



A Guide To

CHILD SUPPORT

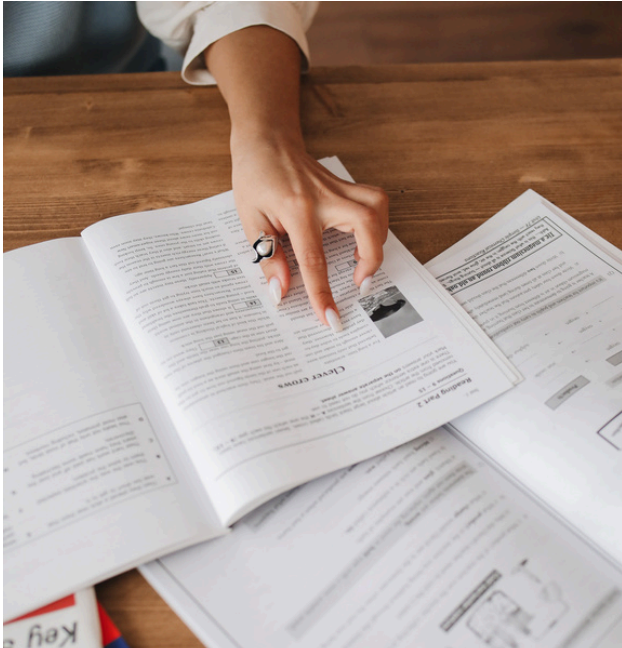


*Designed for
British
Columbia &
Alberta
Residents*

2024

INTRO

Welcome to our Child Support Guidebook



This guide is meant to be used as a resource, providing clear and accessible legal information to help you understand the basics of child support in Canada and how it is calculated pursuant to the *Federal Child Support Guidelines* (the *Guidelines*). Whether you are newly separated or if you already have an existing child support agreement and are looking to make a change, this guide will help right your path.

In this guide, you'll learn:

- How child support is defined and calculated under the *Guidelines*.
- A look at *section 7* child support expenses, what they are, how they differ from *section 3* child support, and how they are shared between parents.
- How guideline income is determined for the purpose of calculating child support under the *Guidelines*.
- How to enforce your child support payments and the provincial enforcement programs available in both British Columbia and Alberta.
- How to recalculate child support under the British Columbia and Alberta provincial recalculation programs.

DISCLAIMER: The information provided in this child support guide is summary information only and does not constitute legal advice. For legal advice on your specific situation, contact Coach My Case.

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What Is “Child Support” and How Is It Calculated?

Put simply, child support is money paid by one parent to the other (or to the child’s primary caregiver) to financially support the child(ren). Child support is the right of the child, which means you cannot negotiate your way out of it.

In Canada, child support is primarily determined by the *Guidelines*. Adopted by lawmakers to provide a consistent and fair standard for supporting children after their parents separate, the *Guidelines* ensure children continue to benefit from the financial support of both parents.

There are two main categories of child support: *section 3* and *section 7*, which refer to the specific sections under the *Guidelines*.

Section 3 child support, often referred to as the ‘table amount,’ is the base amount payable. This calculation factors in each parents’ income, the number of children, and the parenting arrangements. You can find these tables in [Schedule I](#) of the *Guidelines*, organized by province and the number of children. To estimate the monthly child support, locate the table for your province and the applicable number of children.

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Then, look up the payor parent’s income to determine the estimated amount you should be paying. Note: these amounts may vary slightly between provinces, primarily due to differences in provincial income tax rates.

Section 7 child support covers extraordinary expenses that go beyond the basic needs of a child. These can include childcare, healthcare and dental costs, school-related expenses, and extracurricular activities. The cost of *section 7* expenses is typically shared proportionately to each parent’s income. For example, if both parents earn the same income, they would each pay 50% of these costs. Importantly, these expenses must be reasonable, considering both the needs of the child and the financial circumstances of the parents.

The duty to pay child support usually continues until the child reaches the age of majority, which is either 18 or 19 years old, depending on the province. However, if the child remains dependent beyond this age — due to full-time university or college attendance, disability, or other reasons — the obligation to provide child support may extend beyond the age of majority.

Section 3 and Section 7 Support A Comparative Summary

Below is a comparative overview highlighting a few of the main principles of *section 3* and *section 7* child support pursuant to the *Guidelines*.

SECTION 3

Also known as the “table amount”, *section 3* child support is the base amount of child support payable each month to assist with the typical day-to-day costs associated with raising a child.

To calculate *section 3* child support you must consider each parent’s guideline income, the number of children, and the current parenting arrangement.

In shared parenting arrangements, child support is typically calculated for both parents, then offset, with the higher earner paying the difference. However, parents can deviate from the table amount in some circumstances as provided in *section 9* of the *Guidelines*.

SECTION 7

Covers “extraordinary expenses” above and beyond the base amount needed to care for a child.

These expenses often include childcare, health and dental costs, school-related expenses, and extracurricular activities.

Expenses are typically shared between parents, proportionate to their income. For instance, if one parent earns \$100,000 and the other earns \$50,000, the higher earner would pay 66.67% (two-thirds) of the costs, while the lower earner would pay 33.33% (one-third).

A Closer Look

Section 7 Child Support

Section 7 is child support not covered under *section 3*. Determining what will be included as a *section 7* expense depends on the lifestyle of the family before separation, the parent's income, the children's needs, and the reasonableness of the expense. Typically, the extraordinary expenses considered under *section 7* include:

- College and university expenses.
- Healthcare fees, which are uninsured or exceed reimbursement of \$100 annually. This might include dental, orthodontics, eyeglasses, or counselling.
- Childcare expenses incurred so the primary caregiver can attend school or work.
- Healthcare insurance premiums, specifically the portion of those premiums that relate to the children.
- Extracurricular expenses such as: sports, music classes, dance, art classes, etc. These expenses are often more contentious, as parents might disagree on the necessity and reasonableness of the activities for the children.

The above list is not exhaustive but give a general overview of what parents can expect to include as *section 7* expenses.

How do the courts determine if a *section 7* expense is reasonable and necessary? As it relates to extracurricular expenses, a significant factor the court will likely consider is whether the child was involved in the activity before the separation. If so, it is likely the courts will deem the expense reasonable and necessary and will direct that it should continue. Each parent's financial circumstances, alongside the affordability of the expense and the particular needs or potential benefit to the child, will also be taken into consideration.

The contribution of each parent to any *section 7* expenses is determined by their respective incomes, as these costs are typically shared proportionately. If both parents earn the same amount annually, they will split the costs of these expenses evenly. However, if one parent has a higher income, they will be responsible for a proportionally larger share of the costs.

When a *section 7* expense is incurred, the parent who initially paid the costs typically provides the other parent with a copy of the receipt or invoice. The other parent is then responsible for reimbursing their proportionate share of that expense. In some cases, the service provider may also allow each parent to pay their respective share directly. It is important to note that the amount being shared by the parents is the net fee owing after applying any subsidies, benefits, grants, or otherwise.

Calculating Parent's Guideline Income

The first step in any child support matter is to determine each parent's guideline income. This is done by exchanging financial disclosure, which should be comprehensive, current, and should include all income, assets, and debts. In many cases, when a final child support order is granted, the court includes a clause directing parents to exchange financial disclosure on an ongoing, annual basis.

The purpose behind this is to maintain transparency regarding income, ensuring the children continue to receive the financial support they are entitled to.

However, parents are only required to exchange financial disclosure annually if it is specifically ordered by the court, or if they have committed to do so outside of the court order.

In Alberta, a comprehensive list of the financial disclosure documents commonly exchanged can be found at [Schedule A of the Notice to Disclose Application](#).



In British Columbia, the necessary financial disclosure documents are provided in the [Form 4 Financial Statement](#) for Provincial Court or in the [Form F8 Financial Statement](#) in Supreme Court.

Calculating child support is generally straightforward. Once a parenting plan is established and each parent's guideline income is determined, the [Guidelines](#) can usually be used to calculate the payable amount. However, complications arise when the payor parent's income is not from a T4 or typical employment.

In such cases where a parents income includes remuneration outside of a T4 or typical employment - such as when a parent earns income through self-employment - determining their guideline income for child support calculations requires a more detailed analysis. If you encounter complexities in calculating the appropriate amount of child support, we encourage you to [contact Coach My Case](#) for tailored legal advice that fits your specific situation.

Enforcement of Child Support

Once a child support order or agreement is in place, provincial enforcement programs can help ensure compliance. These steps may be necessary if the paying parent fails to make payments despite having a legal obligation under a court order.

1. In Alberta: you can register your order or agreement with the Maintenance Enforcement Program ("MEP"). It is important to note, there is also a Maintenance Enforcement Support Agreement form available online, which you can complete with the other parent in front of a witness if, for whatever reason, you do not have a court order or separate agreement that can be enforced by MEP.
2. In British Columbia: you can register your order or agreement with the BC Family Maintenance Agency ("BCFMA").

To register for either program, there are a few requirements:

- The payor or recipient must reside in the province where the enforcement is being registered; and
- A valid support order or agreement must be in place, whether from within Canada or elsewhere, which can be enforced by the BCFMA or MEP.

For a support order or agreement to be considered valid, it must clearly specify:

- Which parent is to pay the other;
- The name and dates of birth of the child(ren);
- The dates when child support payments are to commence;
- The frequency of payments (i.e. monthly, bi-weekly, etc.);
- The amount of the child support payment;
- Each parents' guideline income; and
- The duration as to when child support will end.

Once registered, these programs collect child support payments and distribute them to the recipient parent. Registration with MEP or BCFMA is not mandatory, but either the payor or the recipient can elect to register a support order if they wish.

If the payor parent falls behind, the program will track the unpaid amounts (also known as arrears), which may accumulate interest along with additional penalties such as NSF charges.

If payments are not made and arrears increase, the program has the authority to enforce payment by garnishing wages, seizing bank accounts, or selling assets. They can also take measures such as reporting to credit bureaus, suspending vehicle registrations, driver's licenses, and even passports.

Recalculating Child Support & Variation of Child Support Orders

The process for recalculating child support varies depending on the extent to which it must be modified.

If there are minor income adjustments, such as annual cost of living increases, bonuses, etc., parents can register their child support order with the provincial recalculation program available in their province. They will only consider changes in guideline income, as provided in the parent's respective tax returns, allowing parents to adjust the amount of child support if income has gone up or down so they do not have to return to court to have their child support amounts reviewed. Importantly, the child support order must not deviate from the table guidelines. They are also not able to recalculate if either parent is seeking to reduce or award any retroactive support payments or arrears, or if an income has been imputed in the order.

The recalculation programs can recalculate both *section 3* table amounts of child support, and *section 7* extraordinary expenses.

1. In Alberta, parents can register with the [Child Support Recalculation Program](#); and
2. In British Columbia, parents can register [Child Support Recalculation Service](#).

Further, for a child support order to be recalculated in Alberta, the order must contain a clause stating whether or not the program may recalculate the child support. This includes orders granted both under provincial legislation (for example, *Family Law Act*) and the federal *Divorce Act*.

For more information, visit the provincial program websites linked above.

In matters where either parent is seeking a reduction in child support, a change to the arrears owed, or where there is a significant material change in circumstance such that either parent's income has been affected – like job loss, injury, illness, or changes in custody arrangements – you must apply to the court and provide supporting evidence of that material change.

Temporary fluctuations in income are usually not considered significant enough to warrant any change. This is based on the principle that child support should take precedent over other financial obligations, and payor parents are expected to manage their finances accordingly before seeking modifications.

If the court finds that a modification is justified, they will issue a new support order. In any instance where a parent is looking to modify a child support order, it is highly recommended that the parent seeks independent legal advice to ensure the modification is accurate, fair, and prioritizes the well-being of the children.



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ESTIMATE YOUR CHILD SUPPORT PAYMENTS

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3

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