

Child Support Recalculation Service



Questions & Answers

Manitoba Justice now offers a Child Support Recalculation Service for parents who want their child support order recalculated based on updated financial information. This means the amount of child support ordered by the court may be reviewed annually and changed if there is a change in the income of the person ordered to pay support.

The Recalculation Service Office will give parents information about the court application process to have an order enrolled with the service.

This service applies to recalculation of child support orders under The Family Maintenance Act in Manitoba and the federal Divorce Act.

Is a recalculation the same as a variation?

They are two separate things. **Recalculation** allows child support payments to be changed based on updated income information. The recalculated order will take effect 31 days after both parents have received notice of it. A recalculation cannot deal with arrears or support payments prior to the date the recalculated order takes effect. Only a judge can order a **variation** of child support. A variation can make more changes to an order, including prior support payments and arrears, or changes other than income, such as a child no longer being dependent or moving to live with the other parent.

Who is eligible for child support recalculations?

To be eligible, both parents must live in Manitoba and one of them must get a court order authorizing the service to recalculate child support at regular intervals.

What kinds of child support orders are covered?

Orders must be for a table amount – an amount that is fixed by using the *Child Support Guidelines* tables – and is generally based on the actual income of the payor. Final or interim child support orders made under *The Family Maintenance Act* are eligible for recalculation. Only final child support orders made under the federal *Divorce Act* are eligible for recalculation. The table amount of child support and some special or extraordinary expenses can be recalculated if directed by the court.

What do I have to do to get a recalculation order if I have a child support order?

If your current child support order does not allow for recalculation, you must apply for a court order authorizing the recalculation of the child support. The Recalculation Service Office can provide the documents needed and explain how to complete them. The parent seeking a recalculation order must file the documents in court and pay a court filing fee. If the court orders recalculation based on the application, a notice will be sent to both parents. Recalculation can be declined by the court if the order does not meet certain criteria. Contact the Child Support Recalculation Service Office for more information.

How is a child support order recalculated?

The Recalculation Service Office notifies both parents of the application and requests updated financial information. Once the information is received by the service, the table amount of child support and any special or extraordinary expenses, will be reviewed and changed.

What happens if the other parent doesn't co-operate?

If a parent doesn't co-operate in the process by providing updated financial information, the Recalculation Service Office can apply to the court for court orders, including for court costs, and can ask a judge to determine the other parent's income based upon the best available evidence.

Can I get copies of the income information the other parent provides?

The Recalculation Service Office will provide each parent with the relevant financial information given by the other parent. The support determination officer will discuss with either party any concerns about the recalculation process.

What if I don't agree with the recalculated child support amount?

A parent who disagrees with the recalculated child support amount arrived at by the Recalculation Service Office can apply to court for a variation of the original support order within 30 days of receiving the recalculated order. A judge will decide the amount of the child support. The variation application stops the recalculated child support order from taking effect.

Can I get a recalculation to cancel my child support arrears?

No, if you have a change in circumstances, such as a loss of job, before the annual recalculation of child support you must apply to a court for a variation of child support. The Recalculation Service Office does not have the authority to reduce or cancel child support arrears. Arrears can only be reduced or cancelled by a judge through a variation application. The *Guide to Changing Child Support Orders in Manitoba* information booklet is available from the Recalculation Service Office and on the Manitoba Justice website: www.gov.mb.ca/justice/family/law/index.html.

Is the service available all through the province?

Yes, you can access the service outside of Winnipeg by calling the toll free number listed below.

Is this service free of charge?

Recalculation services are free of charge. However, you are responsible to pay for any related court filing and document serving fees.

For more information, contact your nearest court office or:

Manitoba Justice
Child Support Recalculation Service Office
Room 201 – 373 Broadway
Winnipeg, MB R3C 4S4
Phone **204-945-2293**
Toll Free **1-800-282-8069 (Ext. 2293)**
E-mail **CSRS@gov.mb.ca**
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