - commencing proceedings, CYFSA, ss. 81, 82
 - continued care and support, CYFSA, s. 124, O. Reg. 156/18, ss. 53–55
 - custody order, CYFSA, s. 102
 - customary care, CYFSA, s. 80
 - duty to report, CYFSA, ss. 125–128
 - expiry of orders, CYFSA, ss. 122, 123
 - generally, CYFSA, O. Reg. 157/18, ss. 8–22
 - hearings and orders, CYFSA, ss. 87–97
 - injunction, CYFSA, s. 143
 - interim and extended society care, CYFSA, ss. 109–112

Index

- Child, Youth and Family Services Act, 2017 (*cont'd*)
- • legal representation of child, CYFSA, s. 78
 - • offences, CYFSA, ss. 136, 140–142.1
 - • order where child in need of protection, CYFSA, s. 101
 - • parties and notice, CYFSA, s. 79
 - • payment orders, CYFSA, s. 108
 - • powers of Director, CYFSA, s. 135
 - • prohibition, CYFSA, s. 139
 - • records, court-ordered access, CYFSA, ss. 130–132
 - • referrals, investigations and ongoing service, requirements, CYFSA, O. Reg. 156/18, ss. 30–32
 - • regulations, CYFSA, s. 343
 - • restraining order, CYFSA, s. 137
 - • review, CYFSA, ss. 113–120, O. Reg. 156/18, ss. 56–64
 - • review teams, CYFSA, s. 129
 - • society's plan for child, CYFSA, s. 100
 - • voluntary agreements, CYFSA, ss. 75–77
 - children's aid societies, CYFSA, ss. 34–39
 - • budgets and accountability agreements, CYFSA, O. Reg. 156/18, ss. 12–16
 - • directives and compliance orders, CYFSA, ss. 42, 43
 - • financial records, CYFSA, O. Reg. 156/18, ss. 9–11
 - • services provided, CYFSA, O. Reg. 156/18, ss. 48–52
 - • staff qualifications, CYFSA, O. Reg. 156/18, ss. 17, 18
 - custody order, CYFSA, s. 102
 - Custody Review Board, CYFSA, ss. 151, 152, O. Reg. 155/18, ss. 56, 57
 - definitions, CYFSA, ss. 2, 24, 62, 74, 144, 157, 179
 - expiry of orders, CYFSA, ss. 122, 123
 - extraordinary measures
 - • commitment to secure treatment, CYFSA, ss. 161–166
 - • emergency admission, CYFSA, s. 171
 - • extension of period of commitment, CYFSA, s. 167
 - • forms, CYFSA, O. Reg. 156/18, s. 65
 - • police assistance, CYFSA, s. 172
 - • Professional Advisory Board, CYFSA, ss. 171–178
 - • psychotropic drugs, CYFSA, s. 176, O. Reg. 155/18, s. 91
 - • regulations, CYFSA, s. 345
 - • release by administrator, CYFSA, s. 168
 - • review of commitment, CYFSA, ss. 169–170
 - • secure de-escalation, CYFSA, ss. 173–175, O. Reg. 155/18, ss. 85–90
 - • secure treatment programs, CYFSA, ss. 158–160, O. Reg. 155/18, ss. 74–84
 - family and community placement, CYFSA, O. Reg. 156/18, ss. 38–44
 - First Nations, Inuit and Métis adoptions, CYFSA, ss. 186, 187, 197
 - First Nations, Inuit and Métis child and family services
 - • agreements with bands and communities, CYFSA, s. 69
 - • child protection, CYFSA, O. Reg. 155/18, ss. 54–55
 - • consultation, CYFSA, ss. 72, 73, O. Reg. 156/18, ss. 23–29
 - • designation of child and family service authority, CYFSA, s. 70
 - • determination of band or community with which child identifies, CYFSA, O. Reg. 156/18, ss. 21, 22
 - • list of communities, CYFSA, O. Reg. 159/18
 - • regulations, CYFSA, s. 68, 342

Index

- Child, Youth and Family Services Act, 2017 (*cont'd*)
 - • subsidy, CYFSA, s. 71
 - funding and accountability
 - • agreements, CYFSA, ss. 40, 41
 - • appointments and delegations, CYFSA, ss. 53–55
 - • children's aid societies, CYFSA, s. 34–39
 - • compliance orders, CYFSA, ss. 33, 43
 - • directives, CYFSA, ss. 32, 42
 - • funding, CYFSA, ss. 25–31
 - • generally, CYFSA, O. Reg. 157/18, ss. 1–7
 - • inspections by program supervisor, CYFSA, ss. 59–61
 - • Minister's powers, CYFSA, ss. 44–46
 - • offences, CYFSA, s. 67
 - • regulations, CYFSA, s. 341
 - • reports and information, CYFSA, ss. 56–58
 - • residential placement advisory committee, review by, CYFSA, ss. 62–66
 - • restructuring, CYFSA, ss. 47–52
 - Lieutenant Governor in Council
 - • general matters under authority, CYFSA, O. Reg. 155/18
 - • regulations, CYFSA, ss. 339–349
 - payment orders, CYFSA, s. 108
 - police record checks, CYFSA, ss. 334, 335
 - purposes of Act, CYFSA, s. 1
 - regulations, CYFSA, ss. 339–349
 - removal to offer voluntary services, CYFSA, s. 77.1
 - residential licensing
 - • amount charged by licensee, CYFSA, s. 268
 - • appeals, CYFSA, s. 267
 - • application, CYFSA, O. Reg. 155/18, s. 113, O. Reg. 156/18, s. 80
 - • ceasing to operate, CYFSA, ss. 269, 270
 - • fees, CYFSA, O. Reg. 155/18, s. 114
 - • financial matters and insurance, CYFSA, O. Reg. 156/18, ss. 115, 116
 - • foster homes, CYFSA, O. Reg. 156/18, ss. 118–124, 125–132, 133–136
 - • hearings by tribunal, CYFSA, ss. 265, 266
 - • injunction, CYFSA, s. 272
 - • inspections, CYFSA, ss. 273–279
 - • licences, CYFSA, ss. 254–264
 - • occupation by Minister, CYFSA, s. 271
 - • offences, CYFSA, s. 280
 - • operation of children's residence, CYFSA, O. Reg. 156/18, ss. 81–114
 - • protective measures, CYFSA, ss. 244–253
 - • records and reporting requirements, CYFSA, O. Reg. 156/18, ss. 137–141
 - • regulations, CYFSA, s. 347
 - • residential care not in residence or foster homes, CYFSA, O. Reg. 156/18, s. 117
 - • review of Act, CYFSA, ss. 336–338
 - • rights of children and young persons
 - • alternative dispute resolution, CYFSA, s. 17, O. Reg. 155/18, s. 3
 - • complaints, CYFSA, s. 18, O. Reg. 155/18, ss. 22–23
 - • consent and voluntary services, CYFSA, ss. 21–23
 - • in care, CYFSA, ss. 8–14, O. Reg. 155/18, s. 4
 - • mechanical restraint, CYFSA, O. Reg. 155/18, s. 21
 - • physical restraint, CYFSA, O. Reg. 155/18, ss. 10–20
 - • receiving services, CYFSA, ss. 3–7

Index

- Child, Youth and Family Services Act, 2017 (*cont'd*)
- • regulations, CYFSA, s. 340
 - • review, CYFSA, ss. 19, 20
 - • services providers' duties, CYFSA, ss. 15, 16
 - service providers, CYFSA, O. Reg. 156/18, ss. 3–8, 19–20
 - • collection, use and disclosure of personal information by, CYFSA, ss. 285–294, O. Reg. 191/18
 - status review, CYFSA, s. 113
 - warrants, telewarrants, information, CYFSA, O. Reg. 156/18, ss. 35–37
 - youth justice
 - • appointments by Minister, CYFSA, s. 146
 - • apprehension when absent without permission, CYFSA, s. 153
 - • custody, CYFSA, ss. 149–150
 - • Custody Review Board, CYFSA, ss. 151–152
 - • generally, CYFSA, O. Reg. 157/18, ss. 23–27
 - • inspections and investigations, CYFSA, s. 154
 - • mechanical restraints, CYFSA, s. 156, O. Reg. 155/18, ss. 58–66
 - • programs, CYFSA, s. 145
 - • regulations, CYFSA, s. 344
 - • reports and information, CYFSA, s. 147
 - • searches, CYFSA, s. 155, O. Reg. 155/18, ss. 67–73
 - • temporary detention, CYFSA, s. 148

Children's Law Reform Act

- custody, access and guardianship
- • custody and access, CLRA, ss. 20–27
- • • assistance to court, CLRA, ss. 30–33
- • • enforcement, CLRA, ss. 34–39
- • • extra-provincial matters, CLRA, ss. 40–46

- • • orders, CLRA, ss. 28–29
- • definitions, CLRA, s. 18
- • guardianship, CLRA, ss. 47–58
- • procedure, CLRA, ss. 62–75
- • property, disposition of, CLRA, ss. 59–60
- • purposes, CLRA, s. 19
- • testamentary custody and guardianship, CLRA, s. 61
- parentage, establishment of, CLRA, ss. 1–17

Children's Lawyer

- representation of parent under 18, CYFSA, s. 78(5)

Children's Residence

- defined, CYFSA, s. 243
- licence required to operate
- • appeal of decision regarding, CYFSA, s. 267
- • delivery up to Minister upon revocation, CYFSA, s. 269
- • generally, CYFSA, s. 244
- • hearing by tribunal, CYFSA, ss. 233–237
- • injunction where activity carried on without licence, CYFSA, s. 272
- • provisional suspension, CYFSA, s. 236
- • refusal to renew or revocation, CYFSA, ss. 232, 233, 269, 270
- • regulations, CYFSA, s. 347
- • review of terms and conditions, CYFSA, s. 234
- occupation by Minister, CYFSA, s. 271
- removal of children where licence revoked, CYFSA, s. 270

Children with Mental Disorders, *see* Secure Treatment Programmes**Church**

- defined, MA, s. 1(1)

Index

Claims

- common law partner, by, BIA, s. 137(2)
- family support, of, BIA, s. 121(4)
- postponement of, BIA, s. 137(1)
- priority of, BIA, s. 136
- property in possession of bankrupt, of, BIA, s. 81
- provable, BIA, s. 121
- spouse, by, BIA, s. 137(2)

Clerk

- defined, FLR, r. 2

Cohabit

- defined, FLA, s. 1(1); SLRA, s. 57
- pledging for necessities, during, FLA, s. 45

Cohabitation Agreement

- defined, FLA, s. 51

Collusion

- defined, DA, s. 11(4)

Common Law

- amendments to, *see* Family Law Act, amendments to common law

Conferences, FLR, r. 17

- briefs, FLR, r. 17(13)–(14.1)
- convention on protection of children and co-operation in respect of intercountry adoption, IAA, Sched. , *see also* Intercountry Adoption Act, 1998
- orders at conference, FLR, r. 17(8)
- purposes, FLR, r. 17(4)–(6)
- requirement to bring documents to, FLR, r. 17(14.2)
- with non-judge, FLR, rr. 17(9), (9.1)

Confirming Court

- defined, FLR, r. 37.1(1)

Conflict of Laws, FLA, s. 15

Contact Orders

- best interests of the child, DA, s. 16
- contents, DA, s. 16.5(5)

- defined, DA, s. 2(1)
- interim order, DA, s. 16.5(2)
- jurisdiction to make, DA, ss. 6.1, 16.5(1)
- parenting plan to be included, DA, s. 16.6
- recognition of foreign order varying, DA, s. 22.1
- variation, DA, ss. 16.5(9), 17(1), 17(2.2), 17(5), 17(5.1)

Contempt Orders, FLA, s. 49; FLR, r. 31; FRSAEA, s. 12.1

- custody, and, CLRA, s. 38

Continuing Record

- cases started before January 1, 2007, FLR, rr. 9(22)–(23)
- child protection continuing record, FLR, r. 9(4)
- formal requirements, FLR, r. 9(6.1)
- contents, case conference, FLR, rr. 17(20)–(22.2)
- defined, FLR, r. 2(1)
- documents in record, FLR, rr. 9(15)–(16)
- duty to maintain, FLR, r. 9(11)
- formal requirements, FLR, rr. 9(6), (6.1)
- how created, FLR, r. 9(1)
- separate records, FLR, r. 9(7)
- combining separated records, FLR, rr. 9(8)–(10)
- service of documents, FLR, rr. 9(12)–(13)
- support enforcement continuing record, FLR, r. 9(3)
- transfer, FLR, r. 9(20)

Corollary Relief Proceeding

- defined, DA, s. 2(1)

Costs

- adjourned conference, FLR, r. 17(18)
- costs caused by fault of lawyer or agent, FLR, r. 24(9)

Index

Costs (*cont'd*)

- expenses, payment of, FLR, r. 24(17)
- factors in costs, FLR, r. 24(11)
- offers to settle, FLR, r. 18(11), (14)–(16)
- order for security of costs, FLR, r. 24(13)–(17)

Court

- defined, CLRA, s. 18(1); CNA, s. 1; CYFSA, ss. 2(1), 222(1), 294(1); DA, s. 2(1); FLA, ss. 1(1), 4(1), 17; FLR, r. 2(1); FRSAEA, s. 8; SLRA, s. 57, FOAEAA, s. 2; PA, s. 1
- guide to scheduling, 1

Credit

- pledging for necessities, FLA, s. 45

Criminal Code

- abduction, CC, ss. 282, RSC1985cC46 283
- • defence, CC, ss. 284, 285
- • no defence, CC, s. 286
- disobeying order of court, CC, s. 127
- passport, false statement, CC, s. 57(2)

Custody

- abduction
- • convention on civil aspects of, international, CLRA, s. 46
- address information, for, CLRA, s. 39
- adoption and access, CYFSA, s. 191
- • affidavit in support of, FLR, r. 35.1(2)
- • • CAS report, FLR, r. 35.1(5)
- • • police records check, FLR, r. 35.1(3)
- application for, FLA, s. 47
- • delay, CLRA, s. 26
- best interests, CLRA, s. 24
- child protection proceedings and access, CYFSA, ss. 104, 105
- • restriction on access order, CYFSA, s. 107

- • review of access order made concurrently with custody order, CYFSA, s. 106
- claims by non-parents, CLRAR
- • applications, CLRA, s. 21.3
- • CAS report, request for, FLR, r. 35.1(5); CLRA, s. 21.2; CLRAR, s. 2
- • • excluded files, CLRAR, s. 3
- • • scope of report, CLRAR, s. 3
- • police records check, FLR, r. 35.1(3); CLRA, s. 21.1; CLRAR, s. 1
- conduct, past, CLRA, s. 24(3)
- contempt orders, CLRA, s. 38
- court powers, interim, CLRA, s. 40
- custody provision
- • defined, FOAEAA, s. 2
- decision-making responsibility, defined, DA, s. 2(1)
- Divorce Act, and, DA, s. 16
- • effect of, CLRA, s. 27
- evidence, further required outside Ontario, CLRA, s. 32
- extra-provincial order, CLRA, s. 41
- foreign law, CLRA, s. 45
- generally, CLRA, s. 20
- harm, serious, CLRA, s. 23
- jurisdiction, court to exercise, CLRA, s. 22
- • abduction, CLRA, s. 22(3)
- • habitual residence, CLRA, s. 22(2)
- locating and apprehension of child, CLRA, s. 36
- mediation, CLRA, s. 31
- needs of child, assessment, CLRA, s. 30
- order
- • contact order, defined, DA, s. 2(1)
- • defined, FRSAEA, s. 1(1)
- • extra-provincial, CLRA, s. 41
- • • true copy of, CLRA, s. 44
- • generally, CLRA, ss. 28, 29
- • superseding

Index

- Custody (*cont'd*)
 - • • material change, CLRA, s. 42
 - • • serious harm, CLRA, s. 43
 - referral to court, CLRA, s. 33
 - removal, unlawful, CLRA, s. 37
 - restraining order, CLRA, s. 35
 - supervision of, CLRA, s. 34
 - testamentary, by, CLRA, s. 61

- D**

- Damages**
 - dependants' claim for, *see* Family Law Act, dependants' claim for damages
 - prenatal injuries, FLA, s. 66
- Debtor**
 - defined, FOAEAA, s. 62; GAPDA, s. 2
- Default Hearing**, FLR, r. 30
 - defined, FLR, r. 2(1)
- Dependant**
 - child support, *see* child support under Family Law Act; child support under Divorce Act; child support guidelines
 - defined, FLA, s. 29; SLRA, s. 57
 - support of, SLRA, Part V
- Director**, *see also* Family Responsibility and Support Arrears Enforcement Act; Intercountry Adoption Act, 1998
 - defined, FLR, r. 34(1); FRSAEA, s. 1(1)
- Diversion of Pension Benefits**
 - amount of diversion
 - • annual statement, filing of, GAPDA, s. 37(3), (4)
 - • errors in amount paid, GAPDA, s. 42
 - • less than \$10 per month, GAPDA, s. 43
 - • lump sum and periodic order vs. lump sum pension, GAPDA, s. 40
 - • lump sum and periodic order vs. periodic pension, GAPDA, s. 38
 - • lump sum order vs. periodic pension, GAPDA, s. 37
 - • periodic order vs. lump sum pension, GAPDA, s. 39
 - • rules governing, GAPDA, s. 36
 - • variation of, GAPDA, s. 41
 - applicant not domiciled in Canada, GAPDA, s. 36(e)–(g)
 - applicant under age 18, GAPDA, s. 33(4)
 - application for, GAPDA, ss. 33(1), (2)
 - arrears, GAPDA, s. 40.1
 - benefit not payable immediately, GAPDA, s. 35.1
 - change of domicile of recipient, s. 35(2)
 - commencement of, GAPDA, s. 33(3)
 - conditions for, GAPDA, s. 35
 - death of recipient, GAPDA, s. 44
 - information on manner of applying, GAPDA, s. 47
 - notification of recipient, GAPDA, s. 34
 - order, effect of, GAPDA, s. 35.2
 - provision of information, GAPDA, s. 35.3
 - termination of, GAPDA, s. 41
- Divorce**, FLR, r. 36
 - affidavit evidence, FLR, r. 36(5)
 - allegation of adultery, FLR, r. 36(3)
 - application, FLR, r. 36(1)
 - bars to, DA, s. 11
 - central divorce registry certificate, FLR, r. 36(4)
 - Central Registry of Divorce Proceedings, DA, SOR/86-600
 - certificate, VSA, s. 32
 - child support, and, DA, s. 15.1, 17
 - collusion, DA, s. 11(1)(a), (4)
 - condonation, DA, s. 11(1)(c), (3)
 - custody, and, DA, s. 16
 - date of, effective, DA, s. 12
 - divorce certificate, FLR, r. 36(8)
 - draft divorce order, FLR, r. 36(6)
 - duties

Index

Divorce (*cont'd*)

- • court, DA, ss. 7.8, 10, 11
- • legal adviser, DA, s. 2(1)
- • parties to proceeding
 - • • best interests of child, DA, s. 7.1
 - • • certification, DA, s. 7.6
 - • • comply with orders, DA, s. 7.5
 - • • family dispute resolution process
 - • • • defined, DA, s. 2(1)
 - • • • preferred method, DA, s. 7.3
 - • • information to be complete, accurate, up-to-date, DA, s. 7.4
 - • • protection of children from conflict, DA, s. 7.2
- electronic filing of application, FLR, rr. 36(6.0.1), 36(6.1), 36(6.3)
- where not available, FLR, rr. 36(6.2), 36(6.2.1)
- family law commissioner, reference to, repealed, Sept. 15, 1999
- Family Law Rules
 - • splitting divorce from other issues, FLR, r. 12(6)
- foreign recognized, DA, s. 22
- grounds, DA, s. 8
- joint application, FLR, r. 36(2)
- jurisdiction, and, DA, ss. 3–7
- marriage certificate required, FLR, r. 36(4)
- non-resident spouses, CMA, ss. 7–11
- proceeding
 - • defined, DA, s. 2(1)
 - • means of presenting submissions, DA, s. 23.1
- reconciliation, DA, s. 10
- registration of divorce order made outside Ontario, FLR, r. 36(9)
- revival, DA, s. 11(2)
- summary judgment, FLR, r. 16(2)–(3)
- support, and, DA, ss. 17–19

Divorce Act

- amendments, consequential, DA, ss. 28–31
- appeal under, DA, s. 21
- assignment of support order, DA, s. 20.1
- child support guidelines, DA, s. 26.1
- child support order, DA, ss. 15.1, 17
- commencement of, DA, s. 36
- custody, effect of divorce proceedings, DA, s. 27
- custody, under, DA, s. 16
- definitions, DA, s. 2
- evidence, provincial laws apply, DA, s. 23
- fees, and, DA, s. 27
- foreign divorces recognized, DA, s. 22
- legal effect of, DA, s. 13
 - • marriage dissolved, DA, s. 14
- non-resident spouses and, CMA, s. 8
- orders
 - • assignment, DA, s. 20.1
 - • legal effect, DA, s. 20
- provisional order, DA, s. 18
- transmission of, DA, s. 19
- regulations, and, DA, s. 26
- rules, and, DA, s. 25
- spousal support under, DA, ss. 15.2, 17
- transitional provisions, DA, ss. 32–35

Document Disclosure, FLR, r. 19

Domestic Agreements, *see* Domestic Contracts

Domestic Contracts

- application of Act to existing contracts, FLA, s. 60
- barriers to remarriage, FLA, s. 56(5), (6)
- best interest of child, FLA, s. 56(1)
- chastity, FLA, s. 56(2), (3)
- Child Support Guidelines, applicable to, FLA, s. 56(1.1)
- defined, FLA, ss. 1(1), 51

Index

- Domestic Contracts (*cont'd*)
 - donors of gifts, rights, FLA, s. 57
 - form of, FLA, s. 55
 - proper law exceptions, FLA, s. 58
 - setting aside, FLA, ss. 33(4), 56(4)

Domicile

- minor, of, FLA, s. 67

Driver's Licence Suspension

- agreement to avoid provisions of Act, FRSAEA, s. 39
- direction to suspend, FRSAEA, s. 37
- enforcement of support mechanism, as, FRSAEA, Part V
- first notice, FRSAEA, s. 34
- order to refrain from, FRSAEA, s. 35, Reg. 167/97, s. 13.1
- reinstatement, FRSAEA, s. 38
- second notice, FRSAEA, s. 36
- service of notice, FRSAEA, Reg. 167/97, s. 17.1

E

Enforcement

- defined, FLR, r. 2(1)
- Intervention orders, DVPA ss. 3(6), 4(6)

Evidence

- affidavit or other method, FLR, r. 23(20)–(22)
- business records, EA, s. 35
- child protection proceedings, CYFSA, s. 93
- expert witness
 - • duty of, FLR, r. 20.1
- husbands and wives
 - • communications made during marriage, EA, s. 11, CEA, s. 4(3)
 - • competence and compellability, EA, s. 8(1), CEA, s. 4
 - • sexual intercourse, testimony as to, EA, s. 8(2)

- proceedings in consequence of adultery, EA, s. 10
- reading answers into evidence, FLR, r. 23(13)–(17)
- reciprocating support orders, RESOA, s. 16
- summons to witness, FLR, r. 23(3)–(12)
- trial record, FLR, r. 23(1)–(2)
- witness
 - • attendance, EA, s. 19
 - • under 14
 - • • capacity challenged, CEA, s. 16(4)–(5)
 - • • competency challenged, EA, s. 18.1
 - • • corroboration not required, EA, s. 18.2
 - • • presumed capacity to testify, CEA, s. 16(1)–(3)
 - • under 18
 - • • cross-examination, EA, s. 18.6
 - • • screen, use of, EA, s. 18.4
 - • • support person present, EA, s. 18.5
 - • • videotaped testimony, EA, s. 18.3

Extra-Provincial

- garnishment, recognized, FRSAEA, s. 9
- order
 - • custody, CLRA, s. 41
 - • true copy of, CLRA, s. 44
- order, defined, CLRA, s. 18(1)
- tribunal
 - • custody, evidence, request for, RCP, r. 70.14
 - • defined, CLRA, s. 18(1)

F

Family Court

- children's lawyer, CJA, s. 89
- report, CJA, s. 12
- composition, CJA, s. 21.2
- defined, CJA, s. 21.1

Index

- Family Court (*cont'd*)
- orders, CJA, s. 21.12
 - proceedings, CJA, s. 21.8
 - rules committee, CJA, s. 67
 - transition, CJA, s. 21.3
- Family Law Act**
- absconding debtor, *see* Absconding Debtor
 - amendments to common law by
 - actions between parent and child, FLA, s. 65
 - capacity of married person, FLA, s. 64(2), (3)
 - domicile of minor, FLA, s. 67
 - recovery for prenatal injuries, FLA, s. 66
 - unity of legal personality abolished, FLA, s. 64(1), (3)
 - application of Part II of Act, FLA, s. 70(2)
 - application of ss. 5-8 of Act, FLA, s. 70(1)
 - cohabitation agreement, *see* Domestic Contracts
 - definitions, FLA, s. 1(1)
 - dependants' claim for damages
 - assessment of an insurance, FLA, s. 63
 - contributory negligence, FLA, s. 61(3)
 - in case of injury, FLA, s. 61(2)
 - limitation period, FLA, s. 61(4)
 - offer to settle for global sum, FLA, s. 62(1)
 - apportionment, FLA, s. 62(2)
 - payment before apportionment, FLA, s. 62(3)
 - postponement of payment, FLA, s. 62(4)
 - right to sue in tort, FLA, s. 61(1)
 - domestic contracts or agreements, *see* Domestic Contracts
 - child support, *see* Child Support Guidelines; Child Support under Family Law Act
 - family property, *see* Property
 - limitation period for spousal or same-sex partner support application, FLA, s. 50
 - matrimonial home, *see also* Matrimonial Home
 - defined, FLA, s. 4(1)
 - mediation
 - admissions in course of, FLA, s. 3(6)
 - appointment of mediator, FLA, s. 3(1)
 - consent to act as mediator, FLA, s. 3(2)
 - duty of mediator, FLA, s. 3(3)
 - fees and expenses of mediator, FLA, s. 3(7), (8)
 - full or limited report, FLA, s. 3(4)
 - filing and copies of, FLA, s. 3(5)
 - polygamous marriages, FLA, s. 1(2)
 - orders, registration of, FLA, s. 2(11)
 - procedural matters
 - Act subject to contracts, FLA, s. 2(10)
 - all proceedings in one court, FLA, s. 2(2)
 - applications in Ontario Court (Gen. Div.), FLA, s. 2(3)
 - extension of time, FLA, s. 2(8)
 - incorporation of contract in order, FLA, s. 2(9)
 - removal of barriers to remarriage, FLA, s. 2(4), (5), (6), (7)
 - staying of application, FLA, s. 2(1)
 - property, *see* Property
 - purpose and objects, FLA, preamble
 - regulations, FLA, s. 69
 - spousal support, *see* Support Obligations
 - support, *see* Support Obligations

Index

Family Law Commissioner

- reference to, repealed, Sept. 15, 1999

Family Orders and Agreements Enforcement Assistance Act

- information search, FOAEAA, s. 15, IFOAR, ss. 3–6
- licence denial under, FOAEAA, ss. 62–82
 - application, FOAEAA, ss. 67, 68
 - determination whether debtor holds licence, FOAEAA, s. 69
 - no appeal permitted, FOAEAA, s. 71
 - refusal to issue licence, FOAEAA, s. 70
 - suspension and non-renewal, FOAEAA, s. 69(2)
 - termination of licence denial, FOAEAA, s. 72–74
- offences under, FOAEAA, ss. 63–65, 76, 80–82
- regulations under, FOAEAA, ss. 22, 61, 78

Family Provision

- defined, FOAEAA, s. 2

Family Responsibility and Support Arrears Enforcement Act

- complementary amendments to other statutes, FRSAEA, s. 65–72
- default hearing, FRSAEA, s. 41
- Director of Family Responsibility Office
 - access to information, FRSAEA, s. 54
 - application of support payments, FRSAEA, s. 57, Reg. 167/97, s. 19
 - appointment, FRSAEA, s. 2
 - assignment of powers, FRSAEA, s. 4
 - ceasing enforcement, FRSAEA, s. 8
 - Crown, service of documents on, FRSAEA, Reg. 167/97, s. 18
 - defined, FLR, r. 2(1); FRSAEA, s. 1(1)
 - discretion, FRSAEA, ss. 8.1, 8.1.1
 - duty, FRSAEA, s. 5

- exclusive enforcement by, FRSAEA, s. 6(7)
- fees, FRSAEA, s. 58
- payments pending court decisions, FRSAEA, s. 56
- powers, FRSAEA, s. 6
- protection from personal liability, FRSAEA, s. 59
- service of documents by, FRSAEA, s. 17
- service of documents on, FRSAEA, s. 16
- enforcement
 - alternatives, FRSAEA, ss. 6(6), 40–42
 - ceasing by director, FRSAEA, s. 8
 - delegation, FRSAEA, s. 3
 - refusal by director, FRSAEA, s. 7
- federal-provincial agreements, FRSAEA, s. 55
- offences and penalties, FRSAEA, ss. 51–53
- regulations, FRSAEA, s. 63
- solicitor acting on person's behalf, FRSAEA, s. 60
- statute binding Crown, FRSAEA, s. 62

Family Violence

- defined, DA, s. 2(1)

Federal-Provincial Agreements

- contents, FOAEAA, s. 4
- general, FOAEAA, ss. 3–6
- pension plans, regarding, FOAEAA, s. 6
- provincial enforcement services, FOAEAA, s. 5

File

- defined, CNA, s. 1; FLR, r. 2(1)

Final Order

- defined, FLR, r. 2(1)

Financial Administration Act, FOAEAA, ss. 49, 50, 51; GAPDA, s. 4

Index

Financial Disclosure

- Family Law Rules
- • additional required
- • • claim under Family Law Act, Part 1, FLR, r. 13(3.3)
- • • motion to change support, FLR, r. 13(5.0.1)
- • • other property claims, FLR, r. 13(3.4)
- • • support claim, FLR, rr. 13(3.1), (3.2)
- • application, answer, reply or motion, FLR, r. 13(1)
- • custody cases, FLR, r. 13(3)
- • documents not required to be filed, FLR, r. 13(7.1)
- • exception, arbitration, FLR, r. 13(1.4)
- • insufficient financial information, FLR, r. 13(11)
- • motion form, FLR, r. 13(11.1)
- • motion to change support, FLR, r. 13(4)
- • motion to refrain, FLR, r. 13(5.1)
- • net family properties, comparison of
 - • • joint, FLR, r. 13(14.2)
 - • • separate, FLR, r. 13(14.3)
- • net family property statement, FLR, r. 13(14)
- • none required by consent
- • • spousal support in divorce, FLR, r. 13(8)
- • notices of assessment required, FLR, r. 13(7)
- • omissions, duty to address, FLR, r. 13(16)
- • order if document not provided, FLR, r. 13(17)
- • other obligations continue to apply, FLR, r. 13(18)
- • questioning on financial statements, FLR, r. 13(13)
- • requirement to certify, FLR, r. 13(5.0.2)

- • updating financial statements, FLR, rr. 13(12)–(12.2), (15)

Financial Information

- requiring financial information, FLR, r. 27
- • financial examination, FLR, r. 27(11)–(22)

Financial Statements

- enforcement mechanism, as, FRSAEA, s. 40, Reg. 167/97, ss. 14, 15
- • application, answer, reply or motion, FLR, r. 13(1)
- • custody cases, FLR, r. 13(3)
- • exception, arbitration, FLR, r. 13(1.4)
- • full disclosure, FLR, r. 13(6)
- • income tax returns, FLR, r. 13(7.1)
- • motion to change support, FLR, r. 13(4)
- • motion to refrain, FLR, r. 13(5.1)
- • net family property statement, FLR, r. 13(14)
- • none required by consent
- • • spousal support in divorce, FLR, r. 13(8)
- • notices of assessment required, FLR, r. 13(7)
- • questioning on financial statements, FLR, r. 13(13)
- • updating financial statements, FLR, r. 13(12)–(12.2), (15)
- support, and, FLA, s. 41

Foster Care

- definitions, CYFSA, s. 2(1)

G

Garnishee Summons

- defined, GAPDA, ss. 4, 16
- time period for response, GAPDA, s. 10
- when service effective, GAPDA, ss. 6(2), 18(2)

Index

Garnishment

- Canadian Forces, moneys payable to, GAPDA, s. 15
- defined, GAPDA, s. 2
- Family Law Rules, FLR, r. 29
- federal moneys
 - administrative procedures, FOAEAA, ss. 36–40
 - applicable acts, FSOAGR, s. 3
 - application, FSOAGR, s. 5, Sch. I
 - Crown corporations, applicability to, GAPDA, s. 14
 - discharge of liability, FOAEAA, s. 44; GAPDA, ss. 11(3), 11(3.1), 23(3)
 - disentitlement prohibited, FOAEAA, s. 56
 - dismissal of debtor prohibited, FOAEAA, s. 57; GAPDA, s. 30
 - documents, service of, FOAEAA, ss. 32–34; GAPDA, ss. 7, 18, 19
 - fees, FSOAGR, ss. 10–12
 - garnishee summons, effect of service, FOAEAA, ss. 28, 29
 - garnishee summons of continuing effect, FOAEAA, s. 30
 - Garnishment, Attachment and Pension Diversion Act, priority of, FOAEAA, s. 55
 - Her Majesty, of, FOAEAA, s. 24; GAPDA, ss. 3, 5
 - no longer bound, FOAEAA, s. 30
 - period not bound, FSOAGR, s. 6
 - inconsistency with provincial law, GAPDA, s. 27
 - information regarding garnishment proceedings, availability to public, GAPDA, ss. 13, 25
 - limitation period for response, FSOAGR, s. 8
 - location of garnishable moneys, FOAEAA, s. 27
 - moneys bound by service of summons, GAPDA, s. 8
 - multiple summonses, FOAEAA, s. 53
 - notice to debtor, FOAEAA, s. 45, FSOAGR, s. 9, Sch. II
 - order of priority, FSOAGR, s. 4, GAPDA, ss. 27.1, 27.2
 - parliamentary entities
 - defined, GAPDA, s. 2
 - definitions, GAPDA, s. 16
 - garnishment of salaries, remuneration, GAPDA, s. 17
 - moneys bound by service of summons, GAPDA, s. 21
 - response to summons, GAPDA, ss. 22, 23
 - service, GAPDA, ss. 18, 19
 - priority of Her Majesty over other creditors, FOAEAA, s. 52
 - processing fee, FOAEAA, ss. 58–60
 - provincial garnishment law, application of, FOAEAA, ss. 25, 26
 - recovery of excess payments, FOAEAA, ss. 49–51; GAPDA, ss. 11(4), 11(5), 23(4)
 - response to garnishee summons, FOAEAA, ss. 41–43; GAPDA, ss. 10, 11, 22, 23
 - salaries, remuneration, of, GAPDA, ss. 5, 6, 17, 18
 - service of documents, FSOAGR, s. 7

Garnishment, Attachment and Pension Diversion Act

- offences under, GAPDA, ss. 45, 51
- regulations under, GAPDA, ss. 12, 14(3), 24, 29, 46

Guardianship

- appointment, CLRA, s. 47
- criteria, CLRA, s. 49
- effect of, CLRA, s. 50
- parents as, CLRA, ss. 48, 55(2)
- registry for, CLRA, s. 58
- removal of, CLRA, s. 57
- responsibility for

Index

Guardianship (*cont'd*)

- • money, CLRA, ss. 51–56
- • property, CLRA, ss. 51–56
- testamentary, by, CLRA, s. 61

Guidelines for Child Support, *see* Child Support under Divorce Act, DA

H

Hague Convention on the Civil Aspects of International Child Abduction, *see* Abduction; Intercountry Adoption Act, 1998

Husbands and Wives

- communications made during marriage, EA, s. 11, CEA, s. 4(3)
- competence and compellability, EA, s. 8(1), CEA, s. 4
- sexual intercourse, testimony as to, EA, s. 8(2)

I

Income Source

- confidentiality of information re payor, FRSAEA, s. 29
- defined, FRSAEA, ss. 1(1), (2)
- disputes re, FRSAEA, s. 26
- duty to deduct, FRSAEA, s. 22
- maximum deduction by, FRSAEA, s. 23
- notice of support deduction order to, FRSAEA, s. 20
- payment interruption, duty to inform, FRSAEA, s. 25, Reg. 167/97, ss. 9–10

Income Tax Consequences

- child care expenses, ITA, s. 63
- support, ITA, ss. 56, 56.1, 60, 60.1

Indian

- defined, MA, s. 1(1)

Indian and Native Child and Family Services

- agreements with bands and native communities, CYFSA, s. 69

- child and family service authority
- • provision of services, CYFSA, s. 70(2)
- • designation, CYFSA, s. 70(1)
- consultation in specified cases, CYFSA, s. 73
- consultation with bands and native communities, CYFSA, s. 72
- customary care
- • defined, CYFSA, s. 2(1)
- • subsidy for, CYFSA, s. 71
- native communities, designated, CYFSA, s. 68
- regulation, CYFSA, s. 342

Information Bank Director

- defined, FOAEAA, s. 2

Information Banks, *see also* Release of Information for Enforcement Purposes

- designated, FOAEAA, SOR/87-315, s. 3
- information that may be released, FOAEAA, s. 16
- name changes for security purposes, FOAEAA, s. 21
- new information, FOAEAA, s. 19.1
- release of information, FOAEAA, ss. 18, 19.1, 20, 62, SOR/87-315
- request to directors, FOAEAA, s. 17
- transmission of information to Minister, FOAEAA, s. 19
- search, generally, FOAEAA, s. 15, SOR/87-315, s. 6

Intercountry Adoption Act, 1998

- Child, Youth and Family Services Act, 2017, and, IAA, s. 22
- conflict with other Acts, IAA, s. 23
- convention on protection of children and cooperation in respect of intercountry adoption
- • central authorities and accredited bodies, IAA, Sched. c. III
- • • assignment of functions of, IAA, O. Reg. 200/99, s. 3

Index

- Intercountry Adoption Act, 1998 (*cont'd*)
 - • defined, IAA, s. 1(1)
 - • generally, IAA, Sched. cc. VI, VII
 - • implementation of
 - • • central authority, IAA, s. 4, O. Reg. 200/99, ss. 1, 2
 - • • conflict between convention and Ontario law, IAA, s. 3(2)
 - • • convention is law, IAA, s. 3(1)
 - • • entry into force, IAA, s. 2(2)
 - • • request for convention, IAA, s. 2(1)
 - • procedural requirements, IAA, Sched. c. IV
 - • recognition and effect of adoption, IAA, Sched. c. V
 - • requirements for intercountry adoption, IAA, Sched. c. II
 - • scope of, IAA, Sched. art. 1
 - definitions, IAA, s. 1(1)
 - exemption from Act and regulations, IAA, O. Reg. 200/99, s. 13.1
 - interpretation, IAA, s. 1(2)
 - licensing and hearings
 - • appeals, IAA
 - • • generally, IAA, s. 16(1)
 - • • Minister entitled to be heard at, IAA, s. 16(3)
 - • application of procedural sections on provisional suspension, IAA, s. 14(4)
 - • carrying out of proposal, IAA, s. 11(3)
 - • conditions of licence, IAA, s. 8.1
 - • continuation of licence pending renewal, IAA, s. 13(3)
 - • delivery of licence and records, IAA, s. 18
 - • directions on extension of time, IAA, s. 13(2)
 - • discussion of subject matter of hearing, IAA, s. 15(3)
 - • examination of documentary evidence and reports, IAA, s. 15(5)
 - • extension of time for request for hearing, IAA, s. 13(1)
 - • independent legal advice for tribunal, IAA, s. 15(4)
 - • inspection, powers of Director
 - • • application of CYFSA, IAA, s. 17(4)
 - • • generally, IAA, s. 17(1)
 - • • identification, IAA, s. 17(3)
 - • • limitation, IAA, s. 17(2)
 - • • power of entry, IAA, O. Reg. 200/99, s. 13
 - • issuance of licence, IAA, s. 8(2)
 - • • application form, IAA, O. Reg. 200/99, s. 9(1)
 - • • contents of application, IAA, O. Reg. 200/99, s. 9(2)
 - • • expiry of, IAA, O. Reg. 200/99, s. 9(4)
 - • • fee, IAA, O. Reg. 200/99, s. 9(3)
 - • non-transferability of, IAA, s. 8(5)
 - • notice of proposal to refuse to issue or renew or to revoke licence, IAA, s. 11(1)
 - • notice of provisional suspension, IAA, s. 14(2)
 - • only tribunal members at hearing to participate in decision, IAA, s. 15(7), (8)
 - • parties to hearings, IAA, s. 15(1)
 - • persons authorised to facilitate intercountry adoption, IAA, s. 8(1)
 - • • “facilitate” defined, IAA, O. Reg. 200/99, s. 5
 - • powers of tribunal if hearing required, IAA, s. 11
 - • powers of tribunal on review of licence conditions, IAA, s. 12(2)
 - • prior involvement of tribunal member, IAA, s. 15(2)
 - • provisional licence, IAA, s. 8(4)
 - • provisional suspension of licence, IAA, s. 14(1)

Index

- Intercountry Adoption Act, 1998 (*cont'd*)
 - • recording of evidence, IAA, s. 15(6)
 - • record to be filed on appeal, IAA, s. 16(2)
 - • refusal to issue licence, IAA, s. 9
 - • refusal to renew licence, IAA, s. 10
 - • renewal of licence, IAA, s. 8(3)
 - • revocation of licence, IAA, s. 10
 - • right to hearing, IAA, s. 11(2)
 - • tribunal review of licence conditions, IAA, s. 12(1)
 - • time for final decision, IAA, s. 15(9)
 - • time of receipt of licence, IAA, s. 12(3)
 - • when provisional suspension takes effect, IAA, s. 14(3)
 - non-application of certain statutes to Act, IAA, s. 21
 - offences
 - • no payments for intercountry adoption, IAA, s. 19
 - • • permitted fees for expenses, IAA, O. Reg. 200/99, ss. 6–8
 - • penalties, IAA, s. 20
 - records and reports, IAA, O. Reg. 200/99, ss. 10–12
 - regulations, IAA, s. 24
 - requirements of intercountry adoption
 - • application, homestudy and approval, IAA, s. 5(1)
 - • • application of other procedural sections, IAA, s. 5(7)
 - • • application to director, IAA, s. 5(2)
 - • • notice, IAA, s. 5(5)
 - • • review by Director, IAA, s. 5(4)
 - • • right to hearing, IAA, s. 5(6)
 - • • who to make homestudy, IAA, s. 5(3)
 - • request of foreign authority, IAA, s. 6(1)
 - • • application of other procedural sections, IAA, s. 6(5)
 - • • notice to parties, IAA, s. 6(3)
 - • • review by Director, IAA, s. 6(2)
 - • • right to hearing, IAA, s. 6(4)
 - • sharing information, IAA, s. 7
 - • • prescribed bodies, IAA, O. Reg. 200/99, s. 4
 - transition, IAA, s. 25
- Interjurisdiction Support Orders Act, 2002**
 - appeals, ISO, s. 40
 - application
 - • provisional variation order, ISO, ss. 31–38
 - • submission to designated authority, ISO, s. 6
 - • definitions, ISO, s. 1
 - • designated authority, appointment, ISO, s. 41
 - foreign currency, ISO, s. 44
 - orders, ISO, s. 14, FLR, r. 37
 - claimant in Ontario, ISO, ss. 5–7
 - claimant outside Ontario, ISO, ss. 8–16
 - provisional, ISO, s. 7
 - receipt of, ISO, s. 18
 - registration of, ISO, s. 19
 - sent to reciprocating jurisdiction, ISO, s. 16
 - temporary, ISO, s. 11(3)
 - variation of, ISO, ss. 24–39
 - parentage in issue, ISO, s. 12
 - provisional order, ISO, s. 7
 - reciprocating jurisdiction
 - • defined, ISO, s. 1, ISORJR, s. 1
 - • judicial notice of law in, ISO, s. 47
 - • provisional order, ISO, s. 7(3)
 - • registration and enforcement orders, ISO, ss. 17–21
 - • regulations, ISO, s. 52
 - • sending order to, ISO, s. 16
 - • variation in, ISO, ss. 25, 30

Index

Interjurisdictional Support Orders Act, 2002 (*cont'd*)

- registration of order, ISO, s. 19
- • effect of setting aside, ISO, s. 21
- • notice of, ISO, s. 20
- subrogation, ISO, s. 45
- variation, ISO, ss. 25, 27, 29, 39

Intestate Succession, SLRA, Part II

- application, SLRA, s. 49
- issue, SLRA, s. 47
- preferential share, SLRA, s. 45
- residue, SLRA, s. 46
- separated spouses, non-application of intestacy rules, SLRA, s. 43.1

Intrusive Procedures

- defined, CYFSA, s. 157

Issue

- defined, SLRA, s. 1

Issuer

- defined, MA, s. 1(1)

J

Judge

- defined, CRA, s. 1(1)
- defined, MA, s. 1(1)

L

Letters Probate

- defined, SLRA, s. 57

Licence

- defined, MA, s. 1(1); FOAEAA, s. 62; IAA, s. 1(1)
- denial or suspension, FOAEAA ss. 62–78, SOR/97-180 [repealed]; IAA, ss. 8–18

M

Marriage

- authority to enter, MA, s. 4
- banns, publication of, MA, s. 17

- • prohibited, MA, s. 18
- beliefs, freedom of expression of, CMA, s. 3.1
- capacity, CMA, s. 2
- certificate, VSA, s. 43(3)
- civil, CMA, ss. 1–13; MA, s. 24
- conscience, freedom of, CMA, s. 3.1
- consent, dispensing with, MA, s. 6
- dissolution of former, MA, s. 8
- Indians, and, MA, s. 17
- licence
 - • issuance, MA, s. 11
 - • • documents required, MA, s. 14
 - • • evidence for, MA, s. 12
 - • record of, MA, s. 13
- minister, MA, s. 33.1
- non-resident spouses
 - • competent authority, CMA, s. 12
 - • court defined, CMA, s. 6
 - • dissolution of, CMA, ss. 5(3), 6–12
 - • divorce, CMA, ss. 7–11
 - • Divorce Act, applicability of, CMA, s. 8
 - • generally, CMA, ss. 5–12
 - • order dissolving, CMA, s. 5(3)
 - • regulations, CMA, s. 13
- persons born outside marriage, SLRA, s. 1(3)
- polygamous marriages, FLA, s. 1(2)
- prohibited degrees, MA, s. 19; MPDA, s. 2
- religion, freedom of, CMA, s. 3.1
- religious officials, CMA, s. 3
- remarriage
 - • death, presumption of, MA, s. 9
 - • • divorce, proof of, MA, ss. 8(2), (2.1)
 - • removal of barriers to, DA, s. 21.1; FLA, ss. 2(4), (5), 56(5), (6)
- solemnization of, MA, s. 20
- good faith, in, MA, ss. 30, 31

Marriage (*cont'd*)

- parties to be present, MA, s. 25
- registration, MA, ss. 21–23, 28, 29
- waiting period, MA, s. 27
- void or voidable, whether, CMA, s. 4; MPDA, s. 3(2)
- who may enter, MA, s. 5

Marriage Act

- forms, MAR, ss. 1–3
- penalties, MA, s. 35
- regulations, MA, s. 34
- repeal, MPDA, s. 5

Marriage Certificate

- contents, VSA, s. 43(3)
- divorce trial, required, RCP, r. 69.18

Marriage Contract

- defined, FLA, s. 51
- interpretation of, FLA, s. 70(3)
- terms, FLA, s. 52

Maternity, *see* Parentage**Matrimonial Home**

- alienation of, FLA, s. 21
- powers of court respecting, FLA, s. 23
- defined, FLA, ss. 4(1), 18
- designation of, FLA, s. 20
- joint tenancy, FLA, s. 26
- possession, FLA, s. 19
- order for, FLA, s. 24
- variation of, FLA, s. 25
- redemption, right to, FLA, s. 22
- registration of order, FLA, s. 27

Mediation, *see* Bankruptcy and Insolvency Act, mediation; Family Law Act, mediation**Mental disorder**

- defined, CYFSA, s. 157

Minor

- domicile of, FLA, s. 67

Motions, FLR, r. 14**Motions to Change an Order or Agreement**, FLR, r. 15

- Child Support Guidelines, change not in accordance with, FLR, r. 15(21)
- financial disclosure, FLR, r. 15(21.1)
- response or consent, FLR, r. 15(9)–(10), (16)–(19)
- service on assignee, FLR, r. 15(11)–(13)

N**Nearest Relative**

- defined, CYFSA, s. 21(1)

Net Amount

- defined, FRSAEA, s. 23(5)

Net Family Property

- defined, FLA, s. 4(1), 4(1.1)

Non-profit Agency

- defined, CYFSA, s. 229(7)

Non-Resident Spouses

- certificate, CMA, ss. 9(2), 9(3)
- competent authority, CMA, s. 12
- court defined, CMA, s. 6
- dissolution of marriage
- effect of divorce, CMA, s. 11
- order for, CMA, s. 5(3)
- generally, CMA, ss. 6–12
- divorce, CMA, ss. 7–11
- Divorce Act, applicability of, CMA, s. 8
- effective date, CMA, s. 9(1)
- legal effect, CMA, s. 10
- regulations re, CMA, s. 13

O**Offers to Settle**, FLR, r. 18

- defined, FLR, r. 18(1)

Order, FLR, r. 25

- conduct, FLA, ss. 13.1, 25.1
- defined, FOAEAA, s. 2

Index

- Order (*cont'd*)
- effect at trial, FLR, rr. 1(7.3), (7.4)
 - enforcement, FLR, r. 26
 - • other orders, FLR, r. 26(4)
 - • payment orders, FLR, r. 26(3)
 - interjurisdictional support, ISO, s. 14
 - • provisional, ISO, s. 7
 - • receipt of, ISO, s. 18
 - • registration of, ISO, s. 19
 - • sent to reciprocating jurisdiction, ISO, s. 16
 - • temporary, ISO, s. 11(3)
 - • variation of, ISO, ss. 24–39
 - made at any time, FLR, r. 1(7.1)
 - procedural, FLR, r. 1(7.2)
 - restraining, FLA, s. 46, FLR, r. 25(11.1)–(11.2)

Originating Court

- defined, FLR, r. 37.1(1)

P

Parent

- actions between child and, FLA, s. 65
- defined, CYFSA, ss. 2(1), 74(1), 180(1); FLA, s. 1(1); SLRA, ss. 1, 57, CSG, s. 2(1)

Parent Model Residence

- defined, CYFSA, s. 243

Parentage

- acknowledgment against interest, CLRA, s. 17.1
- blood tests, CLRA, s. 17.2
- change of surname, CLRA, s. 17
- confidentiality, CLRA, s. 17.3
- court statement, CLRA, s. 17.4
- definitions, CLRA, s. 1
- documents, certified copies of, CLRA, s. 17.5
- extra-provincial orders, CLRA, s. 16

- registrar general, duties of, CLRA, s. 17.6
- rules of construction, CLRA, s. 2
- rules of parentage, CLRA, ss. 4–15
- • biological parent, CLRA, s. 7
- • birth parent, CLRA, s. 6
- • child of parents, CLRA, s. 4
- • declaration of, CLRA, ss. 13, 15
- • new evidence, CLRA, s. 14
- • posthumous conception, CLRA, s. 12
- • pre-conception parentage agreements, CLRA, s. 9
- • reproductive material, CLRA, s. 5
- • spouse of birth parent, CLRA, s. 8
- • surrogacy, CLRA, ss. 10, 11

Parenting Order

- application by person other than spouse, DA, s. 16.1(3)
- best interests of the child, DA, s. 16
- change in place of residence, DA, ss. 16.7, 16.8
- contents, DA, s. 16.1(4)
- court of competent jurisdiction to make, DA, s. 16.1(1)
- decision-making responsibility
- • allocation, DA, s. 16.3
- • defined, DA, s. 2(1)
- • entitlement to information, DA, s. 16.4
- defined, DA, s. 2(1)
- interim order, DA, s. 16.1(2)
- parenting plan to be included, DA, s. 16.6
- recognition of foreign order varying, DA, s. 22.1
- relocation
- • authorized, DA, s. 16.91
- • burden of proof, DA, s. 16.93
- • costs relating to exercise of parenting time, DA, s. 16.95
- • defined, DA, s. 2(1)

Index

Parenting Order (*cont'd*)

- • factors considered, DA, s. 16.92
- • interim order, DA, s. 16.94
- • notice, DA, ss. 16.9, 16.96, SOR/2020-249
- variation, DA, ss. 17(1), 17(2.1), 17(5), 17(5.1)

Parenting Time

- change in place of residence, DA, ss. 16.7, 16.8
- defined, DA, s. 2(1)
- relocation
 - • authorized, DA, s. 16.91
 - • burden of proof, DA, s. 16.93
 - • costs relating to exercise of parenting time, DA, s. 16.95
 - • defined, DA, s. 2(1)
 - • factors considered, DA, s. 16.92
 - • interim order, DA, s. 16.94
 - • notice, DA, ss. 16.9, 16.96, SOR/2020-249
- schedule, DA, s. 16.2

Partition and Sale

- appeals, PA, s. 7
- application, who may bring, PA, s. 3(1)
- commencement of proceedings, PA, s. 3(2)
- compensation to owners of estates in land, PA, s. 5(3)
- dower or curtesy rights in land, PA, s. 5
- guardian, appointment where landowner unheard of for three years, PA, s. 4
- person under disability, PA, s. 6
- who may be compelled to make, PA, s. 2

Parties, FLR, r. 7

- parties in cases involving children, FLR, r. 7(4)
- parties to conference, FLR, r. 17(13)–(17)

- persons who must be named as parties, FLR, r. 7(3)

Paternity, *see also* Parentage

Paternity Agreements, FLA, s. 59(1)

- absconding respondent, FLA, s. 59(2)
- • bail, FLA, s. 59(3)
- application of s. 59 to existing agreements, FLA, s. 59(5)
- capacity of minor, FLA, s. 59(4)
- Child Support Guidelines applicable to, FLA, s. 56(1.1)
- defined, FLA, s. 51
- support orders, and, FRSAEA, s. 3.8

Pay Period

- defined, GAPDA, ss. 4, 16

Payment Order

- defined, FLR, r. 2(1)

Payor

- defined, FLR, r. 2(1); FRSAEA, s. 1(1)
- disputes re support deduction order, FRSAEA, s. 27

Pension Benefits

- accrual of, PBA, s. 14.1
- agreements with designated jurisdictions, PBA, ss. 100, 101
- ancillary benefits, PBA, s. 40
- annual statement, PBA, s. 27
- appeals to court, PBA, s. 91
- application for division, PBDA, s. 4
- Chief Executive Officer's orders, PBA, ss. 87, 88
- commuted value, defined, PBA, s. 1
- contributions
 - • accrual, PBA, s. 58
 - • bond, PBA, s. 60
 - • collection of, PBA, s. 59
 - • commutation, PBA, s. 67
 - • contribution holidays, PBA, s. 55.1

Index

- Pension Benefits (*cont'd*)
- • duty to pay pension fund trustees, PBA, s. 56.1
 - • exemption, PBA, s. 66
 - • funding, PBA, s. 55
 - • investment of pension fund, PBA, s. 62
 - • locking in funds, PBA, ss. 63–67
 - • overpayments by employer, PBA, s. 62.1
 - • refunds, PBA, s. 63
 - • statement of employer's obligation, PBA, s. 61
 - • surrender, PBA, s. 67
 - • trust property, PBA, s. 57
 - • void transactions, PBA, s. 65
 - contributory benefit, defined, PBA, s. 1
 - deferred
 - • defined, PBA, s. 1
 - • entitlement, PBA, s. 38(4)
 - • exclusions, PBA, s. 39(5)
 - • general, PBA, s. 37
 - • inclusions, PBA, s. 39(6)
 - • past service, for, PBA, s. 36
 - • value, PBA, s. 39(1)
 - definitions, PBA, s. 1
 - defined contribution benefit, defined, PBA, s. 1
 - designated jurisdictions, agreements with, PBA, ss. 100, 101
 - disabled person, variation of amount, PBA, s. 49
 - division of, PBA, s. 67.4, PBDA, s. 8
 - • amounts transferred in error, PBDA, s. 10
 - • application for, PBAFLMR, s. 35, PBDA, s. 4
 - • approval/disapproval, PBDA, s. 7
 - • combining payments, PBAFLMR, s. 40
 - • Consolidated Revenue Fund, PBDA, s. 14
 - • court order, PBDA, s. 13
 - • deadline to begin payment, PBAFLMR, s. 37
 - • objection to division, PBDA, s. 6
 - • overview, PBAFLMR, s. 39
 - • restrictions on, PBA, s. 67.5; PBAFLMR, s. 36, PRPPA, s. 20
 - • void transactions, PBDA, s. 12
 - domestic contract requiring payment of, PBA, s. 51
 - employer, defined, PBA, s. 1
 - entitlement to surplus, PBA, s. 77.11
 - examinations, investigations and inquiries, PBA, s. 106
 - exemptions and special arrangements, PBA, ss. 102–102.3
 - extension of time, PBA, s. 105
 - family law matters, PBA, ss. 67.1–67.9
 - Financial Services Regulatory Authority of Ontario
 - • defined, PBA, s. 1(1)
 - • Minister's request for records and information, PBA, s. 115.3
 - • order to provide information to Chief Executive Officer, PBA, s. 98
 - • reciprocal agreements, PBA, s. 95
 - • research, PBA, s. 97
 - • rules, PBA, ss. 115.1, 115.2
 - • security, PBA, s. 99
 - former member, defined, PBA, s. 1
 - guarantee fund
 - • benefits, PBA, s. 84
 - • continuity, PBA, s. 82
 - • declaration, PBA, s. 83
 - • lien for payment out of, PBA, s. 86
 - • payments not guaranteed, PBA, s. 85
 - • review of provisions, PBA, s. 86.1
 - improvement of, PBA, s. 14.0.1
 - imputed value, PBA, s. 67.2(5)
 - defined benefits, PBAFLMR, s. 18

Index

- Pension Benefits (*cont'd*)
- • defined contribution, PBAFLMR, s. 19
 - • overview, PBAFLMR, s. 16
 - • spouse's survivor benefit, PBAFLMR, s. 20
 - • starting date, PBAFLMR, s. 17
 - inflation protection, PBA, s. 53
 - information for payment, PBA, s. 45
 - joint and survivor benefits
 - • defined, PBA, s. 1
 - • general, PBA, s. 44
 - • pre-retirement death benefit, PBA, s. 48
 - • remarriage of surviving spouse, PBA, s. 47
 - • waiver of, PBA, s. 46
 - life annuity, deferred, PBA, s. 44(5)
 - lump sum transfer, PBA, s. 67.3
 - • adjustment of benefits, adjustment of benefits, PBAFLMR, ss. 31–34
 - • application for, PBAFLMR, s. 26
 - • deadline for, PBAFLMR, s. 29
 - • prescribed retirement savings arrangements, PBAFLMR, s. 27
 - • updating imputed value, PBAFLMR, s. 30
 - • restrictions on, PBAFLMR, s. 28
 - normal retirement date, defined, PBA, s. 1
 - notice of intention, PBA, s. 89
 - obstruction, PBA, s. 107
 - offence, PBA, s. 109
 - payment for reports, PBA, s. 106.1
 - payment of surplus, PBA, s. 79
 - payment to employer, PBA, s. 78
 - penalty, PBA, s. 110
 - • administrative, PBA, ss. 108.1–108.5
 - pension agency, PBA, s. 103
 - pension plan
 - • acknowledgment of application for registration, PBA, s. 15
 - • administrator requirements, PBA, s. 8
 - • administrator's annual information return, PBA, s. 20
 - • administrator's care diligence and skill, PBA, s. 22
 - • adoption of successor pension plan, PBA, s. 81
 - • advisory committee, PBA, s. 24
 - • amendments, PBA, s. 26
 - • application for registration, PBA, s. 9
 - • application for registration of amendment, PBA, s. 12
 - • beneficiaries, electronic designation, PBA, s. 30.1.1
 - • certificate of registration, PBA, s. 16
 - • contents of, PBA, s. 10
 - • continuation of benefits under successor employer, PBA, s. 80
 - • conversion of single employer pension plan, PBA, s. 80.4
 - • duty of administrator, PBA, s. 19
 - • effective date of amendment, PBA, s. 13
 - • electronic transmission, PBA, s. 30.1
 - • employer to provide information, PBA, s. 23
 - • former member, PBA, s. 1.1
 - • information from administrator, PBA, ss. 25, 25.1
 - • inspection of administrator's records, PBA, s. 29
 - • inspection of filed records, PBA, s. 30
 - • interest in, FLA, s. 10.1
 - • meetings required by Chief Executive Officer, PBA, s. 23.1
 - • multi-jurisdictional, PBA, s. 5.1
 - • notice of registration, PBA, s. 17
 - • payment of admin fees and expenses, PBA, s. 22.1

Index

Pension Benefits (*cont'd*)

- • reciprocal transfer agreement, PBA, s. 21
- • reduction of benefits, PBA, s. 14
- • refusal of, PBA, ss. 7, 18
- • retired member, PBA, s. 1.1
- • revocation of, PBA, ss. 7, 18
- • separate plan, PBA, s. 34
- • termination of membership in, PBA, s. 38
- • unlocking, PBA, ss. 50, 50.0.1
- • unregistered, prohibition of, PBA, s. 6
- • valuation date, FLA, ss. 56.1, 59.4.1
- plan membership
 - • dispute as to member of class of employees, PBA, s. 33
 - • eligibility, PBA, s. 31
 - • loss, of, PBA, s. 32
- preliminary value, PBA, ss. 67.2(1)–(4)
 - • entitlement to surplus, defined benefits, PBAFLMR, s. 15
 - • former member's benefits, defined contribution, PBAFLMR, s. 5
 - • former member's deferred benefits, PBAFLMR, s. 8
 - • member's benefits, defined benefits, PBAFLMR, ss. 6, 7
 - • member's benefits, defined contribution, PBAFLMR, s. 4
 - • no vested entitlement, PBAFLMR, s. 11
 - • overview, PBAFLMR, s. 3
 - • retired member, defined benefits, PBAFLMR, s. 9
 - • shortened life expectancy, PBAFLMR, s. 12
 - • • extension of time to apply, PBAFLMR, s. 13
 - • spouse's survivor benefit, defined benefit, PBAFLMR, s. 10
 - • wind-up, defined benefits, PBAFLMR, s. 14
- public sector pension plan, defined, PBA, s. 1
- purchase of pension, PBA, ss. 43, 43.1
- • reduction where payments from government plan, PBA, s. 54
- retirement
 - • continuing employment after, PBA, s. 35(3), (4)
 - • date, PBA, s. 35
 - • early retirement option, PBA, s. 41
- statement of, PBA, s. 28
- statement of imputed value, PBA, ss. 67.2(6)–(9)
 - • application for, PBAFLMR, s. 21
 - • application for, two proposed valuation dates, PBAFLMR, s. 22
 - • deadline for providing, PBAFLMR, s. 25
 - • form and contents, PBAFLMR, s. 24
 - • maximum fee payable for application, PBAFLMR, s. 23
- surplus, Chief Executive Officer's order re, PBA, s. 79.0.1
- transfer of lump sum for family purposes, PBA, s. 67.3, PRPPA, s. 19
- transfer to another plan, PBA, s. 42
- transfer upon change of trade unions, PBA, s. 80.2
- valuation for family law purposes, PBA, s. 67.2, PBAFLMR, ss. 3–43, PRPPA, s. 17
- variable benefits, PBA, ss. 39.1–39.1.2
- valuation, PBA, ss. 67.7–67.9, PBAFLMR, ss. 44–63
- winding up
 - • arbitration re allocation of, PBA, s. 77.12
 - • Chief Executive Officer approval to purchase annuities, PBA, s. 73.1
 - • continuity of pension fund, PBA, s. 76
 - • determination of, PBA, s. 73
 - • employer liability, PBA, s. 75

Index

Pension Benefits (*cont'd*)

- • generally, PBA, s. 68
- • grow-in benefits for members, PBA, s. 74
- • • election, PBA, s. 74.1
- • insufficient pension fund, PBA, s. 77
- • liability on wind-up, jointly sponsored plan, PBA, s. 75.1
- • notice of entitlement, PBA, s. 72
- • order by Chief Executive Officer, PBA, s. 69
- • partial wind-up
 - • • administration of, PBA, s. 77.9
 - • • authority for partial, PBA, s. 77.1
 - • • by employer, administrator, PBA, s. 77.2
 - • • determination of entitlement, PBA, s. 77.7
 - • • liability, PBA, s. 77.8
 - • • not permitted, PBA, s. 69.1
 - • • notice of entitlement, PBA, s. 77.6
 - • • order by Chief Executive Officer, PBA, s. 77.3
 - • • report, PBA, s. 77.4
- • report, PBA, s. 70

Pension Benefits Act

- applicability, PBA, s. 3
- Crown bound by, PBA, s. 2

Pensions

- diversion of benefits, *see* Diversion of Pension Benefits

Personal Representative

- defined, SLRA, s. 1

Petition, *see* Divorce

Posthumous Conception

- defined, SLRA, s. 1.1

Pre-natal Injuries

- recovery for, FLA, s. 66

Property

- amounts to be credited, FLA, s. 6(6)–(7)
- bankrupt, of, BIA, s. 67
- defined, FLA, ss. 4(1), 17
- disposition of, CLRA, ss. 59, 60
- equalization of, FLA, s. 5
- • business or farm, and, FLA, s. 11
- • court application for, FLA, s. 7(1)
- • • powers for, FLA, s. 9(1)
- • • statement of, FLA, s. 8
- excluded, FLA, s. 4(5)
- Family Law Act, and, FLA, ss. 15, 16
- persons claiming against, BIA, s. 81
- preservation of, FLA, s. 12
- property claim
 - • defined, FLR, r. 2(1)
- resulting trust presumption, FLA, s. 14
- security, variation and realization, FLA, s. 13
- title of, spouses, FLA, s. 10
- • farm or business, and, FLA, s. 11
- will, election by surviving spouse, FLA, s. 6

Provincial Enforcement Service

- defined, FOAEAA, s. 2, GAPDA, s. 2

Provincial Garnishment Law

- defined, GAPDA, s. 2

Provincial Information Bank

- defined, FOAEAA, s. 2

Provisional Order, FLA, s. 44, FLR, r. 37.1

- defined, FLR, r. 2(1); FRSAEA, s. 1(1)
- interjurisdictional support, ISO, s. 7

Psychotropic Drugs

- consents required, CYFSA, s. 176
- defined, CYFSA, s. 157

Index

R

Recipient

- defined, FLR, r. 2(1); FRSAEA, s. 1(1)

Register, *see* Child Abuse Register

Release of Information for Enforcement Purposes

- affidavit contents required, FOAEAA, ss. 14(4), (5)
- applications generally, FOAEAA, ss. 7, 13
- authorization for, FOAEAA, ss. 12, 62, 79
- form of application, FOAEAA, ss. 8, 9, 14
- supporting documents, FOAEAA, ss. 14(2)–(5)

Relocation

- authorized, DA, s. 16.91
- burden of proof, DA, s. 16.93
- costs relating to exercise of parenting time, DA, s. 16.95
- defined, DA, s. 2(1)
- factors considered, DA, s. 16.92
- interim order, DA, s. 16.94
- notice, DA, ss. 16.9, 16.96, SOR/2020-249

Reserve

- defined, MA, s. 1(1)

Report, RCP, r. 69.16, 70.06

Report of Children’s Lawyer, FLR, r. 21

Representation, FLR, r. 4

- Acting in person, FLR, r. 4(1.1)
- change in representation, FLR, r. 4(9)–(11)
- child, FLR, r. 4(7)–(8)
- limited scope retainer, FLR, rr. 4(1.2), 4(1.3)
- party who dies, FLR, r. 4(5)–(6)
- removal of lawyer, FLR, r. 4(12)–(15)
- special party, FLR, r. 4(2)–(4)

Respondent

- defined, FLR, r. 2(1)

Restraining Orders, FLA, ss. 40, 46; FRSAEA, s. 12

Resulting Trust

- property ownership and, FLA, s. 14

Reviewable Transactions, *see* Bankruptcy and Insolvency Act, reviewable transaction

Rules

- Family Law Rules
 - access to court files, FLR, r. 1.3
 - application to cases and courts, FLR, r. 1(2)
 - definitions, FLR, r. 2(1)
 - electronic filing and issuance of documents, FLR, r. 1.1
 - failure to follow, FLR, rr. 1(8)–1(8.4)
 - forms
 - references to, FLR, r. 1(9)
 - requirements for completing, FLR, r. 1(9.2)
 - use of, FLR, r. 1(9.1)
 - matters not covered in Rules, FLR, r. 1(7)

S

Salary

- defined, GAPDA, s. 4, 16

Secure De-escalation Room

- defined, CYFSA, s. 157

Secure Treatment Programmes

- admission of children, CYFSA, s. 158(3)
- apprehension of child who leaves, CYFSA, s. 172(2)
- assessment of children, CYFSA, s. 163
- child under 12, CYFSA, s. 164(2)
- criteria for commitment, CYFSA, s. 164
- defined, CYFSA, s. 157

Index

- Secure Treatment Programmes (*cont'd*)
- emergency admission, CYFSA, s. 171
 - establishment of, CYFSA, s. 158(1), (2)
 - extension of commitment, CYFSA, s. 167
 - intrusive procedures, CYFSA, s. 157
 - length of commitment, CYFSA, s. 165
 - locking up, CYFSA, s. 159
 - mechanical restraints, CYFSA, s. 160
 - order expiring after 18th birthday, CYFSA, s. 165(4)
 - plan for care on release, CYFSA, s. 166(2)
 - police assistance, CYFSA, s. 172
 - procedure on application, CYFSA, ss. 161, 162
 - professional advisory board, CYFSA, s. 177
 - psychotropic drugs, use of, CYFSA, ss. 157, 176
 - reasons for order, CYFSA, s. 166
 - regulations, CYFSA, s. 345
 - release of child, CYFSA, s. 168
 - request for review, CYFSA, s. 178
 - review of commitment, CYFSA, s. 169(1), (2)
 - secure de-escalation, CYFSA, ss. 157, 173–175
 - termination of order, CYFSA, s. 169(3), (4)
 - who may apply for child's commitment, CYFSA, s. 161(1)

Seizure and Sale

- notifying sheriff of payment received
- change of address, FLR, r. 28(6.2)
- confirmation of electronically filed writ, FLR, r. 28(6.4)
- corrections by sheriff, FLR, r. 28(6.7)
- electronic filing, FLR, rr. 28(6.1), (6.3)
- notice, FLR, r. 28(6.8)

- statutory declaration setting out details, FLR, r. 28(6)
- withdrawal by sheriff, FLR, rr. 28(6.5), (6.6)
- statutory declarations
- electronic filing of, FLR, r. 28(3.1)
- if order changed, FLR, r. 28(3)
- to change amount owed, FLR, r. 28(2)
- writ of
- authorized software, FLR, r. 28(12)
- date of electronic filing, FLR, r. 28(13)
- deemed issuance by court, FLR, r. 28(1.3)
- duration of, FLR, r. 28(4)
- electronic filing of, FLR, r. 28(1.1)
- electronic filing of changes, FLR, r. 28(9.1)
- electronic filing of request, issuance of, FLR, r. 28(1.2)
- error in writ issued electronically, FLR, r. 28(1.4)
- issue of, FLR, r. 28(1), (5)
- limit on who may file electronically, FLR, r. 28(11)
- order changing, etc., FLR, r. 28(8), (9)
- signatures, FLR, r. 28(14)
- swearing, FLR, r. 28(14)
- temporary seizure, FLR, r. 28(10)
- withdrawing, FLR, r. 28(7), (7.1)

Separation Agreement

- defined, CLRA, s. 18(1); FLA, s. 51
- interpretation of, FLA, s. 70(3)
- terms included, FLA, s. 54

Service of Documents, FLR, r. 6, 8(5)–(11)

Special or Extraordinary Expenses, ACRCs, s. 1; CSG, s. 7

Spousal Support, *see* Support Obligations

Index

Spouse

- defined, CYFSA, s. 179(1); DA, ss. 2(1), 21.1; FLA, ss. 1(1), (2), 29; CNA, s. 1; SLRA, ss. 1, 57; CSG, s. 2(1)

Special Party

- defined, FLR, r. 2(1)

Staff Model Residence

- defined, CYFSA, s. 243

Statutory Powers Procedure Act

- adjournments, SPPA, s. 21
- administration of oaths, SPPA, s. 22
- alternative dispute resolution, SPPA, s. 4.8
- appeal operates as stay, exception, SPPA, s. 25
- application of Act, SPPA, s. 3
- classifying proceedings, SPPA, s. 4.7
- conflict, SPPA, s. 32
- contempt proceedings, SPPA, s. 13
- control of process, SPPA, s. 25.0.1
- correction of errors, SPPA, s. 21.1
- costs, SPPA, s. 17.1
- decision; interest, SPPA, s. 17
- decision not to process commencement of proceeding, SPPA, s. 4.5
- different kinds of hearings in one proceeding, SPPA, s. 5.2.1
- disclosure, SPPA, s. 5.4
- dismissal of proceeding without hearing, SPPA, s. 4.6
- disposition without hearing, SPPA, s. 4.1
- effect of non-attendance at hearing after due notice, SPPA, s. 7
- electronic hearings, SPPA, s. 5.2
- enforcement of orders, SPPA, s. 19
- evidence, SPPA, s. 15
- examination of witnesses, SPPA, s. 10.1
- expiry of term, SPPA, s. 4.3
- hearings to be public; maintenance of order, SPPA, s. 9

- incapacity of member, SPPA, s. 4.4
- interim decisions and orders, SPPA, s. 16.1
- interpretation, SPPA, s. 1
- liberal construction of Act and rules, SPPA, s. 2
- mediators, etc.: not compellable, notes not evidence, SPPA, s. 4.9
- notice, SPPA, s. 24
- notice of decision, SPPA, s. 18
- notice of facts and opinions, SPPA, s. 16
- notice of hearing, SPPA, s. 6
- panel of one, reduced panel, SPPA, s. 4.2.1
- panels, certain matters, SPPA, s. 4.2
- parties, SPPA, s. 5
- power to review, SPPA, s. 21.2
- powers re: control of proceedings, SPPA, s. 23
- pre-hearing conferences, SPPA, s. 5.3
- proceedings involving similar questions, SPPA, s. 9.1
- protection for witnesses, SPPA, s. 14
- record of proceeding, SPPA, s. 20
- regulations, SPPA, s. 26
- right to representation, SPPA, s. 10
- rights of witnesses to representation, SPPA, s. 11
- rules, SPPA, s. 25.1
- rules, etc., available to public, SPPA, s. 27
- substantial compliance, SPPA, s. 28
- summonses, SPPA, s. 12
- time frames, SPPA, s. 16.2
- use of previously admitted evidence, SPPA, s. 15.1
- where character, etc., of a party is in issue, SPPA, s. 8
- witness panels, SPPA, s. 15.2
- written hearings, SPPA, s. 5.1

Index

- Summary Judgment**, FLR, r. 16
- availability, FLR, r. 16(1)–(2)
 - evidence, FLR, r. 16(4), (5), (13)
 - motion for summary decision on legal issue, FLR, r. 16(12)–(13)
 - oral evidence, FLR, r. 16(6.2)
 - order giving directions, FLR, r. 16(9)
 - power, FLR, r. 16(6.1)
- Support Deduction Order**
- additional enforcement mechanisms
 - • arrest of absconding debtor, FRSAEA, s. 49
 - • consumer reporting agencies, FRSAEA, s. 47
 - • default hearing, FRSAEA, s. 41
 - • financial statements, FRSAEA, s. 40, Reg. 167/97, ss. 14, 15
 - • generally, FRSAEA, ss. 40–42, 44, 47–49, Reg. 167/97, ss. 20–20.1
 - • registration against land, FRSAEA, s. 42
 - • restraining order, FRSAEA, s. 48
 - • writs of seizure and sale, FRSAEA, s. 44
 - address change of payor or recipient, FRSAEA, s. 19
 - alternative payment order
 - • criteria, FRSAEA, s. 28(3), (5), Reg. 167/97, s. 12(1)
 - • form of order, FRSAEA, Reg. 167/97, s. 11
 - • generally, FRSAEA, s. 28
 - • security posted, FRSAEA, s. 28(6), Reg. 167/97, s. 12(2), (3)
 - • termination, FRSAEA, s. 28(12), (13), Reg. 167/97, s. 13
 - anti-avoidance, FRSAEA, s. 31
 - contents of support order, FRSAEA, s. 9
 - cost of living clauses, FRSAEA, s. 7(4)–(7), Reg. 176/98
 - Crown bound by, FRSAEA, s. 24(1)
 - deemed orders, FRSAEA, s. 21
 - defined, FLR, r. 2(1); FRSAEA, s. 1(1)
 - disputes
 - • income source, by, FRSAEA, s. 26
 - • payor, by, FRSAEA, s. 27
 - enforcement
 - • conflict with other Acts, FRSAEA, s. 32
 - • death of payor, FRSAEA, s. 8(3)
 - • director, by, FRSAEA, s. 20(1)
 - • duty of income source, FRSAEA, s. 22
 - • extra-provincial garnishments, recognition, FRSAEA, s. 50
 - • maximum deduction, FRSAEA, s. 23
 - • notice, FRSAEA, s. 20
 - filing, FRSAEA, s. 12
 - divorce Act orders, FRSAEA, s. 13(2)
 - Minister, by, FRSAEA, s. 14
 - notice of, FRSAEA, s. 17
 - other jurisdictions, orders from, FRSAEA, s. 13(1)
 - other parties who may file, FRSAEA, s. 14
 - payors, recipients, by, FRSAEA, s. 15
 - refile after withdrawal, FRSAEA, s. 16(6), (7)
 - form, FRSAEA, s. 11, Reg. 167/97, ss. 7–8
 - garnishment
 - • benefit of all creditors, CRA, s. 3(1)
 - • carriage of proceedings, CRA, s. 5(2)
 - • effect of payment or withdrawal, CRA, s. 6(1)
 - • equality of all exceptions, CRA, s. 4(7)
 - • exception re specified courts, CRA, s. 3(2)
 - • expiration of execution, CRA, s. 3(8)
 - • fees, FSOAGR, ss. 10, 11

Index

- Support Deduction Order (*cont'd*)
- • first execution followed by mortgage, rights of subsequent execution creditors, CRA, s. 14
 - • limit on distribution, CRA, s. 4(5)
 - • limit on share of funds, CRA, s. 3(6)
 - • limitation, FSOAGR, s. 8
 - • notice to judgment debtor, FSOAGR, s. 9, Sch. II
 - • order of priority, FSOAGR, s. 4
 - • service of documents, FSOAGR, s. 7
 - mandatory, FRSAEA, s. 10
 - money paid into specified courts, CRA, ss. 3(4), 8
 - money paid to which sheriff, CRA, s. 3(2)
 - no priority, CRA, s. 2(1)
 - • exception, Small Claims Court, CRA, s. 2(2)
 - • exception, support and maintenance orders, CRA, s. 2(3)
 - • execution creditors include Crown, CRA, s. 2(5)
 - • federal Crown waives priority, CRA, s. 2(8)
 - • identification, CRA, s. 2(7)
 - • support orders, CRA, s. 2(4)
 - notice to judgment debtor, FSOAGR, s. 9, Sch. II
 - order of priority, FSOAGR, s. 4
 - personal property held by Small Claims Court bailiff, CRA, s. 10
 - priority of, FRSAEA, s. 30
 - priority of costs of proceedings, CRA, s. 7
 - public inspection, CRA, s. 4(9)
 - receiver appointed, CRA, s. 9
 - right of attaching creditor to share with other creditors, CRA, s. 3(5)
 - rights of creditors, CRA, ss. 4(1), (2), 5(1)
 - service of documents, FSOAGR, s. 7
 - sheriff receives additional money, CRA, s. 4(3)
 - sheriff receives insufficient money, CRA, s. 11
 - subsequent distribution, CRA, s. 4(6)
 - termination of obligation
 - • agreement re termination, FRSAEA, s. 8(3), Reg. 167/97, s. 3
 - • general, s. 8
 - • notice, FRSAEA, s. 8(4), Reg. 167/97, ss. 2–6.1
 - two-month period, CRA, s. 4(4)
 - unfiled orders
 - • duty to advise, FRSAEA, s. 18
 - variation, FRSAEA, s. 27(7)
 - welfare benefits excluded, FRSAEA, s. 24(2)
 - withdrawal, FRSAEA, s. 16
- Support Obligations, *see also* Child Support**
- arrears, RSTSOR, s. 3.1
 - child, parent obligation to, FLA, s. 31, RSTSOR, s. 2
 - • recommended terms, RSTSOR, s. 3
 - conduct and, FLA, s. 33(10)
 - death of payor
 - • notice, FRSAEA, s. 8(2), Reg. 167/97, ss. 2, 3
 - Divorce Act, and, DA, ss. 15.1–15.3, 17 FLA, s. 36
 - • provisional order, DA, s. 18
 - • • effect of, DA, s. 20
 - • • transmission of, DA, s. 19
 - employer's obligations, FLA, s. 42
 - financial statement, and, FLA, s. 41
 - garnishment
 - • limitation, FSOAGR, s. 8
 - notice to judgment debtor, FSOAGR, s. 9, Sch. II
 - • order of priority, FSOAGR, s. 4
 - • service of documents, FSOAGR, s. 7

Index

Support Obligations (*cont'd*)

- indexing, application for, FLA, s. 38
- of dependants, SLRA, Part V
- order for, FLA, s. 33
 - • court power, FLA, s. 34
 - • purpose, FLA, s. 33(8)
- parent, child obligation to, FLA, s. 32
- priority of child support, DA, s. 15.3
 - • definitions, DA, s. 18
 - • inter-jurisdictional proceedings between provinces
 - • • conversion of applications, DA, ss. 18.2, 18.3
 - • • receipt and sending of applications, DA, s. 18.1
 - • proceedings between province and designated jurisdiction
 - • • receipt and sending of designated jurisdictions' applications, DA, s. 19
 - • • recognition of decisions of designated jurisdiction, DA, s. 19.1
- provisional orders, and, FLA, s. 44, FLR, r. 37.1
- restraining order, FLA, s. 40
- same-sex partner
 - • obligation to, FLA, s. 30
- spouse, obligation to, FLA, s. 30
- tax consequences, ITA, ss. 56, 56.1, 60, 60.1
- termination of obligation
 - • recommended terms, RSTSOR, s. 7
 - • agreement re termination, FRSAEA, s. 8(3), Reg. 167/97, s. 3
 - • general, FRSAEA, s. 8
 - • notice, FRSAEA, s. 8(3), Reg. 167/97, ss. 2–6.1
- variation application, FLA, s. 37
- variation of orders previously made, DA, s. 35.1

Support Order Under Succession Law Reform Act

- appeal, SLRA, s. 76
- applicants, SLRA, s. 58
- contents of order, SLRA, s. 63
- costs, SLRA, s. 75
- defined, DA, s. 2(1); FOAEAA, s. 62; FRSAEA, s. 1(1)
- determining amount, SLRA, s. 62
- distribution stayed, SLRA, s. 67
- enforcement, SLRA, s. 77, *see also* Garnishment
- limitation period, SLRA, s. 61
- personal representative liability, SLRA, s. 67(3)
- persons in institutions, SLRA, s. 74
- powers of the court, SLRA, s. 66
- property devised, SLRA, s. 71
- validity of mortgage, SLRA, s. 73
- value of certain transactions deemed part of estate, SLRA, s. 72
- where deceased has not made adequate provision, SLRA, s. 58

Support Provision

- defined, FOAEAA, s. 2
- Surrogacy, CLRA, ss. 10, 11

Survivorship, SLRA, Part IV

T

Temporary Order

- defined, FLR, rr. 2(1), 2(1.1)

Time, FLR, r. 3

- counting days, FLR, r. 3(1)
- • day when court office closed, FLR, r. 3(3)
- • examples, FLR, r. 3(4)
- • late documents refused by court office, FLR, r. 3(7)
- • order to lengthen or shorten time, FLR, r. 3(5); FCMRSCJT, r. 1.01(3)
- • short periods, FLR, r. 3(2)

Index

- Time (*cont'd*)
- • written consent to lengthen or shorten time, FLR, r. 3(6)

Trustees, *see* Bankruptcy and Insolvency Act, trustees

U

Unity of Legal Personality Abolished, FLA, s. 64

V

Valuation Date

- defined, FLA, s. 4(1)

Variation Order

- defined, DA, s. 2(1)

Variation Proceeding

- defined, DA, s. 2(1)

W

Where Case Starts, FLR, r. 5

- danger to child or to party, FLR, r. 5(2)
- place for enforcement
 - • alternative place for enforcement, FLR, r. 5(7)
 - • electronic writ, FLR, r. 5(7.1)
 - • filing writ with sheriff, FLR, r. 5(6.1)
 - • other orders, FLR, r. 5(6)
 - • payment orders, FLR, r. 5(5)
- place for steps other than enforcement, FLR, r. 5(4)

Will

- by minors, SLRA, s. 8
- change in circumstances, SLRA, s. 17
- defined, SLRA, s. 1
- election by surviving spouse
 - • family law proceedings, FLA, s. 6
- no undue influence, SLRA, s. 12(3)
- revocation, SLRA, ss. 8(3), 15
- signed for testator by another, SLRA, s. 12(2)

- validity, court-ordered, SLRA, s. 21.1

Witnesses, *see also* Evidence; Husbands and Wives

- bequests void, SLRA, s. 12(1)
- questioning a witness and disclosure, FLR, r. 20
 - • confidentiality, FLR, r. 20(24)–(26)
 - • child protection case, FLR, r. 20(3)
 - • cross-examination, FLR, r. 20(2)
 - • other cases, FLR, r. 20(4)
 - • refusal to answer questions, FLR, r. 20(19)
 - • scope of cases, FLR, r. 20(18)

Y

Youth Justice

- apprehension where absent from custody, CYFSA, s. 153
- Custody Review Board, CYFSA, s. 151–152
- inspections and investigations, CYFSA, s. 154
- locking up, CYFSA, ss. 145(4), 5
- open custody, CYFSA, ss. 145(3), 150
 - • place of, defined, CYFSA, s. 2(1)
- open temporary detention, CYFSA, ss. 145(1), 148(1), 148(7)
 - • place of, defined, CYFSA, s. 2(1)
- pre-trial detention, temporary, CYFSA, s. 149
- regulations, CYFSA, s. 344
- secure temporary detention, CYFSA, ss. 145(1), 148(2), 148(7)
 - • place of, defined, CYFSA, s. 2(1)
- services and programmes
 - • provision of, CYFSA, s. 145
 - • reports and information, CYFSA, s. 147

Young Offenders Act

- ministerial appointments under, CYFSA, s. 146

Index

Young Person

- defined, CYFSA, s. 2(1)

Index

