STANDARDIZED CLAUSES FOR CHILD SUPPORT

NOTE: These clauses provide examples of wording that can be used for some common family law applications. This is not a complete list of every order the court can make. The clauses may need to be adapted to suit your specific application.

A. Determinations of the Payor's Income: ss 15-20 *Child Support Guidelines*

1. The current annual income of [name] is determined to be [specify $ amount].

2. The annual income of [name] based on the most recently filed income tax return for [specify year] is [specify $ amount].

3. The annual income of [name] is determined to be [specify $ amount] based on the pattern of annual income for the last three consecutive years, ending with the year [specify year] and on the average annual income for the three-year period pursuant to section 17(1) of the *Child Support Guidelines*.

4. The current annual income of [name] is agreed by [name] and [name] to be [specify $ amount] pursuant to section 15 of the *Child Support Guidelines*.

5. The current annual income of [name] is imputed pursuant to section 19(1)] of the *Child Support Guidelines* to be [specify $ amount].

B. Interim Orders in the Table amount: ss.3, 9(1) *FMA*, 1997 and s.15.1(2) *DA*

1. Pursuant to [sections 3 and 9(1) of *The Family Maintenance Act, 1997* OR section 15.1(2) of the *Divorce Act*], [full name], having an annual income of [specify $ amount], shall pay on an interim basis to [full name], the sum of [$ amount] per month for the children: [full names and birth dates] in accordance with the table amount for [#] children under the *Child Support Guidelines*.

2. Payment of support shall commence [date] and continue to be paid on the [specify day] of each month until further order.
Payments under an Exception to the Table Amount may also be paid on an "interim basis" and "until further order" as per above.

C. Exceptions to the Guideline Table Amount

(i) Children 18 and over*

Note that for children 18 and over, child support may be calculated using the Tables as above, or may be calculated based on the means and needs of the child, as set out in the clause below.

1. Pursuant to [section 4(2) of *The Family Maintenance Act, 1997* OR section 15.1 of the *Divorce Act*], [full name] shall pay to [full name] for the support of the child [full name and date of birth], who is currently over the age of majority, the sum of [$ amount] per month, which is an amount the Court considers appropriate, having regard to the condition, means, needs and other circumstances of the child and the financial ability of each party to contribute to the support of the child.

2. Payment of support shall commence on [date] and continue on the [specify day] of each month thereafter until further order.

3. Where child is attending a post-secondary educational institution: [Name] shall provide [name] with the post-secondary grades of [name of child] at the conclusion of each term. [Name] shall notify [name] immediately if and when [name of child] stops attending [name of post-secondary institution] full time.

(ii) Income over $150,000

1. The annual gross income of [full name] is [or is determined or imputed to be] [$ amount] and that of [full name] is [$ amount]. Pursuant to [section 3 of *The Family Maintenance Act, 1997* OR section 15.1 of the *Divorce Act*] and having found that the table amount of support is inappropriate under section 4 of the *Child Support Guidelines*, [name] shall pay to [name] for the support of the child/ren [full names and birth dates] the sum of [total $ amount] per month.

2. Payment of support shall commence on [date] and continue to be paid on the [specify day] of each month thereafter until further order.

(iii) Multiple Parents

1. Upon the application of [name] and upon the consent of [name] and upon having read the pleadings and proceedings and materials filed, and pursuant to King's Bench Rule 3-84, [full name] shall be added as a party to this action.

2. Having regard under section 5 of the *Child Support Guidelines* to the obligation of [name of any other parent with a legal duty]] to support the child/ren, [full names and birth dates] and having found that [name] [stands in the place of a parent to the child/ren under the Divorce Act OR *The Family Maintenance Act, 1997*] and has an annual income of [specify $ amount], [name] shall pay to [name] the sum of [$ amount] per month pursuant to [section 3 of *The Family Maintenance Act, 1997* OR section 15.1 of *the Divorce Act*].

3. Payment of support shall commence on [date] and continue to be paid on the [specify day] of each month thereafter until further order.

(iv) Shared or Split Parenting

1. *Where each party has in excess of 60% of the care of different children (split parenting) under s. 8 of the Child Support Guidelines*:

The annual gross income of [name] is [or is determined or imputed to be] [$ amount] and that of [name] is [$ amount]. With [full names and birth dates of children] in the primary care of [name], and [full names and birth dates of remaining children] in the primary care of [name], the Table amount payable to [name] in the sum of [$ amount] shall be set off against the Table amount payable to [name] in the sum of [$ amount] under section 8 of the *Child Support Guidelines*. Accordingly, [name] shall pay to [name] the sum of [$ amount] per month pursuant to [section 3 of *The Family Maintenance Act*, 1997 OR section 15.1 of the *Divorce Act*]. Payment of support shall commence [date] and continue on the [specify day] of each month thereafter until further order.

2. *Where the parties have shared parenting of one or more children (each has at least 40% of the parenting time with the child or children) under section 9 of the Child Support Guidelines*:

The annual gross income of [full name] is determined to be [$ amount] and that of [full name] is [$ amount]. Having shared parenting time of the child/ren [full names and birth dates] pursuant to section 9 of the *Child Support Guidelines*, [name] shall pay to [name] the sum of [$ amount] per month pursuant to [section 3 of *The Family Maintenance Act, 1997* OR section 15.1 of *the Divorce Act*].

Payment of support shall commence on [date] and continue on the [specify day] of each month thereafter until further order.

OR

Having regard to the shared parenting arrangement between the parties and the incomes of [name] and [name] which are determined to be {$] and [$] respectively, and the equal sharing of expenses while the child/ren [full names and birth dates] are in the care of each party, no child support is payable from one to the other pursuant to [section 3 of *The Family Maintenance Act, 1997* OR section 15.1 of the *Divorce Act*].

(v) Undue Hardship

The annual gross incomes of [full name] in [year] is determined to be [$ amount] and that of [full name] is [$ amount]. Having established that [name] would suffer undue hardship if ordered to pay the Table amount of [specify $ amount] as a result of [specify the cause of the hardship] and that the household of [name] would have a lower standard of living than [name], pursuant to section 10 of the *Child Support Guidelines*, [name] shall pay to [name] the reduced sum of [specify $ amount] per month pursuant to [section 3 of *The Family Maintenance Act*, 1997 or section 15.1 of the *Divorce Act*].

Payment of support shall commence on [date] and continue the [specify day] of each month thereafter until further order.

(vi) Agreements or Special Provisions

Having established that special provisions have benefited or been made for the benefit of the child/ren [full name and birth dates] under [section 15.1(5) of the *Divorce Act* OR section 3(4) of *The Family Maintenance Act, 1997*] by way of [specify type of special provision] and that child support in the Table amount of [$ amount] based on the income of [name] in the sum of [$ amount] would result in an amount that is inequitable given the special provisions, [name] shall pay to [name] the reduced sum of [$ amount] per month [or there shall be no order for child support at this time].

Payment of support shall commence [date] and continue on the [specify day] of each month thereafter until further order.

Additional Claims for Section 7 Expenses

Actual or estimated expenses:

1. Pursuant to section 7 of the *Child Support Guidelines*, [name], having an annual income of [specify $ amount], shall pay to [name], whose annual income is [specify $ amount], an additional sum per month as child support for the following special or extraordinary expenses as it relates to:

- Child: [specify full name and birth date]
- Amount and nature of the expense
- Percentage of the expense payable by the payor given that his/her income is [specify %] of the combined incomes of the parties
- Specific sum payable per month
- [Set out the above information for each child].
- Payment shall commence [date] and continue on the [specify day] of each month thereafter until [either specific date or until further order].

2. [*Where the above expenses are estimated*:] On or before [date] of each year, commencing [date], [name] shall deliver to [name] copies of receipts for payment of the actual section 7 expenses incurred over the previous calendar year. The amount payable by [name], based on a contribution of [specify %] to the expenses as set out above, shall then be determined and any credit or debit created by his/her advance payments shall be adjusted between the parties forthwith. The advance payment until the next adjustment date shall be adjusted to conform to his/her share of the actual expenses for the previous year.

3. The Parties shall consult with each other prior to incurring section 7 extracurricular expenses on behalf of the children.

4. Based on an annual childcare expense of [$ amount], net of subsidies, tax deductions and credits, and given an annual income for [name] of [$ amount] and an annual income for

[name] of [$ amount], [name]'s proportionate share is [specify %] or [$ amount] per month. Accordingly, pursuant to s. 7(a) of the *Child Support Guidelines*, [name] shall in addition to base child support in the sum of [$ amount], pay [$ amount] for child care costs commencing on [date] and continuing on the [specify day] of each month thereafter.

5. [Name] will provide [name] with copies of childcare invoices and receipts [on a monthly basis or every x months or upon request] and the amount contributed by [name] for child care costs will be adjusted by allowing for subsidies, tax deductions and credits and then paying [specify %] of the balance to [name] per month.

Medical and Dental Insurance coverage

1. Pursuant to section 6 of the *Child Support Guidelines* and based on the availability to [name] of medical and dental coverage as an employment benefit, [name] shall for so long as support is payable or until further order, designate the child/ren [full names and birth dates] as beneficiary[ies] on [his/her] benefit plan, maintain the plan in good standing and provide proof of the designation of the children as beneficiaries to [name] within [#] days of a written request. [Name] shall provide the forms, assist in submitting claims and ensure that [name] is reimbursed within a reasonable time after receiving an invoice from him/her for the expense.

OR

2. Pursuant to section 6 of the *Child Support Guidelines* and based on the availability to [name] of medical and dental coverage at a reasonable rate, [name] shall acquire and pay [%] of the annual cost of medical and dental insurance coverage for the child/ren by [date] of each year for so long as support is payable or until further order. [Name] shall provide written confirmation of the annual cost to [name] by [date] of each year and [name] shall pay the remaining [specify %] of the annual cost to [name] within [#] days of receiving this confirmation. [Name] shall reimburse [name] for medical and dental expenses incurred by him/her and covered under the plan within [#] days of receiving an invoice from [name] for the expense.

Life Insurance Policies and Pension Plans

1. Pursuant to section 9(1)(d) of *The Family Maintenance Act*, 1997, [name] shall designate the child/ren [full names and birth dates] as beneficiary/ies [irrevocably or until a specified date or event] on his/her/their life insurance policy [specify the policy number] with [specify the name of the company]. [Name] shall maintain the policy in good standing, pay all premiums on such policy and provide proof of the designation of the children as beneficiaries to [name] within [#] days of a written request.

2. Pursuant to section 9(1)(e) of *The Family Maintenance Act*, 1997, [name] shall designate the child/ren [full name and birth date] [irrevocably or until [date]] as a beneficiary on his/her/their pension plan with [pension name or name of other benefit plan]. [Name] shall maintain the policy in good standing, pay all premiums on such policy and provide proof of

the designation of the children as beneficiaries to [name] within [#] days of a written request, until further order.

D. Retroactive Support:

1. [Name], whose annual income was [specify $ amount] in [year], shall pay to [name] retroactive support for the child/ren [full names and birth dates] for the months of [month, year] through [month, year] for a total sum of [$ amount].

2. Retroactive support shall be paid in a lump sum on or before [date]. OR

3. Retroactive support shall be paid in [#] monthly installments of [$ amount] commencing on the [specify day] of [specify month] through to [specify day and month] inclusive.

4. There shall be no retroactive support payable.

E. Variation Order

1. Pursuant to [section 17(1)(a) of the *Divorce Act* OR section 10 of *The Family Maintenance Act, 1997*] and having established a material change in circumstances as of [date], namely: [specify the change, eg. an increase or decrease in the gross annual income of [name] to [$ amount], a change in residency of the child or a change in the entitlement of a child], the Order granted [date] by the Honourable Justice [name] of the Court of King's Bench of Saskatchewan is varied to provide that the amount of support payable to [name] for the child/ren [full names and birth dates of child/ren] shall be [$ amount] per month, in accordance with the annual income of [name] in the amount of [$ amount] in [specify year] and the Table amount for [#] child/ren.

2. Payment of support in this amount shall commence [date] and continue to be paid on the [specify day] of each month until further order.

3. Pursuant to [section 17(1)(a) of the *Divorce Act* or section 10 of *The Family Maintenance Act, 1997*] and having established a material change in circumstances as of [date], namely [specify the change, eg. an increase or decrease in the annual income of [name] to [$ amount], a change in residency of a child or a change in the entitlement of a child), the Order granted [date] by the Honourable Justice [name] is varied retroactively by [eliminating arrears of support payable for the child/ren [full names and birth dates] in the sum of [$], OR reducing arrears of monthly support payable for the child/ren [full names and birth dates] to [$] as of [date] OR by increasing the monthly support payable for the child/ren [full names and birth dates] to [specify $ amount] as of [date].

4. The obligation of [full name] to pay support for [names and birth dates of child/ren] is terminated effective [date].

F. Financial Disclosure

(i) Where no support has been ordered or the Table Amount has been ordered or s. 5 of the *Child Support Guidelines* applied:

Pursuant to section 22(1)(b) of the *Child Support Guidelines*, [name] shall provide to [name], on or before [date], the following documents:

- a copy of [his or her] individual income Tax Return along with all supporting documentation, including T 4 slips and notices of assessment/re-assessment, for the previous taxation year
- where employed, a current year-to-date pay statement;
- where self-employed, a financial statements of [name's] business or professional practice and a written breakdown of all salaries, wages, management fees or other payments or benefits paid to or on behalf of persons or companies with whom [name] does not deal at arm's length;
- where a partner, written confirmation of the income and draw from and capital in the partnership;
- where has control of a corporation, the financial statement of the corporation and a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to or on behalf of persons or companies with whom the corporation or related corporations do not deal at arm's length;
- where the beneficiary of a trust, a copy of the trust's most recent financial statement
- the most recent statement of income from employment insurance, social assistance, a pension, workers compensation, and disability payments.

(ii) Where sections 3(2), 4, 7-10 of the *Child Support Guidelines* apply:

Each party shall exchange the following documents on or before [date]:
[select from above]

(iii) Disclosure in Future Years:

[Name] shall provide to [name] on or before [date] of each year, commencing [date], the following information:
[select from above]

(iv) Immediate notice of change in income:

[Name] shall advise [name] immediately of any change in his/her/their income or employment status and shall provide [specify party name] within [#] days of the change, the following: [Eg. a letter from the employer confirming the date employment started, the salary and employment benefits, [#] consecutive pay stubs, etc.]

G. Prevention of Dissipation or Wasting of Assets

1. Pursuant to section 8(1) of *The Family Maintenance Act, 1997*, [name] is restrained until further order from selling, transferring or otherwise disposing of the following assets: [specify] in order to preserve the claim of [name] and the child/ren to maintenance.

H. Enforcement of Support Orders

1. The maintenance provisions of this Order are to be enforced by the Director of Maintenance Enforcement and all amounts owing are to be paid through the Maintenance Enforcement Office, Box 2077, Regina, Saskatchewan, S4P 4E8, until further notice or unless [name of recipient] files a notice in accordance with s. 7(6) of *The Enforcement of Maintenance Orders Act, 1997*.

2. The total arrears of child support owing to [name] by [name] pursuant to the Order of the Honourable Justice [name} of the Court of King's Bench of Saskatchewan pronounced [date] are set at [specify $ amount] as of [date]. The arrears shall be paid to [name] as follows: [specify the manner of payment eg. forthwith or by installments] until the arrears are paid in full or varied by the Court.

3. The arrears of child support owing to [name] in the sum of [specify $ amount] arising from the Order of the Honourable Justice [name] pronounced [date] shall be cancelled up to and including [date].

4. Enforcement of arrears owing to [name] in the sum of [specify $ amount] as of [date] pursuant to the Order of the Honourable Justice [name] pronounced [date] shall be suspended until further order.

5. [Where a maintenance order is not filed with the Maintenance Enforcement Office:] Pursuant to s. 43.1 of *The Enforcement of Maintenance Orders Act, 1997*, [name] shall provide security for [payments in arrears or subsequent payments] of obligations under the maintenance order issued by the Honourable Justice [name] pronounced [date], as follows: