

CHILD SUPPORT

CHILD SUPPORT: WHO PAYS AND FOR WHOM?

Where the child is in the primary care of one parent, a parent must pay child support for his or her child who is under 18 years of age and who remains in the care of the parents. This means that the parent with whom the child does not primarily reside (the “Payor Parent”) will generally be required to pay child support to the parent with whom the child does primarily reside (the “Recipient Parent”).

The Payor Parent need not be the biological parent of the child for them to be required to pay child support. People who stand in the place of a parent may be required to pay child support for the child where that person has in the past demonstrated a settled intention to treat the child as his or her own. The most common example of this is when a step-parent is required to pay child support for a step-child.

Also, the Payor Parent may be obligated to pay child support for a child who is above the age of 18. Usually, the obligation to pay child support continues beyond the age of 18 where a child is incapable of supporting themselves due to illness, disability, or other cause including attendance at a post-secondary institution.

CHILD SUPPORT: HOW MUCH?

The Federal Child Support Guidelines (the “Guidelines”) contains a Table (the “Table”) which dictates the monthly child support amount that a Payor Parent is required to pay the Recipient Parent. The Table is based on the annual income of the Payor Parent, the number of children who reside with the Recipient Parent and the province in which the Payor Parent resides. For example, the Table sets out the monthly child support amount of \$1,073 for a Payor Parent earning \$60,000 a year with three children living in Saskatchewan.

However, exceptions to the Table’s presumptions exist where:

- The child is over the age of majority;
- The Payor Parent earns more than \$150,000 annually;
- The Payor Parent is not the biological parent of the child;
- The Payor Parent resides with the child more than 40% of the time annually; or
- Awarding the table amount would cause undue hardship to the Payor Parent.

CHILD SUPPORT (continued)

In these cases, the Court has the discretion to order an amount different to that listed in the Table.

In addition to the Table amount, the Payor Parent may also be required to contribute to additional child support for special or extra-ordinary expenses of the child. In general, the following are typical special or extra-ordinary expenses:

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- Child care expenses, such as daycare and afterschool programs;
- Uncovered health related expenses (i.e. government or private benefit plan), such as
- orthodontic treatments, prescription drugs or professional counseling;
- Education expenses, such as private school and post-secondary tuition; and
- Extra-ordinary extra-curricular expenses, such as hockey, soccer and dance fees.

The Payor Parent does not pay the entire cost for the special or extra-ordinary expenses as the expenses are shared by the parents in proportion to their respective incomes. For example, if the Payor Parent earns \$75,000 and the Recipient Parent earns \$25,000, then the Payor Parent will be expected to pay 75% of the special or extra-ordinary expenses of the child. The child support amount is subject to change if incomes change. For example, if a Payor Parent's income increase or decreases, then an application can be made to the Court to vary the child support amount.

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