

Index

ADVERSE INFERENCE

Generally, § 24:3

CUSTODY, SHARED

Complete Analysis Following Contino, § 10:9

Conditions, Means, Needs and Other Circumstances of Each Spouse and of Any Child for Whom Support is Sought, § 10:32

Hybrid Arrangements, § 10:38

Increased Costs of Shared Custody Arrangements, § 10:31

Interpretation by the Supreme Court of Canada, § 10:4

Miscellaneous, § 10:39

Not Less than 40 Percent of the Time, § 10:12

Practice and Procedure, § 10:33

Relationship of Section 9 to the Other Sections of the CSG, § 10:34

Table Amounts, § 10:30

CUSTODY, SOLE

See also Income Over \$150,000

Income More Than \$150,000, § 5:3 to § 5:9

CUSTODY, SPLIT

General, § 9:4

Hybrid Cases, § 9:5

DEFINITIONS

Annual Income, § 16:13

Child of the Marriage, § 3:3, § 3:16

Beyond Termination Date in Order or Agreement, § 3:37

Over the Age of Majority, § 3:18

Under the Age of Majority, § 3:17

Extraordinary (Expenses), § 8:28

Interim Support, § 3:9, § 3:44

Interim Retroactive Child Support, § 3:45

Miscellaneous, § 3:48

Payor in Place of a Parent, § 3:47

Shared Parenting—Interim Orders, § 3:46

DEFINITIONS—Cont'd

Most Current Information, § 3:7, § 3:43

Order Assignee, § 3:4

Parent-Child Relationship, § 3:41, § 3:42

Recalculation, § 3:8

Spouse, § 3:5

In Place of a Parent, § 6:4

Universal Child Care Benefit, § 3:6

Withdrawal from Parental Charge, § 3:19 to § 3:21

Withdrawal from Parental Charge, Inability to Withdraw

Adult Child is Married or Living with a Partner, § 3:40

Adult Child is Pregnant or has a Child, § 3:39

Child's Education, § 3:25 to § 3:35

Children Continuing Education

After Interruption, § 3:30

Full-Time Education, § 3:28

Multiple Degrees, § 3:35

Part-Time Education, § 3:29

Proof of Attendance, § 3:33

Child's Obligation to Contribute to Education, § 3:27

Transitional Period Between Schooling and Work, § 3:34

Illness or Disability, § 3:22 to § 3:24

Lack of Available Employment, § 3:36

Miscellaneous, § 3:38 to § 3:40

EXTRAORDINARY EXPENSES

See Special or Extraordinary Expenses

FAILURE TO COMPLY

Costs of the Proceedings, § 23:4

Failure to Comply, § 23:3

FAILURE TO COMPLY WITH COURT ORDER

Generally, § 25:3

INCOME, ADJUSTMENTS TO

Additions to Income, § 17:15

Capital Cost Allowance: Real Property, § 17:17, § 17:49

INCOME, ADJUSTMENTS TO—Cont'd

- Additions to Income, § 17:15—Cont'd
 - Employee Stock Options, § 17:18, § 17:44
 - Net Self-Employment Income—Non-Arm's Length Payments, § 17:16, § 17:35
- Deductions, § 17:6 to § 17:14
 - Business Investment Losses, § 17:9, § 17:45
 - Capital Gains and Capital Losses, § 17:8, § 17:43
 - Carrying Charges, § 17:11, § 17:48
 - Dividends from Taxable Canadian Corporations, § 17:7, § 17:40, § 17:41
 - Employment Expenses, § 17:6, § 17:46
 - Income from Period-Deduction of 1995 Stub-Period Income, § 17:13
 - Non-Recurring Losses, § 17:10
 - Partnership or Sole Proprietorship Income for Purposes of Capitalization, § 17:14, § 17:23
 - Self-Employment Income Business Financial Statements, § 17:12, § 17:34
- General, § 17:5

INCOME, CALCULATION OF

- Annual Income Derived from Sources of Income—General, § 17:4, § 17:19
- Business Expenses, § 17:47
- Business Income, § 17:34
- Business Investment Losses, § 17:9, § 17:45
- Capital Cost Allowance for Property, § 17:17, § 17:49
- Capital Gains, § 17:8, § 17:43
- Carrying Charges, § 17:11, § 17:48
- Disability Benefits Income
 - Disability Benefits Included on Line 114 (CPP or QPP Benefits), § 17:29
 - Registered Disability Savings Plan Income, § 17:30
 - Wage Loss Replacement Contributions, § 17:27
 - Workers Compensation Benefits, § 17:28
- Dividends, § 17:7, § 17:40, § 17:41
- Employment Expenses, § 17:6, § 17:46

INCOME, CALCULATION OF—Cont'd

- Employment Income, § 17:20
 - Commissions, § 17:21
 - Other Employment Income, § 17:22
- Employment Insurance, § 17:26
- Farming Income, § 17:37
- Fishing Income, § 17:38
- Gifts, § 17:54
- “Grossing Up” Income, § 17:57
- Interest Income, § 17:42
- Investment Income, § 17:42
- Net Federal Supplements, § 17:53
- Other Income, § 17:26, § 17:55
- Other Issues, § 17:58
- Partnership Income, § 17:14, § 17:23
 - Net Partnership Income: Limited or Non-Active Partners Only, § 17:24
- Pensions
 - Elected Split-pension Amount, § 17:33
 - Old Age Security Pension, § 17:32
 - Other Pensions or Superannuation, § 17:31
 - RRSP Income, § 17:25
- Professional Income, § 17:36
- Registered Disability Savings Plan Income, § 17:30
- Rental Income, § 17:39
- RRSP Income, § 17:25
- Self-employment Income
 - Business Income, § 17:34
 - Farming Income, § 17:37
 - Fishing Income, § 17:38
 - Net Self-employment Income, § 17:16, § 17:35
 - Professional Income, § 17:36
 - Self-Employment Income Business Financial Statements, § 17:12
- Social Assistance Payments, § 17:51
 - Other Assistance Payments, § 17:52
- Sole Proprietorship Income, § 17:14, § 17:23
- Sources of Income, § 17:4
- Special or Extraordinary Expenses, § 17:56
- Stock Options, § 17:18, § 17:44
- Support Payments Received: Spousal Support and UCCB, § 17:50
- Wage Loss Replacement Contributions, § 17:27
- Workers Compensation Benefits, § 17:28

INCOME, DETERMINATION OF

- See also Income, Calculation of and Income, Adjustments to
- Actual Income, Not Income for Tax Purposes, § 16:6
- Annual Income, § 16:5, § 16:13
- Current Income, § 16:4
- Miscellaneous, § 16:14
- Spousal Support, Same Determination of Income Used for, § 16:12
- Suggested Approach to Determine Annual Income of Parent or Spouse, § 16:7
- Adjustments, § 16:10
- Current Amounts, § 16:9
- Current Sources of Income, § 16:8
- Fair Determination Case Law, § 16:11
- Whose Income Relevant, § 16:3

INCOME, IMPUTING

- Cash Income, § 20:27
- Differentiating Between Income and Capital, § 20:24
- Diversion of Income, § 20:15
- Dividends, Capital Gains or Other Sources Taxed at a Lower Rate, § 20:19
- Exempt from Paying Federal or Provincial Income Tax, § 20:13
- Expenses, Deductions of from Income, Reasonableness of, § 20:18
- Expenses, Reasonableness of, § 20:23
- Failure to Provide Income Information, § 20:17
- Foreign Tax System, § 20:14
- General Principles, § 20:4
 - Calculation of Imputed Income, § 20:7
 - Evidence-Related Issues, § 20:6
 - Relationship of s. 19 to other Sections of the Child Support Guidelines, § 20:5
- Gifts, § 20:21
- Interim Orders Imputing Income, § 20:8
- Lifestyle, § 20:22
- Miscellaneous, § 20:25, § 20:26
- Prior Income Variation of, § 20:28
- Property is Not Reasonably Utilized to Generate Income, § 20:16
- Trust Beneficiary, § 20:20
- Underemployed or Unemployed, Intentional
 - General, § 20:9

INCOME, IMPUTING—Cont'd

- Underemployed or Unemployed, Intentional—Cont'd
 - Needs of a Child of Marriage, § 20:10
 - Parent's Reasonable Education Needs, § 20:11
 - Parent's Reasonable Health Needs, § 20:12

INCOME, PATTERN OF

- General, § 18:3, § 18:4
- Non-Recurring Losses, § 18:8
- Non-Recurring Payments, § 18:7
- Three Year Average, § 18:5, § 18:6

INCOME, SOURCES OF

- Generally, § 17:4

INCOME INFORMATION, OBLIGATION TO PROVIDE

- Generally, § 22:4

INCOME INFORMATION, OBLIGATION TO PROVIDE, CONTINUING

- Generally, § 26:3, § 26:4

INCOME OF NON-RESIDENT

- General, § 21:3, § 21:4

INCOME OVER \$150,000

- Burden of Proof, § 5:3
- Evidence, § 5:4
- Practice and Procedure, § 5:8
- Relationship of Section 4 to Other Sections of the Guidelines, § 5:9
- Table Amount
 - Inappropriate, § 5:6
 - Not Inappropriate, § 5:5
 - Other, § 5:7

INCOME TAX

- Agreements Made Before May 1997, § 29:4
- Child Support, § 29:2
- Commencement Day, § 29:5
- Deduction/Inclusion Rules, § 29:1
- Determining Support Amount Included in Income, § 29:3
- Formulas, Effect of, § 29:9
- Orders Made Before May 1997, § 29:4
- Prior Payments
 - No Variation, § 29:6
 - Variation, § 29:7

INCOME TAX—Cont'd

Third Party Payments, § 29:8

INSURANCE COVERAGE, MEDICAL AND DENTAL

Generally, § 7:2, § 7:3

Insurance Expenses, § 8:17, § 8:19

Allowed, § 8:17

Disallowed, § 8:18

Not Insured, § 8:19

Allowed, § 8:17

Disallowed, § 8:21

OBJECTIVES

Ensure Consistent Treatment, § 2:10

Establish a Fair Standard of Support, § 2:7

General, § 2:3 to § 2:6

Courts' Discretion is to be Exercised in Light of the Objectives, § 2:4

Examples Where Objectives Have Informed Interpretation of Particular Sections of the Guidelines, § 2:5

Objectives Affect All Sections of the Guidelines, § 2:3

Other Considerations of the Objectives, § 2:6

Improve the Efficiency of the Legal Process, § 2:9

Reduce Conflict and Tension Between Spouses, § 2:8

ORDERS, FAILURE TO COMPLY

Generally, § 25:3

ORDERS, INFORMATION TO BE SPECIFIED IN

Generally, § 14:3

ORDERS, VARIATION OF

See Variation of Child Support Orders

ORDERS TO SECURE PAYMENT

Generally, § 13:3

PAYMENTS, FORM OF

Lump Sum

Calculation of, § 12:7

General, § 12:4

Granted, § 12:5

Interim Orders, § 12:9

Not Granted, § 12:6

PAYMENTS, FORM OF—Cont'd

Lump Sum—Cont'd

Periodic Payments and Lump Sum Payments, § 12:8

Miscellaneous, § 12:10

Periodic Payments and Lump Sum Payments, § 12:8

Terms and Conditions, § 12:3

PRESUMPTIVE RULE

Allocation of Funds Between Children Over and Under the Age of Majority, § 4:13

Child is Age of Majority or Over, § 4:3

Adult Children, Presumptive Order Inappropriate, § 4:17 to § 4:19

Approach to Determining Support, § 4:11

Duration of Support for Adult Children, § 4:12

Circumstances of the Child, § 4:14 to § 4:22, § 4:63

Condition of the Child, § 4:14 to § 4:22

Court's Discretion, § 4:75

Extraordinary Expenses, § 4:5

Factors, § 4:52 to § 4:71

Circumstances of the Children, § 4:63

Conduct of the Parent, § 4:56

Delay, § 4:53

Hardship the Retroactive Award Might Entail, § 4:66

Other Factors, § 4:69

Financial Ability of Each Spouse, § 4:14 to § 4:22

Financial Ability of Each Spouse (Child at University), § 4:31

Guideline Table Amount Appropriate, § 4:32

Guideline Table Amount Inappropriate, § 4:33

Funds Paid Directly to Children, § 4:7, § 4:45

General, § 4:10

Guidelines Formulas or Court's Discretion, § 4:75

Guidelines "Provide Otherwise," § 4:6, § 4:39

Other Special Provisions, § 4:44

Separation Agreements, § 4:39

Jurisdiction, § 4:74

Lump Sum Payment, § 4:38

PRESUMPTIVE RULE—Cont'd

- Means of the Child, § 4:14 to § 4:22
 - Table Support Appropriate, § 4:14 to § 4:16
- Miscellaneous, § 4:35
- Needs of the Child, § 4:14 to § 4:22
 - At Educational Institution Away From Home, § 4:23
 - Guidelines Table Support Appropriate, § 4:25
 - Guidelines Table Support Inappropriate, § 4:26
 - No Order for Support, § 4:27
 - At Educational Institution While Living at Home, § 4:28
 - Guideline Table Amount Appropriate, § 4:29
 - Guideline Table Amount Inappropriate, § 4:30
 - No Order for Support, § 4:30
- Objectives, § 4:51
- Retroactive Child Support, § 4:8, § 4:48
 - Availability, § 4:50
 - Commencement Date, § 4:72
 - Factors, § 4:52 to § 4:71
 - Jurisdiction, § 4:74
 - Meaning of Retroactive, § 4:49
 - Miscellaneous, § 4:78
 - Not Ordered, § 4:77
 - Ordered, § 4:76
 - Period, § 4:73
 - Separation Agreements, § 4:39
- Special Expenses, § 4:3
- Table Amount, § 4:4
- Terms of Payment—Lump Sum Payment, § 4:38

PROVINCIAL CHILD SUPPORT

- Generally, § 27:2

SHAREHOLDER, DIRECTOR OR OFFICER

- Amount Commensurate with Services to Corporation, § 19:9
- Determining Income to Include Income of Corporation(s), § 19:4
- General, § 19:3
- Miscellaneous, § 19:11
- Non-Arms-Length Payments in Corporate Income, § 19:10

SPECIAL OR EXTRAORDINARY EXPENSES

- Criteria
 - Necessary in Relation to the Child's Best Interests, § 8:5
 - Expense Necessary, § 8:6
 - Expense Not Necessary, § 8:7
 - Reasonable in Relation to the Family's Spending Pattern, § 8:12
 - Expense(s) Not Reasonable, § 8:13
 - Expense(s) Reasonable, § 8:12
 - Reasonable in Relation to the Means of the Child, § 8:11
 - Reasonable in Relation to the Parties' Means, § 8:8
 - Expense Not Reasonable, § 8:10
 - Expense Reasonable, § 8:9
 - Sharing of Expenses, § 8:31
 - Equal Sharing, § 8:32
 - Payment of Less than Proportional Share, § 8:33
 - Proportional Sharing, § 8:31
- Evidence, § 8:36
- Extraordinary Expenses
 - Extracurricular Activities, § 8:29
 - Allowed, § 8:29
 - Not Allowed, § 8:30
 - Meaning of, § 8:28
- General, § 8:4
- Miscellaneous, § 8:38
- Practice and Procedure, § 8:37
- Retroactive Child Support, § 8:35
- Special Expenses
 - Child Care Expenses, § 8:14
 - Allowed, § 8:15
 - Disallowed, § 8:16
 - Counselling and Psychotherapy Costs, § 8:22
 - Health-Related Expenses Not Insured, § 8:19
 - Allowed, § 8:20
 - Disallowed, § 8:21
 - Medical and Dental Insurance Expenses, § 8:17
 - Allowed, § 8:17
 - Disallowed, § 8:18
 - Post-Secondary Education, § 8:26
 - Allowed, § 8:26
 - Disallowed, § 8:27

SPECIAL OR EXTRAORDINARY

EXPENSES—Cont'd

Special Expenses—Cont'd

Primary or Secondary School Education, § 8:23

Allowed, § 8:24

Disallowed, § 8:25

Subsidies, Benefits or Income Tax Deductions or Credits, § 8:34

STANDING IN PLACE OF A PARENT

Adoptions, § 6:18

Apportionment

Between or Among Parents, § 6:10

General, § 6:10

Spouse in Place of a Parent Ordered to Pay Full Support, § 6:11

Spouse in Place of a Parent Ordered to Pay No Support, § 6:13

Spouse in Place of a Parent Ordered to Pay Partial Support, § 6:12

Between Parents and the State, § 6:14

Biological Children and Stepchildren, § 6:15

Bringing Biological Parents Before the Courts, § 6:20

Claims by Non-parents Against Parents, § 6:17

Criteria for Determining Support, § 6:8

Discretion, § 6:7

Effect of Domestic Contracts, § 6:18

“In Place of Parent,” Determination of, § 6:4

Interim Orders, § 6:9

Miscellaneous, § 6:23

Mistaken Biological Parentage, § 6:21

Procedural Issues, § 6:22

Special Expenses, § 6:16

“Spouse,” Definition of, § 6:3

Termination of Parent/Child Relationship, § 6:5

“Spouse in Place of a Parent” Seeking Termination of Parent/Child Relationship, § 6:5

Where Child Purportedly Terminated Parent/Child Relationship, § 6:6

TAX

See Income Tax

UNDUE HARDSHIP

Circumstances Causing, § 11:4, § 11:9

Debt, § 11:10

Expense of Exercising Access, § 11:11

Legal Duty to Support

Child, Other Than the Child of the Marriage, § 11:13

Person, Under Judgment, Order or Written Separation Agreement, § 11:12

Person with Illness or Disability, § 11:14

Other Circumstances, § 11:15

Comparison of Households, § 11:6, § 11:16

Practice and Procedure, § 11:18

Reasons Recorded Where Hardship Adjustment, § 11:8

Standards of Living Test, § 11:5, § 11:17

VARIATION OF CHILD SUPPORT ORDERS

Amount Different from Guidelines because of Order, Judgement or Agreement, § 15:17

Appeal from Variation

Guidelines in Force after Variation Order and Before Hearing of Appeal, § 15:16

Arrears, § 15:5, § 15:21

Change of Circumstances

Coming into Force of Guidelines: Subsection 14(c), § 15:13

General Considerations, § 15:6

Subsection 14(a), § 15:7

Subsection 14(b), § 15:10

Consent, § 15:18

Hardship, § 15:20

Support Order Replacing Amount in Separation Agreement, § 15:4, § 15:19