

Child Support in BC

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Introduction to Child Support

Introduction

Who is this Wikibook for?

This booklet is for parents and guardians who have to make decisions about child support. Since the duties of guardians are almost the same as the duties of parents, this booklet will use the term “parent” to refer to both parents and guardians.

This booklet is about child support, whether:

- you and the other parent were married or lived together, or not;
- you and the other parent were dating or not; or,
- you and the other parent are still together or not.

This wikibook might also apply to you if you have been a stepparent because:

- you married a parent; or,
- you lived with the other parent and his or her
- child for at least two years and contributed to the child’s living costs for at least one year.

What law does this wikibook refer to?

This booklet refers to the Divorce Act, a Canadian law that applies to married people, and the Family Law Act, a law of British Columbia that applies to married people, individuals who have lived together for at least two years, and people who have had a child together.

This wikibook also talks about the Child Support Guidelines, a regulation to the Divorce Act and the Family Law Act, which describes how the amount of child support is calculated.

What does the law say about the responsibility of parents to support their children?

As a parent, you have a legal responsibility to support your children. Even if you have never lived with your child or with your child’s other parent, you are responsible for the support of your child. A court can require you to support your child if the other parent applies for child support.

If you have been ordered by a court to pay child support, and you do not pay child support, there may be serious legal consequences. For more information, see the “What can happen if child support isn’t paid?” section.

What does the law say about support of children when parents separate?

When you separate from the other parent, your child has a legal right to receive support from each of you until your child turns 19 years old. If your child is still dependent after turning 19 – for example, because the child is disabled or still in school – your child may still have the right to continued support. This can last for as long as the child remains dependent.

Child Support in BC

What is child support and who has to pay it?

All parents have a duty to support their children, during their relationship and after they separate. After parents separate, the parent that the child normally lives with meets his or her support obligation through the countless ways that he or she provides and cares for the child. The other parent meets his or her support obligation by paying child support to the parent that the child normally lives with. Child support can be paid even when the parents both have the child for an equal or almost-equal amount of time, although the amount that is paid is usually reduced.



A stepparent can also have a duty to pay child support. A stepparent is someone who marries a person with children, or who is the unmarried spouse of a person with children. (To become a spouse without being married, you must live with someone in a romantic relationship for at least two years.) Stepparents don't have the same automatic duty to pay child support that parents do.

According to the law, a stepparent may be required to pay child support if:

- He or she has contributed to the child's living costs for at least one year;
- The stepparent and parent have separated; and,
- The application for child support is made within one year of the stepparent's last contribution to the child's living costs

It is important to start talking about child support right away and possibly apply for a court order about child support. When a person who has a duty to pay child support doesn't pay child support, sometimes even when there isn't an order or agreement, a debt of unpaid child support can build up. Unpaid child support is called arrears of support.

How is child support decided?


Many parents who separate are able to agree on how much child support should be paid. It is important to put agreements like this in writing. The agreement on child support may be part of a separation agreement that identifies how the parents settled their other legal issues – such as where the child will live, what the parenting schedule will look like and how they will divide their property.

When parents can't agree about how much child support should be paid, either parent can apply to court for an order about child support. Both the Supreme Court and the Provincial Court can make orders about child support. Whether parents are able to agree on child support or have to go to court to get an order about child support, how much child support is paid is decided using the Child Support Guidelines. For most parents, the amount of child support is determined by the child support tables. These tables set out how much is owing based on two things: the income of the person paying child support, and the number of children child support is paid for. The tables change from province to

province, and the tables to use are the tables for the province where the person paying support lives.

Important note: Sometimes parents will try to trade a right to be involved in a child's life against the duty to pay child support. For example, a parent who would normally receive child support might say that she won't ask for child support if the other parent will agree to just walk away and to not ask for time with the child. The court will not honour agreements like this. The person who has the right to benefit from child support is the child, not the parent, and a parent cannot bargain away a right that does not belong to him or her.

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Child Support Agreements and Orders

What are child support agreements?

An agreement on child support is a contract, usually in writing, between a payor and a recipient about the amount of child support to be paid and the amount both parents will have to contribute toward the cost of the child's special expenses.

It is best that child support agreements be in writing. It can be very difficult to enforce agreements that aren't in writing. Written agreements should be signed and dated by each parent in the presence of someone else, a witness, who can verify that the parents signed the agreement. Child support agreements should say:

- what the payor's income is
- what the recipient's income is
- exactly how much child support the payor is to pay
- what the child's special expenses are and how much each expense costs
- when the amount of child support will be reviewed.

Important note: The amount of child support payable in an agreement can become outdated if the payor's income increases. It is a good idea to have a plan in the agreement about when you will exchange income information (usually income tax returns and proof of current income), how often you will exchange financial information (usually once every one or two years), and how you will update the amount of child support payable.

It is always a good idea for each parent to get separate legal advice before they commit themselves to an amount, so that they can feel confident that the amount they agree to is the amount required by the law. For information about how you can obtain the Child Support Guidelines, please see the Child Support Agreements and Orders section. For information about legal advice services and how to find a lawyer, see the Where to Get Help Section.

You can enforce an agreement for child support by filing it in court and registering with the Family Maintenance Enforcement Program (FMEP).

FMEP is a service of the BC government. Once the agreement is registered, FMEP staff can monitor the agreement and enforce it if child support payments are late or unpaid. See Where to Get Help for FMEP contact information.

What is a child support order?

If you cannot decide on the amount of child support, you can go to court and ask a judge to decide. The judge will make an order for child support. The judge will give directions about how much child support must be paid, by whom, and how often. You must obey this court order. Asking the judge for an order is called making an application.

Important note: You can also ask for an order for child support if you and the other parent agree on the terms of the order. An order that is made with the agreement of both parents is called a consent order.



Child support orders should say:

- what the payor's income is
- what the recipient's income is
- exactly how much child support the payor is to pay
- what the child's special expenses are and how much each expense costs

Important note: The amount of child support payable in an order can become outdated if the payor's income increases. It's a really good idea to also ask for an order about when you will exchange income information (usually income tax returns and proof of current income) and how often you will exchange financial information (usually once every one or two years).

If you are applying for child support, you can go to either the Provincial Court or the Supreme Court. The Supreme Court is the only court that may grant a divorce, so divorcing parents will likely seek a child support order there. You might also ask the court to make orders about other issues, like the care of children and/or the division of property.

Important note: If you are married, the court will not give you a divorce order unless a judge has determined that your order or agreement for child support is fair and in accordance with the Child Support Guidelines.

There is help available for parents who are having trouble agreeing on a fair amount of child support – including private mediators and Family Justice Counsellors. You can enforce an order for child support by registering with the Family Maintenance Enforcement Program(FMEP).

Once the order is registered, FMEP staff can monitor the order and enforce it if child support payments are late or unpaid. To contact a Family Justice Counsellor, mediator, or the FMEP see the Where to Get Help section.

Which is better, an agreement or an order for child support?

If you and the other parent know the amount of child support required by the law, it may be possible for you to make an agreement for child support without going to court. This will save you:

- time, since the waiting time to get an order can be long,
- stress, since you don't have to worry about going to court, and
- money, since you won't have to pay court fees or lawyer fees.

Sometimes, you can agree on an amount of child support that is different from the amount set out in the Child Support Guidelines. This usually happens when the parents share the children's time equally or almost equally, when one or more children live with each parent, or if your agreement provides another benefit to the children.

However, if you can't agree on child support and one of you has to apply for a court order, the judge is required to order the amount in the Child Support Guidelines. If you fear for your own safety or the safety of your child when dealing with the other parent, it may not be possible to make an agreement for child support and you may have to go to court.

If you have to apply to court for an order for child support, you don't need the other parent to cooperate. The rules of court have deadlines about when the other parent must reply to your application and the court can make orders if the other parent doesn't reply or doesn't reply in time.


Orders and agreements on child support can both be enforced by FMEP. An order can be registered with FMEP, and FMEP will start to enforce right away. An agreement must be filed in court and then be registered with FMEP before FMEP can enforce it.

What happens if we have an oral agreement for child support?

Agreements that are not written down are called oral agreements. Oral agreements can be hard to enforce. Unless agreements like this are in writing, it is easy to forget, deny or be mistaken about the terms of the agreement. It can be impossible to prove the terms of an oral agreement when people disagree, and if you can't prove the terms of an agreement you won't be able to enforce the agreement.

Important note: Having an oral agreement is sometimes fine for a short time, but it is always good to get the agreement written down and signed to make sure that you have an agreement that can be enforced.

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Agreements and Court in Child Support

How do I file an agreement in court?

If you and the other parent have a written agreement for child support, it is usually a good idea to register the agreement in court. This is called filing an agreement. Agreements can be filed in either the Supreme Court or the Provincial Court.

Agreements that are filed in court can be registered with FMEP and FMEP will enforce them in the same way that it enforces court orders.

If you and the other parent have already been to court about an issue related to your separation, you should file the agreement in the court that handled the other issue. Go to the family law counter and tell the clerk that you'd like to file your agreement in court. The clerk will give you some paperwork to fill out. The court will need an original copy of your agreement.

Important note: You don't need permission from the other parent to file your agreement in court.

Will the court review my agreement for child support?

The court does not review agreements that are filed in court. The court will not check that the amount being paid is correct under the Child Support Guidelines or check that the agreement was signed properly.

What happens if I'm applying for a divorce?

If you and your spouse are asking the court for a divorce, one of you will have to make a special kind of affidavit called a Child Support Affidavit. This affidavit is used to give the court information about the arrangements you and the other parent have made for child support. The judge who is considering your divorce must review the Child Support Affidavit. If the judge believes these arrangements are not sufficient, the judge will not give you your divorce.

In general, the judge will want to see that child support is being paid in the amount required by the Child Support Guidelines. The judge may give you a divorce if the arrangements for child support are less than the Guidelines require if you and the other parent have made additional arrangements that benefit your children.

How do I go to court for a child support order?

If you and the other parent cannot work out a child support agreement, you can go to court and apply for an order. The judge will ask each of you for your side of the case and make a decision, called an order.

To get to court, you must either have an action asking for child support or start an action asking for child support. Child support orders can be made at the trial of the action, or at a hearing before the trial called an application.

You can set a date for an application in the Provincial Court by filing a court form called a "Notice of Motion." In the Supreme Court, you can set a date for an application by filing a "Notice of Application."

Which court should I go to?


Both the Supreme Court and the Provincial Court can make orders about child support. Only the Supreme Court can make orders about divorce, property and debt.

- If you are not married and don't have issues about property or debt to figure out, you can go to either the Provincial Court or the Supreme Court.
- If you are married and want a divorce or have issues about property and debt, you might want to go to the Supreme Court. You can go to the Provincial Court about child support if you want, but you will have to start a second action in the Supreme Court to deal with divorce, property and debt.

Both the Provincial Court and the Supreme Court are required to use the Child Support Guidelines to set the appropriate amount of child support.

Important note: The Provincial Court is the most accessible court for most people. The Provincial Court uses simple forms, its rules are easy and no court fees are charged. The Supreme Court uses forms that are more complicated, its rules are very detailed and court fees are charged to begin a court case and to make an application. However, only the Supreme Court is able to make divorce orders and only the Supreme Court can make orders about the division of property and debt.

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Child Support Law

Which law applies to me?

The two laws that talk about child support are the Divorce Act, a Canadian law, and the Family Law Act, a British Columbia law.

The Divorce Act applies to people who are, or were, legally married to each other. The Family Law Act applies to married people, people who have lived together for at least two years and people who have had a child together, whether they lived together or not.

Which children qualify for child support?

Under the Divorce Act, children who are “children of the marriage” are entitled to benefit from child support. A child of the marriage is a child under the age of majority, age 19 in British Columbia.

Under the Family Law Act, “children” are entitled to benefit from child support. A child is a person who is less than 19 years old. Both laws also say that these terms can include children who are 19 or older if they cannot live independently of their parents because of illness, disability or another reason, like going to school.


Who has to pay child support?

Under the Divorce Act, spouses must pay child support. “Spouse” includes divorced spouses. “Spouse” also includes stepparents if the stepparent “stands in the place of a parent.” The courts have said that standing in the place of a parent is about acting as if you were the child’s actual parent, like helping to raise the child, helping to make decisions about the child or taking the child to medical appointments.

Under the Family Law Act, parents and guardians must pay child support. “Parent” includes stepparents if:

- the stepparent and the parent are spouses;
- the stepparent helped to support the child for at least one year; and,
- the stepparent and parent have separated; and,
- the claim for child support is made within one year after the stepparent last helped to support the child.

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Calculating Child Support

What is the amount of child support based on?

Whether you and the other parent have an agreement or you are going to ask for a court order, the amount of child support is based on the Child Support Guidelines. Because the Guidelines apply to everyone, many parents agree to an amount of child support based on the Guidelines, without going to court.

For most people, the Child Support Guidelines tables set out how much is owing based on two things: the income of the person paying child support, and the number of children for which child support is paid for. The exceptions to this rule are discussed in the Child Support Guidelines section.


Do parents and stepparents have to pay the same amount?

The Divorce Act does not say that the child support obligation of stepparents is different than the obligation of spouses. However, the Child Support Guidelines say that the amount a stepparent must pay can be reduced to account for the payments made by the child’s other parent.

Under the Family Law Act, the child support obligation of parents comes first, the obligation of people who are guardians but not parents comes second, and the obligation of stepparents comes last. The amount payable by a stepparent will take into account:

- the child support paid by the child’s other parents and guardians;
- the child’s standard of living when the child lived with the stepparent; and,
- the length of time the child lived with the stepparent.

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Child Support Guidelines

What are the child support guidelines?

The Child Support Guidelines are regulations made by the federal government about how to calculate the amount of child support that one parent must pay to the other. The provincial government has adopted the Guidelines for the Family Law Act.

The guidelines apply to all parents, whether or not they had an ongoing relationship, whether they were married or not, and whether they are an opposite-sex or a same-sex couple.

How do the guidelines work?

The Child Support Guidelines include tables that set out monthly support amounts, depending on two things:

- the income of the payor, the parent paying support; and,
- the number of children for whom support is to be paid.

The child support amounts found in the Guidelines tables are updated from time to time. The tables were most recently updated on December 31st, 2011. The Guidelines tables change from province to province. The tables you should use are the tables for the province where the payor lives. The tables can be found at [www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/legis/fcsg-lfpae/index.html].

The amounts set out in the Guidelines tables may not apply if:

- the child is 19 or older;
- the payor's income is more than \$150,000 per year;
- one or more children live with each of you and the other parent;
- you and the other parent share the children's time equally or almost equally; or,
- payment of the table amount would cause hardship to you or to the other parent

Some of these exceptions to the Guidelines tables are discussed in this section.

What are special or extraordinary expenses?

The amount listed in the Guidelines table may be only a starting point. Parents, or the court, may decide that certain of the children's expenses aren't covered by the table's amount.

The Guidelines table amount of child support is meant to cover the payor's share of almost every expense a child has, from new shoes and new clothes, to school supplies and bus fare. Special expenses, sometimes called extraordinary expenses, are expenses that both the payor and the recipient pay toward. These expenses tend to be large expenses that are necessary for the child, such as childcare or orthodontics.

If you and the other parent agree, or if the court orders, both of you will contribute to the cost of the children's special expenses. Although you can agree to split the cost 50/50, the Guidelines say you should split them in proportion to your incomes.

For example: Sarah earns \$20,000 a year and Raoul earns \$30,000. The total amount of money available to pay for the child is \$50,000, which is Sarah's income plus Raoul's income. Sarah earns 40 per cent of that total amount and Raoul earns the other 60 per cent of the total amount. Sarah would pay for 40 per cent of the cost of the children's special expenses and Raoul would pay for the rest.

Important note: Some special expenses, like medical costs and orthodontics, can be very expensive and it can be important to deal with these expenses in an order or agreement for child support. Even if you don't know what the children's special expenses will be, you can agree or the court can order that you will pay for those future expenses in proportion to your incomes.

What are the exceptions to the guidelines table amounts?

You and the other parent have shared custody if the children live at least 40 per cent of the time with each of you over the course of a year. If the children are in the care of the payor for at least 40 per cent of the time, an amount different from the amount in the Child Support Guidelines may be ordered or agreed to.

If you asked a court to decide, the judge would look at the guideline amount for each parent, the increased costs for the payor as a result of having the children for so much of the time, and the financial circumstances and needs of the child and of each parent.

If one or more children live with you and with the other parent, you have split custody. In this case, each must use the Child Support Guidelines to determine what they would owe the other parent based on their own income level and the number of children living with the other parent. The parent who would owe more to the other must pay the difference between the two amounts.

For example: Two children live with Frank and one child lives with Liu. Liu would have to pay Frank \$300 under the Guidelines tables for the two children living with Frank, and Frank would have to pay Liu \$225 under the tables for the child living with her, Liu would pay \$75 to Frank, the difference in the two amounts, and Frank would pay nothing.

If one or more of the children are 19 or older, the amount of child support can be different than what the Guidelines tables require. If you asked a court to decide, the judge would look at the financial circumstances and needs of the child, including any money available to the child from employment, and of each parent.

If the payor earns more than \$150,000 per year, the amount of child support can be different than what the Guidelines tables require. If you asked a court to decide, the judge would look at the financial circumstances and needs of the child and of each parent, and the usual needs of other children of parents with high incomes.

If the amount of child support required by the Guidelines tables would cause undue hardship to the payor, by being too much, or to the recipient, by being too little, the court may order child support in a different amount than what the Guidelines tables require. The judge would look at whether payment of the table amount would actually result in undue hardship and compare the standards of living of the payor's household and the recipient's household.

Where can I find the child support guidelines for BC?

The Child Support Guidelines tables differ from one province or territory to another because the cost of living differs from one province or territory to another. To get a copy of the Guidelines tables for BC, you can:

- Request a copy from your local courthouse library by calling 604.660.2841 or 1.800.665.2570 (toll free).
- Call the BC Family Justice Services Information Line to request a copy.
- Download a copy from the Department of Justice website here ^[1].

The Department of Justice has published a helpful child support calculator, click here ^[2]

How do child support payments affect income tax?

In 1997, the federal government changed the income tax rules about child support payments. Under these new rules:

- payors cannot deduct child support from their income; and,
- recipients do not have to report it as income. In other words, there are no tax consequences

from paying or receiving child support.

What can happen if child support isn't paid?

The Family Maintenance Enforcement Program (FMEP) is a government agency that enforces child support obligations in orders and agreements. FMEP keeps track of what the recipient is owed by the payor based on the order or agreement, as well as the interest owed on any arrears.

Both payors and recipients can register an order or agreement for child support with FMEP. Most of the time, it is recipients who sign up with FMEP. When this happens, the payor will be required to send all support payments to FMEP, which will record the amounts paid and forward them to the recipient.

If a payor does not pay as required by an order or agreement, FMEP may take steps to recover that money. FMEP may take some or all the payor's income (such as wages, pensions, income tax refunds, GST credits, workers' compensation benefits or rental income) or the payor's bank accounts.

FMEP may require anyone who owes the payor money (such as an employer or the government) to pay it directly to them.

FMEP may also register a lien against a payor's land or personal property, or obtain a court order to seize and sell the payor's property. If the payor owes more than \$2,000, FMEP may report him or her to a credit bureau, making it harder for the payor to get a credit card or a loan. If the payor owes more than \$3,000, FMEP may instruct ICBC to refuse to issue or renew the payor's driver's licence, and ask the federal government to suspend or refuse to issue or renew the payor's passport or aviation or marine licence.

If the payor owns a corporation, or a major part of one, FMEP may make the corporation responsible for the child support payments. FMEP will also charge a payor a default fee if he or she misses or is late on two payments within the same calendar year. This money goes to FMEP to help the government cover the costs of running the program.

Other rules about child support

What if a child support recipient is receiving income assistance?

In order to be eligible for income or disability assistance from the Ministry of Social Development, a person who is or might be entitled to receive child support is required to sign a form called an “Assignment of Maintenance Rights.” Signing this form gives the Ministry the right to try to get the other parent to pay child support. This is called assigning the right to child support.

A recipient who assigns his or her right to child support to the Ministry may be allowed to keep some of the child support money that the Ministry collects from the other parent. You can find out more from your caseworker.

Once the right to child support is assigned, the Ministry, instead of the recipient, has the right:

- to go to court to ask for a child support order;
- to review the amount of child support paid, and to go to court to ask to change a child support order; and,
- to enforce the order, if necessary.

The Ministry may do these things without asking you.

Important note: A child support order obtained by the Ministry will continue after you stop collecting income assistance.

What happens if the payor dies?

Under the Family Law Act, if the person paying child support dies, the recipient can apply for an order that the child support payments continue and be paid from the payor’s estate. This can be required whenever the court makes an order about child support.

What about life insurance?

Under the Family Law Act, the court can also make an order that someone who is required to pay child support must have a life insurance policy. The order can say who must pay the policy premiums and who the insurance money must be paid to if the payor dies.

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References

- [1] <http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/legis/fcsg-lfpae/index.html>
[2] <http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/toolutil/apps/look-rech/index.asp>

Resources

Where to Get Help and Child Support

Where to Get Help


Comprehensive Child Support Service	If you live in the Kelowna, Nanaimo, Vancouver or Surrey areas and you need to find out more about child support and obtaining or changing a child support order or agreement, the new Child Support Officer can help. Child Support Officers will help you understand the child support guidelines and calculate what you are entitled to receive or must pay under those guidelines.	Kelowna: 250.712.3636 Vancouver: 604.660.2084 Nanaimo: 250.741.5447 Surrey: 604.501.8282 Toll-free: 1.888.227.7734
Family Justice Counsellors	Family Justice Counsellors can mediate issues involving parenting arrangements, contact, child support and spousal support. Family Justice Counsellors don't provide legal advice. They will refer you to legal services if you need them. Family Justice Counsellors can also make referrals to other sources of help.	Call Enquiry BC to find the nearest Family Justice Centre Greater Vancouver: 604.660.2421 Greater Victoria: 250.387.6121 Elsewhere in BC: 1.800.663.7867
Family Maintenance Enforcement Program (FMEP)	FMEP is a government service that enforces orders and agreements for child support and spousal support. FMEP staff will receive, record, and forward support payments to the recipient. If necessary, staff will take action to try to ensure that the payor makes the required payments. To register with FMEP, you need an enrolment package. You can get the enrolment package at any Provincial Courthouse, Service BC Centres, Ministry of Social Development office or FMEP at the central Enrolment Office.	Enrolment Office Box 5100 Victoria, BC V8R 6N3 250.220.4040 Toll-free: 1.800.663.3455 www.fmep.gov.bc.ca ^[1]
Parenting After Separation Program	The Parenting After Separation Program is a free, three-hour information session that parents (and other family members, such as grandparents) may attend in person. You do not have to attend the same program session as the other parent. The Parenting After Separation Program is also available online.	www.familieschange.ca ^[2] To find out more about Parenting After Separation, talk to a Family Justice Counsellor.

Legal Advice

JP Boyd's BC Family Law Resource	Website offers a comprehensive survey of family law, divorce law and the court process in British Columbia, Canada. It's written in plain language, with handy pop-up definitions for legal words and phrases, and covers pretty much everything there is to know about family law and divorce law in the province.	www.bcfamilylawresource.com ^[3] Blog: www.bcfamilylawresource.blogspot.ca ^[4]
Legal Services Society of BC (Legal Aid)	If your legal problem is covered under the legal aid rules and you are financially eligible, the Legal Services Society of BC will appoint a lawyer for you if you apply. Legal Services Society of BC has helpful booklets, videos, and an online self-help kit for people who are facing legal issues from separation or divorce, including child support. LSS may have additional services available.	Lower Mainland: 604.408.2172 Outside the Lower Mainland: 1.866.577.2525 www.familylaw.lss.bc.ca/default.asp ^[5]
Lawyer Referral Service	The Lawyer Referral Service can give you the name of a family law lawyer near you who will give you a 30-minute consultation for \$25. You can then hire that lawyer, if you wish.	Greater Vancouver: 604.687.3221 Toll-free: 1.800.663.1919

Mediate BC	Mediators are impartial and have no decision-making powers. The mediator's roles include: <ul style="list-style-type: none">• helping the parties to define the issues in dispute• providing a neutral and appropriate location for the mediation• screening cases to ensure safety• managing the mediation process and keeping the discussion on track• helping the parties to communicate their interests clearly• helping parties reach an agreement• providing a neutral and appropriate location for the mediation session.	Mediate BC Society Family Mediation Services Lower Mainland: 1.604.684.1300 local 23 Toll-Free: 1.855.660.8406 fms@mediatebc.com www.mediatebc.com [6]
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- [1] <http://www.fmep.gov.bc.ca>
- [2] <http://www.familieschange.ca>
- [3] <http://www.bcfamilylawresource.com>
- [4] <http://www.bcfamilylawresource.blogspot.ca>
- [5] <http://www.familylaw.lss.bc.ca/default.asp>
- [6] <http://www.mediatebc.com>

Glossary for Child Support

Access

Under the Divorce Act, the time a parent has with a child.

Agreement

An agreement, usually in writing, which two or more people use to record their settlement of legal issues, like child support.

Arbitration

A dispute resolution process in which the parties submit their dispute to a neutral third party, an arbitrator, and agree to be bound by the arbitrator's decision.

Arbitrator

A person who is trained to act as a neutral third party to conduct hearings, receive evidence and resolve a dispute outside the court process.

Applicant

The person who makes an application to court. In the Provincial Court, the person who begins a court case. The person against whom the application or claim is brought is the Respondent.

Arrears

A payor's debt of unpaid child support and special expenses, usually accumulating because an agreement or order said that child support was to be paid.

Child support

A regulation that talks about how child support is calculated.

Guidelines

The Guidelines apply to all people who have had a child and are no longer together, regardless of the nature of their relationship.

Consent order

A court order made by a judge, sometimes without a formal hearing in court, that both parents agree to.

Custody

Under the Divorce Act, a term that describes when a child is in the care of an adult. A person with custody is responsible for the care of the child or children on a daily basis. Only one parent can have custody, called sole custody, or both parents can have custody, called joint custody. Joint custody doesn't mean that the children's time is split equally between their parents' homes.

Divorce

A court order that ends a marriage. A divorce order can only be granted by a Supreme Court.

Divorce Act

A federal law that talks about divorce as well as child support, spousal support, custody and access.

Enforce

To make someone to obey an agreement or order. For example, if an agreement or order for child support is filed in court, either parent can register it with the Family Maintenance Enforcement Program (FMEP) for enforcement. FMEP will monitor the agreement or order and enforce it as necessary.

Family Justice Counsellors

Counsellors who work at Provincial Court family justice centres. Family Justice

Counsellors can help people resolve disputes over custody, guardianship, access, and child support.

Guardian

Under the Family Law Act, a person who has the duty to make parenting decisions for a child. Guardians are usually, but not always, parents

Family Law Act: A British Columbia law that talks about issues such as child support, spousal support, guardianship, parenting arrangements and contact, and the division of property and debt.

Mediator

A person who is trained to act as a neutral third party to help people resolve a dispute and come to a mutually acceptable agreement without going to court.

Order

A direction of a judge to do something or not do something, like an order that someone pay child support. Usually refers to the document that records the judge's directions and is signed by the judge. The order tells the people named in it what they must do about issues such as custody, access, and child support. People named in a court order are bound to obey it, and will face legal consequences if they fail to do so.

Parent

A person who is the legal parent of a child, including biological parents, adoptive parents and stepparents, and people who have helped to have a child through assisted reproduction if they have an assisted reproduction

agreement that says they are parents.

Payor

A person who is paying child support or has a duty to pay child support. Provincial Court: A trial court with the authority to make orders under the Family Law Act for guardianship, parenting arrangements, contact, child support, and spousal support.

Recipient

A person who is entitled to receive child support payments from a payor.

Separation

The breakdown of a married or unmarried relationship usually indicated when the parties stop living together although a couple can be separated and still live under the same roof. There is no such thing as a “legal” separation.

Separation agreement

A written contract between two or more people which sets out the terms on which they have settled the legal issues arising from their separation. Separation agreements on child support and spousal support can be enforced by the Family

Maintenance Enforcement Program (FMEP).

Shared custody

This is a term used by the Child Support Guidelines when the parents have the children for an equal or almost-equal amount of time.

Special expenses

Children’s expenses that both parents have a duty to pay, on top of the payor’s duty to pay child support. Special expenses usually include things like the cost of medicines, orthodontics and sports activities. Which expenses qualify as special expenses is usually set out in an agreement or orders on child support.

Split custody

This is a term used by the Child Support Guidelines when each parent has one or more of the children in their care.

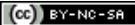
Spouse

A person who is married to someone or who has lived with someone in a marriagelike relationship.

Supreme Court

A trial court with the authority to make orders under the Family Law Act and the Divorce Act, for divorce, custody, access, guardianship, parenting arrangements, contact, child support, spousal support and the division of property and debt.


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About this Wikibook

About Child Support

This wikibook from People's Law School is for anyone who needs basic information about Child Support in BC.

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The People's Law School

The People's Law School is a non-profit charitable society whose purpose is to provide British Columbians with reliable information about their rights and responsibilities under the law.



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References

[1] <http://www.publiclegaled.bc.ca>