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CHILD SUPPORT GUIDELINES LAW AND PRACTICE, 2ND EDITION

MacDonald & Wilton

Release No. 3, April 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 6 Section 5 (Child Support? Payor Spouse Standing in Place of a Parent), Chapter 24 Section 23 (Adverse Inference), Chapter 26 Section 25 (Continuing Obligation to Provide Income Information), and Appendix WPJ (Words and Phrases).

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Highlights

With a self-employed payor, the court has jurisdiction to impute income to a payor as it considers appropriate in the circumstances. *Jean-Gilles v. Paculanang*, 2022 ONSC 4264, 2022 CarswellOnt 10547 (S.C.J.). Such circumstances include a payor parent unreasonably deducting expenses from income.

Where the payor was to pay child support based on an imputed income. *Osanebi v. Osanebi*, 2023 ONSC 2546, 2023 CarswellOnt 6639 (S.C.J.). The parties were married in 2008, separated in 2014, and had two daughters. The father did not participate in proceedings and lived in Nigeria. The mother brought an application for divorce, support, and decision-making authority. The application was granted. The father was to pay child support in the amount of \$755 per month based on an imputed income of \$50,000.

The *Guidelines* do not impose a positive obligation on the paying spouse to unilaterally disclose updated income information whenever their income changes. *Riznek v. Riznek*, 2022 BCSC 2068, 2022 CarswellBC 3311. Pursuant to s. 25 of the *Guidelines*, a payor spouse must disclose income information not more than once per year on the written request of the other spouse.

ProView Developments

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