INDEX

Α

ACTIONS, OBSOLETE, see OTHER ACTIONS

ADULT INTERDEPENDENCE, see also INTERDEPENDENCE; SPOUSAL SUPPORT

- burden of proof, 1§13.1
- elements of interdependence, 1§13.5
- • "Molodowich Factors", 1§13.2
- relationship of interdependence, definition of, 1§13.3
- shared lives/emotional commitment, 1§13.3

C

CHILD SUPPORT, see also CHILD SUPPORT ORDERS; CHILD SUPPORT RECALCULATION PROGRAM; CONTACT ORDERS

- agreements between parties, 51§20
- agreements, child support, 53, 53§1
- • child support order, 53(2)
- • order terminating agreement, 53(3)
- • who may enter into, 53(1)
- annual income, determination of, 51§17
- • disclosure obligations, 51§17.3
- • non-residents, 51§17.2
- • notice to disclose, 51§17.4
- • shareholders, directors and officers, 51\\$17.1
- applicants, 50§1, 50§2
- applications, not combined, 79

- burial expenses, application for reimbursement, 82, 82§1
- care and control, change in, 52, 52§1
- • history, 52§2
- "change in circumstances", 77§6
- child, definition of, 46(b), 46§2, 50§1
- children, rights of married vs. unmarried persons, 46§3
- common law partner, 82.1, 82.1§1
- current situation, 51§22
- dental insurance, 51§6
- disabled adult children, support for, 46§4
- disclosure of financial information, 65(1)
- condition precedent for application to disclose, 65§5
- • failure to comply with notice to disclose, 65\\$4
- • failure to comply with order, 65(3)
- • failure to comply with request, 65(2)
- • imputing income, 65§3
- • procedure, 65§1
- • notice to disclose, 65§1.1
- • time of disclosure, 65(4)
- • contempt order, 65(6)(a)
- • costs, award, 65(6)(b)
- • failure to comply, 65(5)(a)
- divorce proceedings, effect of, 81(1)
- enforcement of agreement, 64
- estate, bound by support order, 80(1), 80\\$1
- expenses, special/extraordinary, 51§7
- general, 67§1
- guidelines and determining, 51(1), 51§1
- • amount different than guidelines, 51(2)

CHILD SUPPORT — Continued

- guidelines and determining *Continued*
- •• consent to different amount, 51(3)
- ••• reasonable arrangements for child, 51(4)
- • presumptive rule, 51§1.1
- guidelines and variation orders, 77§7
- imputing income, 51§19
- incomes over \$150,000, 51§3
- lump sum payments, 51§13
- matters to be considered, 69, 69§1, 69§2, 69§3, 69§4
- • availability of accommodation, 69(a)
- • financial position, 69(c)
- • needs of children, 69(b)
- • restrictions or conditions of lease, 69(e)
- medical insurance, 51§6
- obligation to pay, 49(1), 49§1
- • child's own contribution, 49(4), 4984
- ••• minors, no obligation on, 49§4.1
- • does not extend to, 49(2)
- • obligation revived, 49(3)
- • parent has, every, 49§1
- • restrictions to obligation, 49§3
- • adult children, 49§3.1
- • age "cut off", 49§3.2
- • legal strangers, 49§3.4
- • no jurisdiction, 49§3.5
- • physically disabled children, 49§3.3
- oral agreements for care, 52§3
- parent, definition of, 47§1, 50§1
- parent, standing in place of/in loco parentis, who is, 48(1)
- • common law, at, 48§2
- • considerations, 48(2)
- • contextual approach, 48§6
- • holistic approach, 48§6
- • general, 48§1

- • relationship of interdependence, 48(1)(a), 48§4
- • settled intention, demonstrating, 48(1)(b), 48§5
- • statutory definition of, 48§3
- parental incomes, 51§11
- • diverse, 51§11.2
- • equal, 51§11.1
- partner, adult interdependent, 46(a), 46§1
- pattern of income, 51§18
- pensionable earnings, unadjusted, 82.2, 82.2§1
- periodic payments, 51§13
- • lump sum not ordered, 51§13.2
- • lump sum ordered, 51§13.1
- person in place of parent, 51§5
- • *loco parentis* "top up" share of child support, 51§5.1
- • no discount for step-parent, 51§5.2
- • partial discount for step-parent, 51§5.3
- possession, registration of order for, 71, 71§1
- • binds estate, 71(2)
- • encumbrance on estate, 71(3)
- precedence of order, 70, 70\\$1
- primary home, 67(b), 67§3
- priority of, 61(1), 61§1
- • change of circumstances, 61(3)
- • effect on adult interdependent partner support orders, 61(2)
- • over spousal support, 46§5
- • variation, constituting, 61(3)
- recalculation program, see CHILD SUPPORT RECALCULATION PROGRAM
- retroactive child support, 49§5
- • claims, 46§6, 46§6.2
- • delay in applying, 49\\$5.2
- • S. (D.B.) v. G. (S.R.), 49§5.1
- securing payments, 51§14

CHILD SUPPORT — Continued

- separate households, children in, 51§2
- set-offs, 51§10
- shared parenting, 51§9
- split care and control, 51§8
- step-parents
- • child support obligations, 51§21
- • factors determining support, 51§23
- undue hardship, 51§12
- • access costs, 51§12.1
- • new family or other support obligations, 51§12.2
- variation, child support, 77§2, see also CHILD SUPPORT ORDERS
- wealth transfer, 51§4
- witness, competent, compellable, 78

CHILD SUPPORT ORDERS, see also CHILD SUPPORT; CONTACT ORDERS

- adding parties, 50(3), 50§5
- failure to comply, financial disclosure, 65(3)
- generally, 50(1)
- information specified in, 51§15
- parties not living "separate and apart", 50(2)(b)(ii), 50§3
- regulations, 55.8(b)-(c)
- suspension, order or agreement, 54
- • child support payable during, 54(2)
- • effect of section, 54§1
- • parents resume cohabitation, 54(1)
- • person not parent, applicability to, 54(4)
- terminating child support agreements, 53(3)
- termination of order, 55
- • arrears, effect on, 55(2)
- • on adoption, 55(1)
- • on death, 55(1)
- terms and conditions, 66
- • court may make, 66(2)-(3)

- • disposing of property, 66(4)
- • financial information, 66(8)
- • property, secured by charge, 66(3)(g), 66§4
- • default of payment, 66(10)
- • mortgage, on property, 66(9)
- • personally liable, 66(11)
- • registerable, 66(8)(a)
- • security only, 66(11)
- • reasonable expenses, 66(5), 66§5
- • time limit, 66(6)
- • time-limited award, 66(3)(a), 66§2
- • transfer or convey property, 66(7)
- • trust, held in, 66(3)(b), 66§3
- variation of order, 51§16, 77(1)-(2), 77§1, 77§7
- • prerequisites to order, 77(4), 77(5)
- ••• change of circumstances, 77(4)(a), 77(5)(a)
- • evidence become available, 77(4)(b), 77(5)(b)
- • who may make, 77(3), 77(3)(a)
- • deceased person, 77(3)(c)
- variation, retroactive, 77§3
- when order may be made, 50(2)
- • care and control, 50(2)(c), 50§4

CHILD SUPPORT RECALCULATION PROGRAM

- child support guidelines, definition of, 55.1(a)
- child support order, definition of, 55.1(b)
- contact information, 55.5
- definition, 55.1(f)
- disclose income, failure to, 55.51§1
- disclosure and use of information,
 55.7
- personal information, 55.7§1
- generally, 55.1§1, 55.1§2
- liability, protection from, 55.6
- • confidentiality, 55.61
- mandatory clauses, 55.12, 55.12§1

CHILD SUPPORT RECALCULATION PROGRAM — Continued

- objections, 55.4(1), 55.4§1
- • income information, 55.41§1
- • application of recalculation program to divorce actions, 55.41§2
- • notify in writing, 55.4(2)
- • procedure during objection period, 55.4(3)-(4)
- payor, definition of, 55.1(d)
- program, what it does, 55.11, 55.11§1
- recalculated amount, 55.31
- • definition of, 55.1(d)
- recalculation,
- • declining, 55.8(k)
- • how performed, 55.11, 55.5§1
- • prohibited, 55.21
- • without income information, 55.51, 55.51§1
- recipient, definition of, 55.1(g)
- registration, 55.2(1)
- • right to, 55.2§1
- • support order withdrawn, 55.2(2)
- regulations, 55.8
- • child support orders, 55.8(b)
- • child support orders, withdrawal of, 55.8(c)
- • declining recalculation, 55.8(k)
- • information provided, 55.8(i)-(j)
- • notification required, 55.8(h)
- • recalculation program, 55.8(a)
- • waive recalculation, 55.8(g)
- service fee, 55.71, 55.71§1
- waiver, 55.3, 55.3§1

CONTACT ORDERS

- access and custody orders, transitional provisions and amendments, 108(7)-(8)
- best interests of the child, 18, 35(5)(a), 35§2.1

- • ability to care for child/meet child's needs, 18(2)(b)(viii)(A), 18§5
- communication, 18(2)(b)(viii)(B), 18§6
- • considerations, 35(4), 35(5)
- considering a child's "views and preferences", 18(2)(b)(iv), 18§3
- • cooperation, 18(2)(b)(viii)(B), 18§6
- criteria for orders, 35(5), 35§2
- • determining best interests, factors, 18(2)
- • expert opinion, importance of, 18810
- "family violence", 18(2), 18(3), 1889
- • establishing, 18(4)
- • generally, 18(1), 18§1
- health may be jeopardized without contact, 35§2.2
- in loco parentis relationships, maintaining, 18§7.2
- • jurisdiction, 18§8
- • relationships, maintaining with each guardian, 18(2)(b)(ix), 18§4, 18§7
- • *in loco parentis* relationships, 18§7.2
- • police enforcement, 18§7.1
- • relocation, 18(2)(b)(ix), 18§4
- • who may make, 35(2), 35(3)
- willingness to care for child/meet child's needs, 18(2)(b)(viii)(A), 18§5
- definitions, 16
- denial of contact, 35§5
- non-parents, contact with, 35§3
- notice of application, 17(1)
- • notice to child of service, 17(2)
- • procedure, 17§2
- permission to apply, 35(2), 35§4
- • considerations in granting, 35§4

- • facilitate contact, necessity of making an order to, 35(4)(b), 35§4.4
- • significance of relationship, 35(4)(a), 35§4.3
- • grandparents, 35(3), 35§4.1
- • interruption of contact, 35(3), 35§4.2
- service on child of application, 17§1
- • notice to child of service, 17(2)
- • procedure, 17§2
- terms and conditions, 36
- • acrimony between parties, 36§1.3
- • examples of, 36§1
- • health concerns (of child), 36§1.5
- • religion, restrictions relating to, 36§1.4
- • structured contact, 36§1.1
- • supervised contact, 36§1.2
- variation of, 37
- • change of circumstances, 37(3), 37§1.1
- • change of needs, 37(3), 37§1.1

COURT, *see* JURISDICTION; POWERS OF COURT

D

DEFINITIONS

- adult interdependent partner, 46(a)
- "anything the court considers appropriate", 40§4
- birth, 1(b), 1\\$2
- birth mother, 1(b.1), 1§3
- change in circumstances, 77§6
- child, 1(c), 1§4, 46§2
- child support agreement, 46(c)
- conjugal, 1(c.1), 1§5
- court, 1(e), 1§6
- Crown, bound, 2
- definitions section overview, 1§1

- family violence, 18(2), 18(3), 18§9
- father, 1(f), 1§7
- former Acts, 108(1)
- frivolous, vexatious applications, 91(1), 91§1, 91§2
- grandparent, 1(g), 1§8
- guardianship, 16
- marriage, 1(g.1), 1§9
- mother, 1(i), 1§10
- parent, 1(j), 1§11
- person standing in place of parent, 1(m), 1§12
- recalculation program, 55.1(f)
- • child support guidelines, 55.1(a)
- • child support order, 55.1(b)
- • payor, 55.1(d)
- • recalculated amount, 55.1(d)
- recipient, 55.1(g)
- relationship of interdependence, 1(n), 1§13
- re-partnering, 58§4.1
- spousal support, 56§1
- spouse, 46(g)
- support order, 46(h)
- surrogate, 5.1§2

DISPUTE RESOLUTION, see also SETTLEMENT

- alternative methods, 5(a)-(b)
- generally, 97
- mediator, 97(1)
- • allocating costs, 97(2)
- process, parenting orders, 32(2)(c)
- terms of parenting order, 98§4

DUTY OF SOLICITOR, see SOLICITOR'S DUTY

Ε

ENFORCEMENT ORDERS

ENFORCEMENT ORDERS — Continued

- adult interdependent partner, definition of, 46(a)
- best interests of the child, 18
- • ability to care for child/meet child's needs, 18(2)(b)(viii)(A), 18§5
- communication, 18(2)(b)(viii)(B), 1886
- • considerations, 35(4), 35(5)
- • considering a child's "views and preferences", 18(2)(b)(iv), 18§3
- • cooperation, 18(2)(b)(viii)(B), 18§6
- • determining best interests, factors, 18(2)
- • expert opinion, importance of, 18§10
- • "family violence", 18(2), 18(3), 18§9
- • establishing, 18(4)
- • generally, 18(1), 18§1
- • in loco parentis relationships, maintaining, 18§7.2
- • jurisdiction, 18§8
- • relationships, maintaining with each guardian, 18(2)(b)(ix), 18§4, 18§7
- • in loco parentis relationships, 18§7.2
- • police enforcement, 18§7.1
- • relocation, 18(2)(b)(ix), 18§4
- • willingness to care for child/meet child's needs, 18(2)(b)(viii)(A), 18§5
- child, definition of, 46(b)
- child support agreement, definition, 46(c)
- child support order, 46(d)
- compensatory time, 40(2)(a), 40§2
- definitions, 16
- denial of time with child, excusable, 40(5), 40§6

- enforcement officer, assistance of, 44(1), 44§1
- • best interests of the child, 44(3)
- • denying entry to, 44(2)
- • reasonable force, 44(4)
- • action against officer, 44(6)
- • hours of entry, 44(5)
- enforcement officer, report by, 45(1)
- • admissible evidence, 45(3)
- • copy of report, who to, 45(2)
- effect of divorce proceedings, 45.1§1
- • history, 45§1
- expenses incurred, compensation for, 40(2)(c), 40§3
- general, 40(1)-(2)
- history, 40§1
- notice of application, 17(1)
- • notice to child of service, 17(2)
- • procedure, 17§2
- order directing parties to do "anything the court considers appropriate", 40§4
- other applications, 40§7
- prescribed guidelines, definition, 46(e)
- reasons given, 43
- • history, 43§1
- service on child of application, 17§1
- • notice to child of service, 17(2)
- • procedure, 17§2
- spouse, definition of, 46(g)
- support order, definition of, 46(h)
- time, failure to exercise, 41
- • examples of, 41§1
- time with child, enforcement of, 40(6)(b)-(c)
- variation of order, 42
- • history, 42§1
- • terminated order, 42(4)
- • void clauses, 42(3)
- warrant for committal, 40§4

EVIDENCE, see POWERS OF COURT

G

GUARDIANSHIP

- applications, 23, 20§8
- • factors considered, 23§4
- best interests of the child, 18
- • ability to care for child/meet child's needs, 18(2)(b)(viii)(A), 18§5
- • communication, 18(2)(b)(viii)(B), 18\(\)6
- • considering a child's "views and preferences", 18(2)(b)(iv), 18§3
- • cooperation, 18(2)(b)(viii)(B), 18§6
- • determining best interests, factors, 18(2)
- • expert opinion, importance of, 18§10
- • "family violence", 18(2), 18(3), 18§9
- • establishing, 18(4)
- generally, 18(1), 18§1
- • in loco parentis relationships, maintaining, 18§7.2
- • jurisdiction, 18§8
- • relationships, maintaining with each guardian, 18(2)(b)(ix), 18\$4, 18\$7
- • *in loco parentis* relationships, 18§7.2
- • police enforcement, 18§7.1
- • relocation, 18(2)(b)(ix), 18§4
- willingness to care for child/meet child's needs, 18(2)(b)(viii)(A), 18§5
- child subject to, 19
- conflict between parties, 23§4.1
- conflict, jurisdictional, 23§6
- consent to, 24(1)
- • dispensing with, 24(2), 24§1

- court's jurisdiction, place of residence, 23§1
- defined terms, 20, 20§3
- definitions, 16
- demonstrated intention, 20§4
- denial of guardianship, 20(4), 20§5
- duration of, 26
- entitlements, 21(1), 21(4)
- failure to communicate, 20§6
- generally, 20, 20§2
- guardians, more than one, 21(2), 32(1)
- history, 20§1
- natural parents as guardians, 20§7
- no intrusion on rights of guardian, 2183
- non-parent guardian support, 21§4
- non-parents, to, 18§5.1
- notice of application, 17(1)
- • notice to child of service, 17(2)
- procedure, 17§2
- order, when court may make, 23(1), 23(2), 23§2
- • considerations, 23(3)
- • court's own motion, 23(6), 23(7)
- waiver of requirements, 23(5)
- place of residence, 23§1
- • cross-reference, 16§2
- powers, 21(1), 21(6)
- • capacity of child, 21(7)
- presumption of equality, 21§2
- qualified persons, reports by, 23(3), 23§3
- residency requirement, 23(4), 23§5
- responsibilities, 21(1), 21(5), 21§1
- review of decision, 30
- • powers of review, 30§1
- service on child of application, 17§1
- • notice to child of service, 17(2)
- • procedure, 17§2
- significant decision, 30(1)
- standing, 23(1), 23§2

GUARDIANSHIP — Continued

- support, no legal duty, 21(3)
- support, non-parent, 24§1
- termination of, 25(1), 26(d), 26§1
- • applications, 25§1
- • consent of child, 25(2)
- • dispensing with consent, 25(3)
- • testamentary termination, 25§2
- testamentary appointment, 22§1
- • conduct, 22(2)
- • expressly stated, 22(3)
- • powers, 22(5), 22(6)
- • revocation, 22(4)

I

INTERDEPENDENCE, see also ADULT INTERDEPENDENCE

- elements of, 1§13
- • "Molodowich Factors", 1§13.2
- relationship of, 1(n), 1\\$13.5
- • economic and domestic unit, 1\\$13.4
- • acquisition of property, 1§13.4(h)
- • conjugal relationship, 1§13.4(a)
- • definition, 1§13.3
- • domestic unit, functioning as, 1§13.4(d)
- • economic unit, functioning as, 1§13.4(d)
- • exclusivity, degree of, 1§13.4(b)
- • financial dependence/interdependence, 1§13.4(g)
- • household activities, 1§13.4(c)
- • intentions, formalizing, 1§13.4(e)
- • living arrangements, 1§13.4(c)
- ••• "mutual well-being" contributions to, 1§13.4(f)
- • obligations, formalizing, 1§13.4(e)
- • ownership of property, 1§13.4(h)
- • responsibilities, 1§13.4(e)
- • use of property, 1§13.4(h)

 shared lives/emotional commitment, 1§13.3

INTERIM ORDERS, see POWERS OF COURT

J

JURISDICTION, see also POWERS OF COURT; PROCEEDINGS

- concurrent, 3(1), 3(2), 4§2
- conflicts, 3§2.1, 23§6
- contact, non-parents, 35§3
- court, definition of, 1(e), 1§4
- courts
- • provincial, 3(2), 4(3)
- • Queen's Bench, 3(1), 4(3)
- enforcement orders, best interests of child, 18§8
- generally, 3
- non-parents, contact, 35§3
- parens patriae, 3§3
- place of residence, guardianship, 23§1
- restrictions of provincial court, 3§3

0

ORDERS, see CHILD SUPPORT ORDERS; CONTACT ORDERS; ENFORCEMENT ORDERS; PARENTING ORDERS; SPOUSAL SUPPORT ORDERS

OTHER ACTIONS

- actions brought or maintained, 103(1)
- • when may not be brought, 103(2)
- credit, right to pledge, abolished, 105
- engagement, 101§3
- gifts, in contemplation of marriage, 102, 102\\$1

OTHER ACTIONS — Continued

- gifts, in contemplation of marriage *Continued*
- • engagement ring as conditional gift, 102§2
- • gift vs. trust, 102§3
- implied agency abolished, 105
- legal personality, unity abolished, 104(1)
- • married persons, capacity of, 104(2), 104\\$1
- obsolete actions, 103§1
- • adultery, damages for, 103§1.2
- • enticement of child, 103§1.5
- • enticement of spouse, 103§1.3
- • harbouring, 103§1.4
- • harbouring child, 103§1.5
- • jactitation of marriage, 103§1.1
- promise to marry, breach of, 101, 101§3
- • pecuniary damages, 101(2)

Ρ

PARENTAGE, ESTABLISHING

- assisted reproduction, 8.1
- • parents who and how many, 8.1§1
- • same-sex relationships, 8.1§1
- blood tests, 15(1), 15§1
- • consent, 15(3)
- • age, 15(4)
- • incapable of giving, 15(4)
- • incapacity, 15(4)
- • cost of testing, 15§4
- • factors in granting permission to obtain DNA testing, 15§2
- • inference drawn, 15(5), 15§3
- • terms and conditions, 15(2)
- declaration of, 9(1)
- • effect of declaration, 9§6
- • setting aside, 10(4)

- • under other Acts, transitional provisions, 108(5)-(6)
- definition, 9§3, 9§4
- evidence, new, 10
- • permitted, 14§2
- evidence not admissible, 14
- • history, 14§1
- • not admissible, 14
- generally, 7, 7§1, 10
- history of, 8§1, 9§2, 10§1, 11§1
- presumption of, 8(1)-(2)
- • registration as father under the *Vital Statistics Act*, 8§3
- • right to rebut presumption, 8§2
- re-opening case, 10\s3
- registration under the Vital Statistics Act, 9§5
- service, 11(1), 11§2
- setting aside declaration of, 10(4)
- surrogacy, 8.2
- parenting issues arising in assisted conception cases, pre-2011 amendments, 8.2§3
- • regulations, 8.2§2
- who may apply for a parental declaration, 8.2§1

PARENTING ORDERS, see also CHILD SUPPORT ORDERS

- best interests of the child, 18
- ability to care for child/meet child's needs, 18§5
- • communication, 18(2)(b)(viii)(B), 18§3, 18§6
- • considering a child's "views and preferences", 18(2)(b)(iv), 18§3
- cooperation, 18(2)(b)(viii)(B), 18§6
- determining best interests, factors, 18(2)
- • expert opinion, importance of, 18§10

PARENTING ORDERS — Continued

- best interests of the child *Continued*
- • "family violence", 18(2), 18(3), 18§9
- • establishing, 18(4)
- • generally, 18(1), 18§1
- • guardianship to non-parents, 18§5.1
- • *in loco parentis* relationships, maintaining, 18§7.2
- • jurisdiction, 18§8
- • relationships, maintaining with each guardian, 18(2)(b)(ix), 18\(\)2, 18\(\)3
- • *in loco parentis* relationships, 18§7.2
- ••• police enforcement, 18§7.1
- ••• relocation, 18(2)(b)(ix), 18§4, 18§4.4, 18§4.5
- willingness to care for child/meet child's needs, 18(2)(b)(viii)(A), 18§5
- court, referral of questions to, 31(1)
- definitions, 16
- generally, 32
- • application of, 32§2
- • contents of order, 32(2)
- • dispute resolution process, 32(2)(c)
- • powers, allocation of, 32(2)(a)
- • time, allocation of, 32(2)(b)
- • exclusive to guardian, 32(3)
- • guardians, multiple, 21(2), 32(1)
- • disagreement, 32(1)(a)
- notice of application, 17(1)
- • notice to child of service, 17(2)
- • procedure, 17§2
- parenting time, 32(5)
- residence, place of, changing, 33(2)
- restrictions, 33§1
- service on child of application, 17§1
- • notice to child of service, 17(2)
- • procedure, 17§2

- terms and conditions, 33(1), 33§1, 98§4
- variation of order, 34
- • back-door appeals, 34§5
- • change in circumstances, no change, 34§3
- change in needs/circumstances, 34(3), 34§2
- • access, thwarting, 34§2.4
- • age-related need, 34§2.3
- • alienation, 34§2.4
- • children's wishes, 34§2.1
- • financial need, 34§2.2
- • lifestyle, 34§2.5
- • no change in circumstances, 34§3
- • relocation allowed, 34§2.6
- • general, 34§1
- • interim parenting order, 34§4

POWERS OF COURT, see also JURISDICTION; PROCEEDINGS

- appeal, 89, 89§1, 89§2
- • declaration remains in force, 90
- • order remains in force, 90
- applications, 91
- • balancing rights of litigants with court's functions, 91§4
- • before child is born, 94, 94§1
- • frivolous, vexatious, 91(1), 91§1
- • definitions, 91§2
- • imposing terms, 91(2)
- • interfering and abusive parties, 91§3
- · child as party, 95
- • appoint individual represent child, 95(3), 95§1
- • allocating costs, 95(4)
- appointing counsel, practice and procedure, 95§2
- consent order or declaration, 85
- • discretion of court to grant, 85§1

POWERS OF COURT — Continued

- consent order or declaration Continued
- • settlement terms in best interests of child, 85§2
- costs of action, 93, 93§1
- • against counsel, 93§5
- • against director, 93§4
- • awarded, 93§2
- • not awarded, 93§3
- counselling records, privilege of, 87§3
- courses and programs, 98, 98§1 • • parenting after separation seminar,
- • terms of parenting order, 98§4
- dispute resolution, 97
- • appointing mediator, 97(1)
- • allocating costs, 97(2)
- • terms of parenting order, 98§4
- evidence
- • admissible, 87
- • burden of proof, 87§1
- • relevance of materials, 87§2
- • from child, 87§5
- • new, introduction of, 87§4
- failure to appear, 88, 88§1
- • rehearing, 88(2)
- • under what circumstances, 88(1)
- incorporation of terms in court order, 86
- interim order, 84(1)
- • practice and procedure, 84§1
- • varying an interim order, 84§2
- irreconcilability, declaration of, 83, 83§2
- • general, 83§1
- order for relief on behalf of child, 96
- parenting order, terms of, 98§4
- private hearing, 99, 99§1
- publication and broadcast ban, 100, 100§1
- regulations, 98§2

 stay of proceedings and judgments, see PROCEEDINGS

PROCEEDINGS, see also JURISDICTION; POWERS OF **COURT**

- · commenced under former Act, transitional provisions, 108(3)
- concurrent
- • generally, 4(1)
- • jurisdiction, 3(1), 3(2), 4\\$2
- divorce, effect of on child support,
- stay of, and judgments, 92(1)
- • arrears denied, 92§3
- • pending appeal, 92§1
- • appeal to Supreme Court denied, 92§2
- • spousal support denied, 92§3
- • terms or conditions, 92(2)

R

RECALCULATION PROGRAM, CHILD SUPPORT, see CHILD SUPPORT RECALCULATION **PROGRAM**

REGULATIONS, 8.2§2, 55.8, 98§2,

S

SETTLEMENT, see also DISPUTE RESOLUTION

- Child, Youth and Family Enhancement Act, 6, 6§2
- compliance with, 5(2)
- · dispute resolution, alternative methods, 5(a)-(b)
- generally, 5
- duty of solicitor, 5

SETTLEMENT — Continued

• tools for, 5\(\xi\)1

SOLICITOR'S DUTY

- alternative dispute resolution methods, 5(a)-(b)
- Child, Youth and Family Enhancement Act, 6, 6§2
- cross-reference, 5§2
- generally, 5
- tools for, 5§1

SPOUSAL SUPPORT, see also SPOUSAL SUPPORT ORDERS

- application of ss. 58 and 60, 58§6
- • compensatory support, 58§6.2
- • elderly parties, 58§6.3
- • lump sum awards, 58§6.4
- needs-based spousal or partner support, 58§6.1
- • indefinite support, 58§6.1.1
- • limited support exceeds cohabitation, 58§6.1.3
- • short-term and limited support, 58§6.1.2
- • no support ordered, 58§6.5
- applications, not combined, 79
- breakdown of relationship, economic hardship from, 60(c), 60§4
- burial expenses, application for reimbursement, 82, 82§1
- "change in circumstances", 77§6
- child care, apportioning financial consequences arising from, 60(b), 60§3
- child support, priority of, 61(1), 61§1
- • change of circumstances, 61(3)
- • effect on adult interdependent partner support orders, 61(2)
- • variation, constituting, 61(3)
- common law partner, 82.1, 82.1§1

- conditions, means, needs, other circumstances, 58§2
- constructive trust claims, interaction of spousal support, 58§5
- contributions by others, 58(d), 58§4
- • "re-partnering", 58§4.1
- definitions, 56§1
- discretionary, support is, 57§3
- divorce proceedings, effect of, 81(1)
- economic advantages and disadvantages, 60(a), 60§2
- economic hardship, from breakdown of relationship, 60(c), 60§4
- economic self-sufficiency, promoting, 60(d), 60§5
- enforcement of agreement, 64
- estate, bound by support order, 80(1), 80\\$1
- exclusive possession of home, 68, 6881
- defence to application for exclusive possession, previous agreement, 68§3
- • occupation rent, 68§2
- factors in making order, 58, 58§1
- financial consequences, arising from child care, 60(b), 60§3
- financial information, disclosure of, 65(1)
- condition precedent for application to disclose, 65§5
- • failure to comply with notice to disclose, 65§4
- • failure to comply with order, 65(3)
- •• failure to comply with request, 65(2)
- • imputing income, 65§3
- procedure, 65§1
- • notice to disclose, 65§1.1
- • time of disclosure, 65(4)
- • contempt order, 65(6)(a)
- • costs, award, 65(6)(b)
- • failure to comply, 65(5)(a)

SPOUSAL SUPPORT — Continued

- general, 56§2, 67§1
- guidelines and variation orders, 77§7
- history, 57§1
- household goods, 67(a), 67§2
- • exclusive use of, 73, 73§1
- • financial statement, registration of, 74, 74§1
- • cancellation of order, 76, 76§1
- • effect of registration, 75, 75§1
- interdependent partner support, 57§2
- interim applications, 58§7
- limitation on varying time-limited order, 77§8
- matters to be considered, 69, 69§1, 69§2, 69§3, 69§4
- • availability of accommodation, 69(a)
- • financial position, 69(c)
- • needs of children, 69(b)
- • restrictions or conditions of lease, 69(e)
- misconduct, 59, 59§1
- objectives of order, 60, 60§1
- obligation to support, 56
- pensionable earnings, unadjusted, 82.2, 82.2§1
- possession, registration of order for, 71, 71§1
- • binds estate, 71(2)
- • encumbrance on estate, 71(3)
- precedence of order, 70, 70§1
- pre-existing contracts, 58(a)(iii), 58§3
- primary home, 67(b), 67§3
- principles of, 56§3
- retroactive spousal support, 46§6.1, 57§4
- • blameworthy conduct and retroactivity, 57§4.1
- • interim support and retroactivity, 57§4.2

- Spousal Support Advisory Guidelines, 60§6
- spouse as tenant, 72, 72§1
- standing to bring application for, transitional provisions, 108§2
- stay for support and arrears denied, 92§3
- support agreements, 62, 62§1
- • overriding, 62§1
- • support order differing from agreements, 62(3)
- • under what circumstances, 62(3)(a)-(d)
- • varying existing order, 62(2)
- • what constitutes, 62(1)
- support order, see SPOUSAL SUP-PORT ORDERS
- witness, competent, compellable, 78

SPOUSAL SUPPORT ORDERS, see also SPOUSAL SUPPORT

- made under previous legislation, enforcement of, 108(10), 108§5
- termination of support order, 63, 63§1
- • arrears, 63(2)
- cross-reference, 63§2
- • on death, 63(1)
- terms and conditions, support order, 66
- • property, secured by charge, 66(3)(g), 66§4
- • default of payment, 66(10)
- • mortgage, on property, 66(9)
- • personally liable, 66(11)
- • registerable, 66(8)(a)
- • security only, 66(11)
- • reasonable expenses, 66(5), 66§5
- • time limit, 66(6)
- • time-limited award, 66(3)(a), 66\sqrt{2}
- • transfer or convey property, 66(7)
- • trust, held in, 66(3)(b), 66§3
- variation of
- • generally, 77(1)-(2), 77§1, 77§4

SPOUSAL SUPPORT ORDERS —

Continued

- variation of *Continued*
- • orders and guidelines, 77§7
- • prerequisites to order, 77(4), 77(5)
- ••• change of circumstances, 77(4)(a), 77(5)(a)
- • evidence become available, 77(4)(b), 77(5)(b)
- • retroactive, 77§5
- • time-limited, limitation on, 77§8
- • who may make, 77(3), 77(3)(b)-(c)
- when order may be made, 57(2)

SUPPORT OF ADULT INTERDEPENDENT PARTNER,

see SPOUSAL SUPPORT

SUPPORT ORDERS, see CHILD SUPPORT; CHILD SUPPORT ORDERS; SPOUSAL SUPPORT; SPOUSAL SUPPORT ORDERS

TRANSITIONAL PROVISIONS AND AMENDMENTS

- access and custody orders, 108(7)-(8)
- consent, required, 108(4)(b), 108§4
- declaration of parentage, under other Acts, 108(5)-(6)
- "former Acts", 108(1)
- generally, 108
- judicial separation, 108(4)(a)
- new evidence, 108§1
- proceedings, commenced under former Act, 108§5
- standing to bring application for spousal support, 108§2
- support, 108(2)
- support orders, made under previous legislation, enforcement of, 108(10), 108\(\) 4
- transitional regulations, 109(1)
- • repealed, 109(3)
- • before repeal, 109(4)
- • retroactive, 109(2)

Т