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FAMILY LAW IN ONTARIO Michael G. Cochrane and Ruth Kalnitsky Roth Release No. 3, October 2026

What’s New in this Update:

This release includes updates to Chapter 1 (Who Makes Family Law?), Appendix IF (Issues in Focus), Appendix SLL (Select Legal Literature) and Appendix WPJ (Words and Phrases).

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Highlights

- **Chapter 1—Who Makes Family Law?** has been substantially revised.
- **Appendix IF—Issues in Focus**—This appendix is updated to include:
 - § IF:15—What is the difference between divorce and annulment, and when can a marriage be annulled? Alberta; British Columbia; Federal; Manitoba; New Brunswick; Newfoundland and Labrador; Northwest Territories; Nova Scotia; Nunavut; Ontario; Prince Edward Island; Saskatchewan; Yukon—Stephanie Sugar—LLM—Updated May 1, 2025.
 - § IF:17—Where one spouse has made an assignment into bankruptcy that causes financial hardship to the other spouse, such as leaving the other spouse solely responsible for a joint debt, will the court be inclined to order compensatory spousal support? Ontario—TVA—Updated August 1, 2025.
 - § IF:32—What, if any, is the quantum of child support for an adult child under a disability? Federal and Alberta—TVA—Updated November 1, 2025.
- **Appendix WPJ—Words and Phrases**—Updates include:

§ WPJ:313—Parenting Time—In the case of a parent with whom the children do not primarily reside, “parenting time” means time in which the parent and children are in each other’s physical presence, and interact with each other to some degree. It certainly need not be a formal activity. The parent’s passive presence, while the children engage in tasks such as homework, or while simply hanging out together at home while each pursues an individual activity in proximity to each other, will be just as conducive to the parent-child relationship in the long run. The same goes for driving the children to activities, or watching them participate in such activities, as long as there is the opportunity for interaction before and after. The point is to allow the parent with limited parenting time to share fully in the potential scope of that relationship, as the parent with whom they primarily reside is able to do without making any special effort.

J.K.K. v. B.S.K., (2026), 2026 CarswellBC 1153, 2026 BCSC 625, Schultes J. at para. 33.
- **Appendix SLL—Select Legal Literature**—Updates include:
 - Retroactive support: you can’t always get what you want, or what you need by Rollie Thompson (2025) 43 C.F.L.Q. 393-415.
 - Support on the margins: a review of the case law relating to high-income and low-income families by Adam Prewer and Sarah Strathopoulos (2025) 43 C.F.L.Q. 275-362.

New Authorship

Ruth Kalnitisky Roth.

With Release 2026-2, we welcome new co-author **Ruth Kalnitisky Roth**. Ruth is a partner in the Family Law Group at Torkin Manes LLP. Licensed in Ontario, California and Washington D.C., Ruth's robust family law practice involves complex litigation dealing with financial and children's issues, with a particular focus on cross-border matters and international child abduction cases. To complement her practice, Ruth dedicates time to giving back to the communities in which she lives and works through various writing and speaking engagements, and volunteering with several pro bono programs.