

CHILD SUPPORT ADMINISTRATIVE RECALCULATION SERVICE

Instruction Guide



Yukon Child Support Administrative Recalculation Service

Located at:

Family Law Information Centre
Andrew A. Philipsen Law Centre
2134 2nd Avenue
Whitehorse, YT Y1A 5H6

Mailing address:

Family Law Information Centre
Justice (J-FLIC)
Government of Yukon
Box 2703
Whitehorse, YT Y1A 2C6

Phone: 867-667-3066

Toll free: 1-800-661-0408 ext: 3066

Fax: 867-456-6105

Website: www.yukonflic.ca

Email: flic@gov.yk.ca



FLIC is made possible
by Justice Canada.



Contents

- 1. Important Terms 2
- 2. Recalculation Process 3
- 3. Forms and Support Documents 3
- 4. Frequently Asked Questions 4

Important terms

Applicant: person applying for recalculation.

Respondent: person responding to the application for recalculation.

Payor: person who pays child support to another person.

Recipient: person receiving child support payments from another person.

Child or Children: child(ren) named in the court order or agreement that are under the age of majority in the jurisdiction where they reside. In Canada, the age of majority varies from one province or territory to another, as stated below:

Age of majority at 18 yrs. old:

Alberta	Manitoba	Ontario
Prince-Edward Island	Québec	Saskatchewan

Age of majority at 19 yrs. old:

British Columbia	New Brunswick	Newfoundland & Labrador
Nova Scotia	Northwest Territories	Nunavut
Yukon		



Recalculation Process

Steps to follow when applying for administrative recalculation of child support:

1. Gather the required documents (see **Forms and Support Documents** section for details).
2. Complete the applicable forms:
 - Application form
 - Response form
 - Notice of legal representative or agent form.
3. Submit your forms and support documents.

In person:

Family Law Information Centre
Andrew A. Philipsen Law Centre
2134 2nd Avenue
Whitehorse, YT Y1A 5H6

Mail:

Child Support Administrative
Recalculation Service
Family Law Information Centre
Justice (J-FLIC)
Government of Yukon
Box 2703
Whitehorse, YT Y1A 2C6

4. Wait for your application to be reviewed. Applicants will receive a response from the recalculation officer within 30 days.
5. Receive your recalculation notice.

If you do not provide all the requested information or documents, the processing of your application may be delayed or refused.

Forms and Support Documents

Application form

The person seeking to have the amount of child support recalculated (either payor or recipient) must complete the application form and provide the following information:

- role of each party (payor must be a Yukon resident);
- name and contact information of applicant and respondent;
- details of the children who are the subject of the court order for child support to be recalculated;
- details of the court order(s) on child support to be recalculated.

Support documents to submit with application form:

- copies of relevant court order(s), variation order(s), and notice(s) of recalculation;
- completed notice of legal representative or agent form (if applicable);

If you are both the **applicant** and **payor** of child support:

- copy of the most recent notice of assessment and/or notice of reassessment from the Canada Revenue Agency. (Payor is obligated to provide the recalculation officer any revised Canada Revenue Agency documents received prior to the order's recalculation day.)

Response form

The person responding to the application must fully complete a response form and provide the following information:

- respondent's role in payment of child support;
- name and contact information of the respondent.

Support documents to submit with response form:

- completed notice of legal representative or agent form (*if applicable*).

*If you are both the **respondent** and **payor** of child support:*

- copy of the most recent notice of assessment and/or notice of reassessment from the Canada Revenue Agency. (*Payor is obligated to provide to the recalculation officer any revised Canada Revenue Agency documents received prior to the order's recalculation day*).

If the Canada Revenue Agency documents are not produced by the payor, the application may still be processed.

Notice of legal representative or agent form

Complete this form if you are appointing a legal representative (e.g., lawyer) or agent (i.e., someone you want to act on your behalf) to handle the processing of the application or response.

- party completing the form should fill in their name and role.
- provide the name and contact information of the legal representative or agent.

Once the form is submitted to the recalculation officer, all future documentation in relation to this file shall be forwarded to your legal representative or agent.

Frequently Asked Questions

What is Yukon's Child Support Administrative Recalculation Service?

Yukon's Child Support Administrative Recalculation Service offers an administrative process for parties seeking to change the amount of child support they currently pay or receive for the maintenance of a child. Instead of returning to court, a party will be able to apply to increase or decrease the amount of child support payable under a court order in accordance with the Federal Child Support Guidelines when there have been changes to a parent's income level. This service increases access to justice for Yukon families.

What are the Federal Child Support Guidelines?

The Federal Child Support Guidelines provide rules for how child support is calculated as well as tables setting out basic levels of child support for children across Canada.

The guidelines are adopted under the *Divorce Act* and the *Family Property and Support Act* and related territorial regulations, ensuring that all children in the Yukon qualify for basic levels of child support.

All court orders and/or agreements that are eligible to be recalculated by Yukon's Child Support Administrative Recalculation Service will reference the Federal Child Support Guidelines and/or the payor's guideline income level. The payor's guideline income level is used for determining the amount of child support payable.

The amount of child support awarded by a court may actually be higher or lower than the amount stated in the Federal Child Support Guidelines tables. Sometimes "special or extraordinary expenses," such as day care costs, or costs related to a child's extracurricular activities, will be added on to the basic amount of child support payable.

Am I required to apply to Yukon's Child Support Administrative Recalculation Service to change the amount of child support payable?

No. Applying is an optional service. Parties can always apply to a court to change the amount of child support they are currently paying or receiving.

What are the requirements I must meet to have my child support recalculated by Yukon's Administrative Child Support Recalculation Service?

You must show the recalculation officer that you meet the requirements of the *Child Support Administrative Recalculation Act* and *Regulation*. Either the person paying or receiving child support may apply to use Yukon's Child Support Administrative Recalculation Service.

Eligible Orders

- court order has not been made or recalculated within the past 12 months.
- payor must be a resident of Yukon. If there is a dispute regarding the payor's place of residence, the recalculation officer will request that the payor provide proof of residence by submitting a sworn affidavit.
- child(ren) are younger than the age of majority in the jurisdiction where they reside.
- existing order follows the *Federal Child Support Guidelines*.

Non-eligible Orders

- payor's income is imputed income, self-employed income, or income greater than \$150,000.
- child(ren) are older than age of majority in the jurisdiction where they reside.
- amount of child support payable under the court order was not determined by referencing the *Federal Child Support Guidelines*.
- amount of child support payable under the order was determined on the basis of undue hardship.

How can the amount of child support be changed using the Yukon's Child Support Administrative Recalculation Service?

Depending on the information provided, the recalculation officer may:

- increase the amount of child support payable;
- decrease the amount of child support payable; or
- decide the application cannot be processed based on information provided.

How much does a parent's income need to change in order to apply for recalculation?

The change in income must be sufficient to result in a child support payment increase of at least \$5 per month.

Does Yukon's Child Support Administrative Recalculation Service change a court order?

No. If you want to change a court order you must apply to a court of law. Therefore, the service does not change a party's court order on child support, but merely changes the amount of child support that is payable through an administrative process. The court will be notified when and if this occurs, thereby ensuring that the new amount of child support payable is also enforceable.

What if I don't want to participate?

Applying is optional and free; however, once either party registers, both are obligated to participate.

If you feel your court order is not appropriate for administrative recalculation or you wish to withdraw your application, contact the recalculation officer for information on next steps.

What if one party fails to provide the required forms or income information?

The payor is required to provide a copy of their most recent income tax notice of assessment and/or notice of reassessment.

If the payor does not comply with this request, the recalculation officer is authorized to determine the parent's income to be 10% higher than the level set in the existing court order.

What is the recalculation based on?

Determining a payor's new income level and the child support payable is purely an administrative exercise based on the *Federal Child Support Guidelines*.

The payor is required to provide a copy of their most recent income tax notice of assessment and/or notice of reassessment. If the payor does not comply with this request, the recalculation officer may proceed to determine the parent's income to be 10% higher than the level set in the existing court order.

Parties will be ineligible if the recalculation officer would need to exercise discretion rather than apply a standard calculation or where the *Federal Child Support Guidelines* were not followed in the original order.

When and how often can a recalculation be made?

Once an application is accepted for eligibility, recalculations can be done once a year.

Parties are required to re-apply the following year should they be seeking a further administrative recalculation of the court order.

What if I don't agree with the recalculation?

Parties have the option to dispute any recalculation. Since the service is optional, parties may prefer to apply to family court to vary child support amounts.

Some jurisdictions in Canada automatically recalculate child support. If you have an order for child support from a jurisdiction outside Yukon, you should inquire with that jurisdiction if the amount of child support payable has already been recalculated and provide this information with your application.