

PRACTICE NOTE TD 97.01

FEDERAL CHILD SUPPORT GUIDELINES

Effective May 1, 1997, child support applications will be subject to the provisions of the federal **Child Support Guidelines** which have been enacted as a regulation to the Divorce Act. While the **Guidelines** will not affect the content of existing child support orders and agreements, all new orders made after May 1, 1997, and all existing orders which are varied after May 1, 1997, will be subject to their operation.

The **Guidelines** set out special rules for financial disclosure, including the time-frame for disclosure and the type of income information which is required from each parent. These mandatory requirements will henceforth apply to all future child support applications governed by the Divorce Act. As an interim measure pending a full examination and revision of existing rules and forms by the Rules Committee in the next few months, the existing forms prescribed by the Divorce Rules of the Court have been amplified to comply with the **Guidelines** provisions by adding additional provisions concerning disclosure. The amplified forms are available at all courts.

In order to assist in the implementation of the new **Guidelines**, services of Support Application Workers are being made available through each Judicial Centre of the Supreme Court and the Unified Family Court to provide information and administrative assistance to parties, both represented and unrepresented, in the operation of the **Guidelines**. The services of the Workers will be offered free-of-charge. The Workers will not provide legal advice or representation to parties.

The profession should also be aware that inasmuch as the **Income Tax Act** has been amended to eliminate the payer deduction/payee inclusion in relation to any agreement made or varied after May 1, 1997, applications for child support or for variation of existing child support, whether brought under the Divorce Act or the Family Law Act, will now be required to be prepared and presented taking into account this change in tax law.

Dated at St. John's this 5th day of May, A.D., 1997.

Chief Justice

