

Family Law & Civil Litigation

What amount of child support should I be paying or receiving?

How do you know if you're paying or receiving the proper amount of child support? Regardless of whether you have a court order or you are a party to a written or oral agreement for child support, child support payments may be subject to variation if circumstances of either the paying or receiving parent changes?

You should be sure that you have been and are still paying or receiving at least the minimum amount prescribed. The federal Child Support Guidelines contain tables which provide a starting point to determine the base amount of child support payable. These tables apply to both married and unmarried parents. As the tables are a bit cumbersome to figure out, the Department of Justice has created a handy online tool which automatically calculates this base amount for you. Check out: <http://www.justice.gc.ca/en/ps/sup/lookup/index.asp>. All you need to do is enter 3 pieces of information:

- (1) the number of children;
- (2) the province where the paying parent lives (or the recipient parent's province if outside Canada); and
- (3) the paying parent's annual gross income.

Unfortunately, the tables do not provide the full answer - there are provincial (in Alberta) and federal (for use in Saskatchewan) Guidelines that allow the parents to increase or decrease the amount payable. For example, if the recipient parent incurs "special expenses" for the child, the base table amount may be increased (such as child care expenses, children's medical & dental insurance premiums, health-related expenses exceeding reimbursement by \$100/year, certain primary & secondary school expenses, post-secondary school expenses, and certain expenses for extracurricular activities. Another example which changes the amount payable is cus-

tody - do the children all live in one household? Do they reside more than 40% of the year with the paying parent?

Many other factors may arise which will increase or decrease the actual amount payable. In fact, specialized computer software is usually required to do these calculations. However, the above website can help to give you a starting point for the minimum amount you would pay if a court were to order child support.

The amount payable is based on an annual re-calculation of the paying parent's income - if that income increases, the children have the right to benefit from that increase. Likewise, if the paying parent's income decreases, the amount payable might be decreased. Upon written request by the recipient parent (or as set out in a written agreement), the paying parent must disclose his/her income to the recipient parent. If the information is not volunteered, you may obtain disclosure by applying to court. Next time ... what to do if the recipient parent finds out that the paying parent's income increased a while back and the children have not benefited from this increase? Retroactive child support may be the answer.



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