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## CHILD SUPPORT RECALCULATION SERVICE INFORMATION SHEET

### HOW TO APPLY FOR RECALCULATION OF CHILD SUPPORT

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For more information on this service, you can call the Child Support Recalculation Service at 1-833-825-1445 or visit their website at: <http://www.saskatchewan.ca/child-support-recalculation>

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#### Introduction to the service:

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The Child Support Recalculation Service assists payors and recipients to make changes to their existing child support amount if there has been a change to the payor's income. This service is free and it is an alternative to going to court. The Recalculation Service can recalculate child support agreements and court orders that meet eligibility requirements.

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#### What can be recalculated?

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- ✓ Court orders setting out child support based on Section 3 of the Child Support Guidelines (the Table amount).
- ✓ Agreements made after March 15, 2018.
- ✓ Where parties have both a court order and an agreement, the order will be recalculated.

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#### Ineligible agreements/orders:

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##### Child support orders or agreements cannot be recalculated if;

- There is a shared parenting arrangement
- A child for whom support is being paid is 18 years or older. (The Recalculation Service can recalculate for the remaining children if the parties agree or the Maintenance Enforcement Office has stopped collecting support for the adult child.)
- It has been less than 6 months since the date of the most recent order, agreement or last recalculation
- The payor's income in the order was imputed
- The payor has self-employment, farming or rental income
- The payor stands in the place of a parent (in loco parentis)
- The payor's income listed in the order is over \$150,000
- An application which may affect child support payments is proceeding through the court
- The applicant is the payor and is not receiving income, unless the recipient agrees to a recalculation
- Only one party resides in Saskatchewan, unless both parties agree to use the service
- The court order or agreement indicates the child support amount cannot be recalculated

A recalculation does not affect section 7 extraordinary expenses, retroactive payments or arrears.

When an agreement or court order is not eligible for a recalculation, there are options available to get a new agreement or order:

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**If you do not have an eligible agreement, follow these steps:**

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**Process for an ineligible agreement:** If parties agree on a new amount for child support, the parties can make a new agreement. You can use the “Child Support Agreement” template to create a new agreement. You can ask the Family Law Information Centre for a copy of this self-help kit to modify an agreement. You should indicate whether it is a **new agreement** or if it is **modifying an existing agreement**.

An agreement **must** include; the party’s names, the names and dates of birth of the children involved, the total annual gross income of the parties (which may include income not taxed by the Canada Revenue Agency), the amount of support to be paid, a clause that allows for a future recalculation (as outlined in the Child Support Agreement template mentioned above), the signatures of the parties, and the date it was signed. The agreement **can** also include the amount for Section 7 expenses and any splitting of those expenses, any arrears owing, and any other relevant clauses.

If parties do not agree on a new amount of child support, the parties can work with a family mediator or collaborative lawyer, or initiate a family law proceeding in court.

NOTE: Agreements can be enforced by the Maintenance Enforcement Office, under section 11 of *The Family Maintenance Act*

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**If you do not have an eligible court order, follow these steps:**

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**Process for an ineligible order:** If parties agree on a new amount for child support, the parties can apply for an updated order by consent; and if the parties do not agree on a new amount of child support, the parties can make an application to vary in court. You can ask the Family Law Information Centre for a Variation of Interim Order or Variation of Final Order self-help kit. The type of kit depends whether you have an interim or final court order.

Note: For the purpose of recalculation, if you have a court order an agreement **cannot** be used to replace the order. You will need to obtain a new court order.

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**Where to go for assistance if you need a self-help kit or if you have questions regarding your options:**

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If you need a self-help kit to make a new agreement, consent order or application to court, or if you have questions regarding your options, you can call the Family Law Information Centre at 1-888-218-2822 or 306-787-5837 or email at [familylaw@gov.sk.ca](mailto:familylaw@gov.sk.ca) and ask for help. Family Law videos are available at: [www.saskatchewan.ca](http://www.saskatchewan.ca) by searching for “Family Law Video Series.

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## What are the Child Support Guidelines and how are these guidelines used to determine child support?

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The Child Support Guidelines are rules that the court must follow when deciding how much child support to order. The Child Support Guidelines include tables that are used to figure out a child support amount. A copy of the Child Support Guidelines' Table for Saskatchewan and an online look-up can be found here: <http://www.justice.gc.ca/>

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### To submit an application for recalculation, follow the steps below:

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1. Obtain an application form. The form can be accessed online at <https://www.saskatchewan.ca/child-support-recalculation> Or by contacting the Child Support Recalculation Service at:  
Child Support Recalculation Service  
Room 323-3085 Albert Street  
Regina, Saskatchewan, S4S 0B1  
Phone (306) 787-5042  
Toll Free 1-833-825-1445  
Fax (306) 787-2599  
Email [recalculation@gov.sk.ca](mailto:recalculation@gov.sk.ca)
2. Complete the application form. Include your current information and as much information as possible for the other party.
3. Submit your application by email, fax or mail. You **MUST** provide a copy of your current child support order or agreement as part of the application. If you are submitting an agreement, ensure it includes an affidavit with the court's stamp. If you do not have a copy of the agreement or court order you can request a copy from the court house where it was issued or filed. If you are enrolled in the Maintenance Enforcement Office (MEO), you can ask the MEO office for a copy, or authorize the Recalculation Service to obtain a copy from the MEO.
4. The Recalculation Service will contact you by telephone to discuss your application and confirm eligibility for the recalculation.
5. If eligible, the Recalculation Service will ask the payor to provide a financial statement and proof of income in order to complete an income assessment. The child support amount will be recalculated by applying the *Child Support Guidelines*.
6. If a recalculation decision is issued it will be sent to both parties by email or mail. The recalculation decision will be filed with the court and with the Maintenance Enforcement Office, if applicable.