

Spousal Support Evaluation – Answer Key

True or False Questions

1) Spousal Support takes priority over Child Support.

False. Child support takes priority over spousal support.

2) Conduct of the parties, including adultery, is not relevant in determining spousal support.

True.

3) Spousal support is not included as income for the spouse receiving the support.

False. Spousal support is included as income for the spouse receiving the support. There must be an agreement or order.

4) Common-Law spouses are not eligible to receive spousal support.

False. Common-law spouses are eligible to receive spousal support.

5) The Maintenance Enforcement Program has the power to suspend a payor's drivers license if payments are not paid.

True.

Quiz Questions

1) What are three ways your relationship can be considered a common-law relationship in Manitoba for the purposes of spousal support?

- If you have registered your common-law relationship with Vital Statistics.
- If you have lived together for at least one year and have had a child together.
- You have lived together continuously for three years.

2) What are two things a court in Manitoba will consider when making an order for Spousal Support?

The courts will consider the factors in the Divorce Act under section 15.2 (4) (if the parties are married) and/or the factors in the Family Maintenance Act under section 7(1)(a) through to 7(1)(j): (a) the financial needs of each;
(b) the financial means, earnings and earning capacity of each;

- (c) the standard of living of the spouses or common-law partners;
- (d) any obligation of either of them for the support and maintenance of a child or a person other than the other spouse or common-law partner;
- (e) any contribution of a spouse or common-law partner within the meaning of subsection (2);
- (f) the amount of any property settlement made between them;
- (g) where one of them is financially dependent upon the other, the measures available for the dependent person to become financially independent of the other, and the length of time and cost involved in taking those measures;
- (h) any impairment of the income-earning capacity and financial status of either resulting from the marriage or common-law relationship;
- (i) where one of them is financially dependent upon the other, whether and to what extent the dependent spouse or common-law partner is complying with the requirements of section 6;
- (j) the duration of the marriage or common-law relationship.

3) What statutes govern spousal support in Manitoba?

The Divorce Act of Canada (Federal) and the Family Maintenance Act of Manitoba (Provincial).

4) Name three ways the Maintenance Enforcement Program has the power to enforce if payments are not made.

Any three of the following:

- Garnishing wages
- Garnishing bank accounts
- Suspend licenses
- Making the paying spouse come to court to explain why payments are not being made.