

# CHILD SUPPORT RECALCULATION SERVICE QUESTIONS & ANSWERS

## **1. What is the Child Support Recalculation Service?**

The Child Support Recalculation Service (CSRS) is a program that allows a parent to have a child support order recalculated at regular intervals, based on updated financial information. The Support Determination Officer (SDO) of the CSRS office will help the parents in the steps required to have a child support order recalculated without the parent having to obtain a lawyer or having to apply to court themselves.

## **2. Isn't a recalculation of child support the same thing as a variation?**

A recalculation of child support provides for a review of the parties' updated income information and the recalculated order will take effect 31 days after both parents have received notice of the recalculation. A variation of child support is a request to change the obligation of a parent to pay child support. A variation can change child support for the future and can also look at time periods before the application to court is made (arrears). A variation can also take into account changes other than income such as a child no longer being dependent or moving to live with the other parent.

## **3. Who is eligible for child support recalculations?**

Both parents must live in Manitoba and one of them must get a court order authorizing the CSRS to recalculate child support at regular intervals.

## **4. What kinds of child support orders are covered?**

The order must be for a table amount of child support (an amount that is fixed by using the *Child Support Guidelines* Tables) and in most cases, be based on the actual income of the payor. Final or interim child support orders made under *The Family Maintenance Act* in Manitoba 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 certain special or extraordinary expenses can be recalculated if directed by the court.

## **5. I have a child support order. What do I have to do to get a recalculation order?**

If your current child support order does not have a provision to allow for recalculation, you must apply to court to get a court order authorizing the recalculation of the child support. The documents needed for a recalculation order can be prepared with the help of the CSRS office. Once the recalculation order is received from the court, the SDO will send a notice to both parents with a request for updated financial information.

## **6. What does the Support Determination Officer (SDO) do to recalculate a child support order?**

Once the appropriate updated financial information is received by the SDO, the table amount of child support and the amount of special and extraordinary expenses will be recalculated.

### **7. What happens if the other parent doesn't co-operate?**

If a parent doesn't co-operate with providing updated financial information, the SDO can apply to the court for court orders, including court costs (financial penalty) and can ask the court to impute an income to the parent based upon the best available evidence of his or her income or in some cases, deem income received and adjust accordingly.

### **8. Can I get copies of the income information that the other parent gives to the SDO? What if I don't agree with the income figure?**

The SDO will provide each parent with the relevant financial information provided by the other parent. The SDO will be available to speak with a parent to discuss any concerns about the recalculation process or to receive additional financial information concerning the other parent.

### **9. What if I don't agree with the recalculated child support amount that the SDO arrives at?**

If either parent disagrees with the recalculated child support amount, he or she can apply to court for a variation within thirty (30) days of receiving the order and a Judge will decide the amount of the child support. The variation application stops the recalculated child support order from taking effect.

### **10. I was ordered to pay child support six months ago and have just lost my job. Can I get a recalculation to lower the payments? What about the arrears?**

A change in circumstances such as a loss of employment before the annual recalculation of child support will require a parent to apply to a court for a variation of child support. The SDO does not have the authority to reduce or cancel child support arrears that occur from the date of unemployment to the date the recalculated order is made by the SDO. The arrears of child support can only be reduced or cancelled by a Judge on a variation application.

### **11. Where can I get more information?**

The Child Support Recalculation Service office is located at:

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FAX: (204) 948-2423

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