

Child Support – Answers

1. Parents must pay child support even if they do not visit with their children.

True. Child support and parenting time are separate issues.

2. Child support is deductible on taxes.

False.

3. Only biological parents pay child support.

False. Adoptive parents and parties held to be *in loco parentis* may also have to pay support.

4. Child support may still be payable when a child is 18 year of age or older.

True. If children are 18 or older and in school full-time, or have an illness, or a disability which prevents them from being self-sufficient, they may still be entitled to child support.

5. Child support is calculated based on the paying parent's annual, gross income.

True.

6. The child support guidelines table amount from the province where the recipient parent lives is used to determine child support.

False. You have to use the child support table amount from the province where the paying parent lives.

7. It is sometimes necessary to look at both parents' incomes to decide the appropriate amount of child support.

True. If both parents have roughly equal amounts of parenting time, both parents' incomes must be examined to determine an appropriate child support amount.

8. Section 7 expenses will not be awarded unless they are considered necessary for the child and reasonable considering the parents' means and historical expenses.

True. Section 7 expenses must be both necessary as well as reasonable considering how the family spent its money before separation and what their financial resources are now.

9. The courts may order an amount other than the table amount of child support when the parent's income is over \$100,000.

False. There is discretion to order a different amount for the portion of income that is over \$150,000 annually. The table amount is considered up to \$150,000 and then the court must decide what amount is reasonable over that amount.

10. If a parent moves far away with the children, the other parent may be able to have their child support reduced based on an undue hardship claim.

True. High costs to exercise parenting time, as well as a legal duty to support other dependants, and responsibility for an unusually high level of debt, incurred to support the family before separation, are all examples of circumstances that may lead to an undue hardship claim.

11. Most court orders will set out an end date for child support.

False. Most court orders do not say when child support will end, which makes it necessary to apply for a variation or termination of child support.

12. One parent must live in Manitoba to use the Child Support Service.

False. Both parents must live in Manitoba to use the Service.