

1. What is child support?

Child support is financial support of a child by parents or another person (among others, this other person may include a guardian or a step-parent). The right of a child to receive support continues until the child is 19 years old in the Yukon. Support may end before this if the child leaves home or is working. The right of financial support may continue beyond age 19, however, if the child is a dependent because of illness, disability or because he or she is still in school or is unable to obtain the necessities of life.

2. What happens if a person cannot afford to pay child support?

A judge makes the decision, in court, about a person's ability to pay child support. When a child support order is in place, the person ordered to make payments is responsible for those payments until another order or legal agreement is made.

3. Can people be ordered to pay child support even if they don't see their children?

Yes. The court considers child support and access to children to be separate issues. Ignoring a court order for child support is not an option. People who do not follow the terms of a court order for child support or an order for access are in contempt of court.

4. How is the amount of child support decided?

The Child Support Guidelines include rules for determining child support and a table that sets out the basic amount of this support. If the original child support order was made in conjunction with a divorce order, the federal *Divorce Act* and the federal Child Support Guidelines apply. Otherwise, the Yukon Child Support Guidelines (a regulation to the *Family Property and Support Act*) apply. The federal and Yukon Child Support Guidelines are similar. By applying the guidelines whether or not parents were married, all Yukon children are treated the same way when child support is determined.

5. Do we have to go to court if we agree on a child support amount?

Parents who choose to work out their own child support agreement do not have to go to court and they do not have to follow the Child Support Guidelines – but the guidelines are a good model for what would be fair. (If the parents want a court order, even by consent, the order must conform with the Child Support Guidelines.)

The Department of Justice has published a series of six booklets that provide information about court procedures related to family law.

1. List of Key Words
2. Representing Yourself in Court
3. General Steps to a Court Order
4. Applying for a Child Support Order
5. Changing a Child Support Order (if the parties disagree)
6. Opposing an Application for Child Support

The judge will refer to the Child Support Guidelines to come to a decision. The amount of child support awarded may be higher or lower than the amount stated in the Child Support Guidelines tables.

6. What about filing our order or agreement with the Maintenance Enforcement Program?

Any legally enforceable agreement for support can be registered with the Maintenance Enforcement Program (MEP). To be legally enforceable, an agreement must be in writing and signed by both parties

before witnesses. Agreements worked out between the parties should contain the same information as a court order. This information includes:

- the names of the people paying and receiving support;
- the names and birth dates of the children for whom the support is being paid;
- the annual income of the person paying support, or the income agreed by the parties to be the basis for support payments;
- the Child Support Guidelines table amount for that level of income and the number of children for whom support is to be paid;
- the amount of support agreed to by the parties;
- the date when the support payments will begin; and
- the subsequent dates when support payments must continue to be made (e.g. “on the first day of each month thereafter”).

If you work out an agreement, you may want to prepare a consent order that must be signed by both parties to present to a judge for approval. A consent order contains the basic information that a judge needs to make an order. If a court proceeding has already begun, the agreement can be filed with the court before registering it with the MEP.

If you are entitled to receive payments, the MEP can help you get your payments by enforcing your order/agreement. If you are the person paying child support, the MEP can work with you to find a payment method that suits you and allows you to meet your child support obligations.

7. Does child support affect income taxes?

Since May 1, 1997, the federal *Income Tax Act* says that if you are paying child support you cannot claim these payments as a deduction and if you are receiving child support, you do not have to report child support as taxable income.

Child support orders or agreements made before May 1, 1997 are not covered by these rules. If you want the current rules to apply to your order or agreement without changing the amount of child support and if both parties agree, you can sign an Election for Child Support Payments form and submit it to the Canada Revenue Agency.

For more information, or to obtain copies of the court procedures publications, please contact:
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