

Use this Form if you do not already have a child support order or written agreement. If you have an order that you are seeking to vary, use Form K.

A judge will not approve your application just because you ask for something. You must provide information and documents to support your claim.

Filling out the Form

You can use this Form to ask for child support for up to four children. If you are asking for child support for more than four children, complete and attach an additional page(s).

Section 1

The Respondent resides in Canada and I ask for child support for the following child(ren)

Check this box if you are asking for child support and the Respondent resides in Canada. Write the full name and date of birth of each child for whom you are claiming support and check the appropriate box for your circumstance. Do not list any children for whom you are not claiming support.

It is very important to identify under which legislation you are making your application (either ISO legislation or the *Divorce Act*).

Tips

- The Forms you submit as part of your application will organize your information for the court. You should include as much information as possible so that the court can make an informed decision.
- If you are making your application under provincial or territorial ISO legislation, you must complete either Form A.1 or A.2. If you are making your application under the *Divorce Act*, then you must complete either Form A.3 or A.4.
- Use the tables included in the FormSupport Introduction and General Information Guide or consult your provincial or territorial website to determine the additional Forms you need to complete.
- Use a working copy and a final copy when completing these Forms. To ensure that the final copy is neat and legible, only complete the final copy when satisfied with your responses.
- Include all copies of receipts, documents and other evidence that will help prove statements and claims you make. Documents provided will form part of the evidence for the matter and cannot be returned.
- Receipts and documents may contain address information that you may wish to remain confidential. If you choose to conceal the address information, ensure that you keep the originals in case the court requires that you provide them.
- After completing all of your Forms, you must swear to the accuracy of all the information that you provided – just like if you were in court providing the evidence in person.

For more information on family justice matters, visit www.gov.mb.ca/familylaw/ or www.justice.gc.ca.

Use the FormSupport Introduction and General Information Guide to help you determine under which legislation you should make your application.

You may wish to speak with a lawyer for advice about what is best in your circumstances.

Example:

Kimiko has four children. Her oldest child is 21 and is working and living away from home. This child and her 15-year-old twins are children of her relationship with the Respondent. She also has an 8-year-old with her current husband. Kimiko would write the names of the twins only. The oldest child is independent, and the Respondent was never a parent to the youngest.

If the Respondent resides in Canada, there are four child support options. You must choose one option for each child.

Only the child support guidelines table amount

Check this box if you think the amount listed in the appropriate child support guidelines tables is the appropriate amount of support that you should receive.

Child support in an amount different from the child support guidelines table amount

This option may apply if:

- you have a child over the age of majority (either 18 or 19 depending on the province or territory in which you reside – refer to the Department of Justice Canada’s website for more information);
- you have split custody with the Respondent;

- you have shared custody with the Respondent;
- there is undue hardship; and/or
- the Respondent has an income over \$150,000 per year.

If you check this box on the Form, complete and attach Form E.

The child support guidelines table amount plus special or extraordinary expenses

Choose this option if you require an amount for special or extraordinary expenses, which may include:

- childcare;
- uninsured health-related expenses over \$100 per year;
- extraordinary expenses for education;
- post-secondary education expenses;
- child’s portion of medical and/or dental insurance; and/or
- extraordinary expenses for extracurricular activities.

If you check this box, complete and attach Forms F and I.

Child support in an amount different from the guidelines table amount, plus special or extraordinary expenses

Check this box if:

- any of the examples from the second option apply to you (complete Form E), and
- you would like to request an additional amount because of any of the reasons listed for the third option (complete Forms F and I).

Complete and attach Forms E, F and I.

Child Support Guidelines in Canada

Child support guidelines are a set of rules and tables to apply when determining child support. The guidelines include very detailed tables, specific to each province and territory, which provide the amount parents should pay.

The courts must follow the applicable child support guidelines, unless there are special circumstances.

The Department of Justice Canada has a publication, *The Federal Child Support Guidelines: Step-by-Step*, which contains general information about child support, including guidance on determining which guidelines apply to you. The publication may be accessed from the following website: www.justice.gc.ca.

Section 2

The Respondent resides outside of Canada and I ask for child support for the following child(ren) in accordance with Interjurisdictional Support Orders Act

Check this box if you are asking for child support and the Respondent resides outside of Canada. This will apply only if you make your application under the *Interjurisdictional Support Orders Act*. It does not apply if your application is made under the *Divorce Act*.

Then write the full name and birth date of each child for whom you are claiming support. Do not list any children for whom you are not claiming support from the Respondent.

Section 3

I ask for an order that the Respondent obtain or maintain medical and/or dental insurance coverage for the child(ren)

A court can, and will often, include this in an order. Usually, this happens if the Respondent can get medical and/or dental insurance coverage through work at a reasonable cost.

There is no guarantee that the court will include this in an order, but by asking for it, the court may ask the Respondent if insurance is available.

Section 4

I am asking for ongoing child support starting as of the date of this application

Check this box if you would like the Respondent to begin paying child support as soon as the court makes an order to do so.

I am asking for retroactive child support starting as of a date prior to the date of this application ____ (date) in addition to ongoing child support

Check this box if you are requesting that the court order the Respondent to pay child support that “starts” on a “past date” and continues in the future. You may wish to speak to a lawyer if you are thinking of requesting retroactive child support.

Example:

The Respondent and you separated two years ago but you are just now applying for child support that would cover the past two years as well as from now on. Fill in the date from two years ago and attach an additional page to explain why you would like retroactive child support.

FORMSUPPORT

FORM C

CHILD SUPPORT CLAIM

I am asking for retroactive child support for the period of ____ to ____ (date)

Check this box if you would only like child support for a specific time period in the past.

Example:

Although there was no order or written agreement in place, the other party was paying support directly to you, based on his/her income at the time you separated. His/her income increased a year ago, but you have only recently found out about the increase. You can apply to have the higher child support amount 'back-dated' to the time when the Respondent's income increased.

If you are seeking retroactive support, include the date range and attach an additional page explaining why.

If you were delayed in making the application for support, you will need to provide information as to why you did not make it immediately.

Finish the Form

Finish completing the Form by signing where indicated. Make sure you attach all additional Forms and documents that you were requested to complete.