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### **CHILD SUPPORT GUIDELINES LAW AND PRACTICE, 2ND EDITION**

**MacDonald & Wilton  
Release No. 5, July 2025**

*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 4—Section 3 (Presumptive Rule) of the *Child Support Guidelines*.

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## Highlights

This release updates Chapter 4—Section 3 (Presumptive Rule). Topics on which case law has been added include the condition, means, needs and circumstances of the child; the financial ability of each spouse; the terms of payment; separation agreements; funds paid directly to a child; and retroactive child support. Notable cases include:

- Where the severely disabled adult child remained a child of the marriage, the parties were responsible for the proportional support of the child over and above the amounts received by the child in a structured settlement. See *C.G. v. T.L.*, 2024 NLCA 1, 2024 CarswellNfld 15, 97 R.F.L. (8th) 33, [2024] N.J. No. 13 (N.L. C.A.).
- An amount different than table support cannot be supported without evidence provided by the party objecting to table support. See *Ghremida v. Elgahwas*, 2023 SKCA 23, 2023 CarswellSask 63 (Sask. C.A.).
- Paying for expenses does not translate into child support. See *Williams v. Williams*, 2025 ONSC 208, 2025 CarswellOnt 331 (Ont. S.C.J.).
- An adult child's receipt of ODSP benefits is sufficient to displace the "one-size-fits-most" approach in s. 3(2)(a) in favour of the "tailor-made" approach in s. 3(2)(b). It is reasonable to conclude that a portion of the child support payments is intended to cover a disabled child's basic. So while the payor must provide child support, ODSP may also address some of these basic needs. See *Fatima v. Akhtar Agha*, 2024 ONSC 7040, 2024 CarswellOnt 19870 (Ont. S.C.J.).
- Lump sum payment of arrears may be ordered based, in part, on the child's age (14.5 years) where the court is concerned the child would "age out" of the benefit of support if the arrears were paid periodically. See *Edden v. Foley*, 2024 ABKB 48, 2024 CarswellAlta 180 (Alta. K.B.).
- Where the court found that the agreement reached by the parties during mediation regarding child support to be a valid agreement and would be upheld, no retroactive child support was ordered. See *Launa-Lynn Desrosiers v. Daniel Allen Desrosiers*, 2024 ABKB 479, 2024 CarswellAlta 2022 (Alta. K.B.).
- The fact that a child of the marriage reaches the age of majority does not, in and of itself, amount to a material change in circumstances warranting the variation of a child support order. However, where a child of the marriage, who is over the age of majority, attends a post-secondary educational institution and does not live at home during the academic school year, it may not be appropriate to use the *Guidelines* approach set out in s. 3(2)(a). See *Trecroce v. Chorney*, 2023 ONSC 96, 2023 CarswellOnt 22 (Ont. S.C.J.).

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