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CHILD SUPPORT GUIDELINES LAW AND PRACTICE, 2ND EDITION

**MacDonald & Wilton
Release No. 5, July 2024**

Child Support Guidelines Law and Practice, 2nd Edition, features in-depth section-by-section case law annotations and commentary reflecting the most recent jurisprudence pertaining to child support. This service also includes the full text of the *Federal Child Support Guidelines* and its tables, the guidelines and tables of Canada's provinces and territories, and the *Divorce Act* and other related legislation.

This release includes updates to Chapter 9 Section 8 (Split Parenting Time), Chapter 10 Section 9 (Shared Parenting Time), and Chapter 11 Section 10 (Undue Hardship).

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Highlights

Under s. 9 of the *Guidelines* where each party has not less than 40% parenting time with the child over the course of the year, the amount of child support payable is not determined by a mechanical application of the *Guidelines*. Rather, the court decides the amount of child support payable by taking the factors outlined in s. 9 into consideration. *M.J.S. v. J.M.S.*, 2023 YKSC 18, 2023 CarswellYukon 19.

Section 10 of the *Guidelines* provides for the concept of “undue hardship” which may result in a different amount of child support that might otherwise be payable under the other *Guidelines* provisions. *Hull v. Kornilov*, 2024 BCSC 82, 2024 CarswellBC 104.

Consideration of access costs is limited to cases of undue hardship under s. 10(2) of the *Guidelines* where a parent has “unusually high expenses in relation to exercising access to a child”. *T.D.W. v. S.I.M.*, 2023 MBKB 108, 2023 CarswellMan 255. The father’s request for an order to compensate him for the time and the driving expense to facilitate his periods of parenting time and to drive the children for extracurricular activities during the mother’s parenting time was dismissed.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
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