

# **A Caseworker's Guide to Processing Cases with Canada**

"A Caseworker's Guide to Processing Cases with Canada" provides contact and policy information and describes basic requirements for forms and procedures for use in cases between Canadian provinces and territories and United States jurisdictions. The U.S. currently has bilateral, federal-level agreements with eight Canadian provinces and three Canadian territories: Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland/Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Saskatchewan, and Yukon.

This Caseworker's Guide updates an earlier version issued July 21, 2005 (IM-05-08). It incorporates information on case processing gleaned through governmental meetings between Canadian and federal Office of Child Support Enforcement (OCSE) officials and a series of teleconferences for U.S. and Canadian caseworkers. It also adds policy information for Saskatchewan and Yukon, which were not Foreign Reciprocating Countries (FRCs) when the former Caseworker Guide was issued. Because the U.S. does not have federal-level agreements with Prince Edward Island or Quebec, case processing information for these two provinces is not included in this Caseworker Guide<sup>1</sup>. The Caseworker Guide addresses the policies and practices of the 11 provinces and territories that have been declared FRCs.

## **Canadian Child Support Enforcement Structure**

Canada is a federal state, composed of ten provinces and three territories, each with its own government and power to make laws. Under the Canadian Constitution, family law is an area of shared responsibility between the federal and the provincial and territorial governments. In family matters, the federal government has jurisdiction over divorce, while the provinces are responsible for couples who separate or who were never married. Provinces and territories are otherwise responsible for all other matters concerning family breakdown. As such, responsibility for support enforcement is largely provincial/territorial. Each province and territory has one central support enforcement agency.

The Canadian federal government has established the Support Enforcement Policy and Implementation Unit, Department of Justice Canada (Justice Canada). The federal role is to assist and support the provinces and territories in their enforcement activities. The Justice Canada website is <http://www.justice.gc.ca/eng/index.html> and the specific page on child support is <http://www.justice.gc.ca/eng/pi/fcy-fea/sup-pen/index.html>.

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<sup>1</sup> Information on the child support programs in Prince Edward Island and Quebec is available at <http://www.gov.pe.ca/attorneygeneral/index.php3?number=51551&lang=E>, [http://www.revenu.gouv.qc.ca/en/citoyen/pens\\_alim/](http://www.revenu.gouv.qc.ca/en/citoyen/pens_alim/) and the National Child Support Enforcement Association website at <http://www.ncsea.org>.

Canada has two legal systems. All provinces and territories use common law except Quebec, which has a civil law system. Child or spousal support may be ordered under provincial/territorial family law or under the federal Divorce Act (DA) in the context of a divorce proceeding. The common law provinces have substantially similar family law statutes that govern establishment, modification (called variation in Canada), and enforcement. All common law provinces and territories have adopted similar child support guidelines to calculate the support payment. These guidelines, which are based on federal guidelines, determine the basic amount of child support based on the income of the obligor and number of children. Information on the federal child support guidelines can be found at the following link <http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/legis/fcsg-lfpae/index.html>.

### **Interjurisdictional Support Orders Act**

Provincial and territorial Interjurisdictional Support Orders (ISO) Acts govern how provinces and territories in Canada operate in interjurisdictional support matters. Provincial/territorial ISO Acts are substantially similar as ISO is based on model uniform legislation, much like state UIFSA statutes are based on the model promulgated by the Uniform Law Commission.

Under ISO, provinces and territories are able to register and enforce a support order from other Canadian provinces and territories and from foreign reciprocating states such as the U.S. ISO also provides a forms-based application process to establish or modify support when the parties reside in different jurisdictions. Once an order is registered and enforceable, the provincial/territorial support enforcement office will enforce and collect the support.

If registration is not possible because the payor was successful on a motion to the court to set aside or contest the registration, the order will be treated as an application to establish an enforceable support obligation in the Canadian jurisdiction for the benefit of a foreign applicant. If no order exists, a state IV-D agency can send an application to establish a support order in the province or territory in which the respondent resides.

While provincial/territorial ISO Acts are the Canadian counterpart to UIFSA, there are critical differences. Two differences are important for U.S. caseworkers to note. First, ISO contains no long-arm provisions. Second, it does not incorporate the concept of continuing, exclusive jurisdiction (CEJ) that is a key underpinning of U.S. law.

### **Canada Information and Resources**

For the most up-to-date information on Canada, please refer to the Canada page on the OCSE website (<http://www.acf.hhs.gov/programs/cse/international/country/canada/>).

For address and contact information for specific provinces and territories, please refer to the OCSE Intergovernmental Referral Guide (IRG) (<https://extranet.acf.hhs.gov/firg/entry.do>). (Note: To obtain contact information on the

IRG page, please select **Canada** on the International drop down menu on the left; then select a province or territory from the drop down menu that will appear in the middle of the page.)

Links to individual provincial/territorial websites and information on support enforcement in Canada can be found at the following Justice Canada website:

<http://www.justice.gc.ca/eng/pi/fcy-fea/sup-pen/enf-exe/index.html>

This Caseworker's Guide for Canada contains the following information:

- Part A – Federal-level Reciprocity Agreements between the U.S. and Canadian Provinces and Territories
- Part B – Outgoing Child Support Packages from the U.S. to Canada (including Forms Charts)
- Part C – Incoming Child Support Packages from Canada to the U.S. (including Forms Chart)
- Part D –Policy

\* Links to provincial/territorial ISO Forms (except Nunavut) are available on the respective provincial territorial websites, which can be accessed from the above Justice Canada website.

## **Part A – Federal-level Reciprocity Agreements Between the U.S. and Canadian Provinces and Territories**

The agreements between the U.S. and the Canadian provinces and territories are in the form of declarations. The text of these declarations is uniform. Below, **as an example**, is the declaration between the U.S. and Alberta. Each of the specific declarations is posted on the Canada page of the OCSE international website (<http://www.acf.hhs.gov/programs/cse/international/country/canada/>).

### **EXAMPLE DECLARATION –**

#### **CANADIAN PROVINCE OF ALBERTA**

##### **RECIPROCITY IN FAMILY SUPPORT (MAINTENANCE) ENFORCEMENT**

*“As authorized by section 459A(a)(1) of Title IV-D of the Social Security Act (42 U.S.C § 659A(a)(1)), and with the concurrence of the Secretary of Health and Human Services, I hereby declare the Province of Alberta, a political subdivision of Canada, a “foreign reciprocating country” effective on the date of a corresponding declaration by the Province of Alberta.”*

#### **Effective Dates**

The effective dates for each Canadian FRC are listed below.

Alberta: Sept.4, 2002  
British Columbia: Dec. 15, 1999  
Manitoba: July 11, 2000  
New Brunswick: Feb. 1, 2004  
Northwest Territories: Feb. 7, 2004  
Nunavut: Jan. 20, 2004  
Newfoundland/Labrador: Aug. 7, 2002  
Nova Scotia: Dec. 18, 1998  
Ontario: Aug. 7, 2002  
Saskatchewan: Jan. 24, 2007  
Yukon: May 22, 2007

## **Part B - Outgoing Child Support Packages from the U.S. to Canada**

State IV-D agencies should send outgoing cases with Canada to the appropriate provincial/territorial office for the responding province or territory. As noted in the introductory section, the OCSE Intergovernmental Referral Guide (<https://extranet.acf.hhs.gov/firg/entry.do>) provides contact information for each province and territory. Another resource for provincial and territorial website information is the Canada page on the OCSE international website (<http://www.acf.hhs.gov/programs/cse/international/country/canada/>). Once the case is received, the appropriate provincial/territorial office will file the application or request with the appropriate court in its jurisdiction.

As in other interstate and international cases, the U.S. IV-D agency must send the appropriate forms to the responding Canadian province or territory requesting specific actions. The appropriate forms for Canadian jurisdictions are listed in separate charts for each province and territory at the end of this section.

Canadian officials strongly recommend including the Canadian Social Insurance Number (SIN) or mother's maiden name in the application package. Also, the caseworker must include evidence of the costs of the child's medical insurance needs when a claim includes those costs.

### **Location of an Individual in Canada**

Provincial and territorial privacy laws prohibit the disclosure of personal information unless there is specific legal authority. Generally, most provinces and territories are authorized to obtain personal information for the purpose of establishing, modifying, or enforcing a support order based on an application received from the U.S. They have authority to request locate information from various data bases within their respective jurisdictions, as well as certain federal data bases. The legislation of each province/territory dictates that jurisdiction's ability to access locate information.

### **Locate-only Request**

Most provinces and territories are not authorized to collect and disclose personal information to another jurisdiction where there is no existing support order and where the requesting jurisdiction requests the information for the purpose of seeking a support order against a resident of the province or territory based on "long arm" jurisdiction.

Whether a locate-only request is acceptable is a matter of provincial and territorial law; therefore, the exact manner in which such a request will be handled will depend on the jurisdiction to which it is sent. While some provinces and territories may be able to provide the actual locate information, in general, unless they have an open case involving the person, most provinces and territories are only able to confirm that a person can or cannot be located in the jurisdiction. However, once a IV-D agency

learns that the respondent is found within the province or territory, the agency may then send the appropriate application seeking enforcement of an existing order or establishment or modification of an order.

A locate-only request should be in writing and contain the following information:

- The person making the request is an authorized representative of the IV-D agency in the initiating state;
- Confirmation that the request is for an obligor (or obligee) under an existing support order and that the purpose of the request is to enforce that order; OR,
- If there is no existing support order, the purpose of the request.

IV-D agencies *may not* apply to Canada Post to verify a postal address. Similarly, provincial/territorial support enforcement agencies do not have access to Canada Post information for location purposes.

### **Paternity Establishment**

Provinces and territories can only establish parentage as part of an interjurisdictional child support application. Where paternity is at issue, the state IV-D agency should send an application to establish paternity and child support to the appropriate provincial/territorial office. As part of the application, the U.S. petitioner should complete the federal intergovernmental paternity affidavit. The petitioner is required to provide prima facie evidence of paternity and must also affirmatively state agreement to genetic testing. The following description of paternity establishment is provided in general terms; please note that the procedures may vary depending on the specific province or territory involved.

In common law provinces and territories, where the custodial parent/petitioner submits an application to a provincial/territorial court to establish a support order, the respondent has the ability to contest paternity. (The petitioner may also specifically request that paternity be determined.) If the respondent does not contest paternity, then a determination of parentage for the purpose of the support proceeding can be made by the court or by the consent of the parties.

If the respondent contests paternity and indicates a willingness to participate in genetic testing, the petitioner will be asked whether she consents to such testing. Testing can be arranged by consent without a court order.

Where paternity is contested, the court can order genetic testing. If the genetic test results establish a high probability that the respondent is the father of the child, the court will determine paternity and proceed with the child support hearing.

Provincial and territorial officials note that in common law jurisdictions, a paternity determination is not required as a prerequisite to entry of a child support order. Should

the respondent to a child support action not challenge or question paternity, the support matter may proceed without consideration of paternity.

Presumptions of paternity are set out in provincial and territorial law. These laws generally include presumptions of paternity that will look familiar to U.S. caseworkers; however, state IV-D agencies should contact the respective province or territory for further information.

### **Support Establishment**

Child support is determined only by a judicial proceeding. If there is no child support order, ISO permits a support order to be established by the court in the responding party's jurisdiction. The appropriate provincial/territorial office refers the ISO application to the appropriate Canadian court. The designated authority within each interjurisdictional support unit will ensure that the application is appropriately processed; however, the level of direct involvement – including appearance by a government attorney in any court proceeding – will vary. Because the court, rather than the provincial/territorial support enforcement office, handles the establishment proceeding, U.S. caseworkers need to understand that some cases may take time to resolve. Unless notified otherwise, status inquires can be made to the same office to which the application was sent.

Canadian child support guidelines must be applied to establish support amounts on an order. To understand Canadian guidelines, U.S. caseworkers may wish to consult "The Federal Child Support Guidelines: Step-by-Step" at <http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/pub/guide/step4-etap4.html>. In most provinces/territories, the court may attribute income to an unemployed or underemployed party. Factors that may be considered in this situation are the payor's age, education, skills, and work history, as well as evidence of the annual income of the payor's occupation by Statistics Canada.

### **Medical Support**

The child support guidelines in most provinces and territories include a provision that permits the court to order amounts to cover specific expenses over and above the guideline table amount. One category of these special additional expenses is health-related expenses, or any portion of health related expenses, not covered by insurance, that exceed \$100 annually. In determining an amount for health-related expenses, the court may take into account any amount either parent must pay for medical or dental insurance coverage for the child. The Canadian court may therefore order the obligor to pay specified amounts towards the cost of medical insurance for the child. In order for the court to order medical support, the application must include clear documentary proof of health-related expenses. The application must also include proof of the obligee petitioner's income because all additional amounts ordered to be contributed to special expenses, such as health-related expenses, are determined based on proportional sharing of the expense based on the parties' incomes.

## **Duration of Support**

The age of majority in Canadian provinces/territories is 18 or 19. Under provincial and territorial laws, as well as under the federal Divorce Act, a support obligation does not automatically end when a child reaches the age of majority. Under Canadian family law, child support can be awarded for a child who is the age of majority or over. The support obligation is possible where the “child” is unable to withdraw from the parent’s charge or obtain the necessities of life by reason of illness, disability, or other cause, which has been interpreted as including the pursuit of post-secondary education.

In most provinces and territories, Canadian orders for support are payable until one of the following events occurs:

- The parties agree to end support for a particular child (if there is no court order);
- The order states that support ends on a specific date or when a certain event takes place (for example the child finishing post-secondary education) and that event has taken place;
- A court of competent jurisdiction determines that support should be terminated.

## **Referral for Enforcement**

In discussions with provincial and territorial officials, state IV-D agencies have requested that cases be automatically referred for support enforcement after the establishment process is completed. In some cases, after the provincial or territorial order has been established, state IV-D agencies have been asked to send a second request for enforcement purposes.

Although the situation may vary, some provinces and territories will automatically file the newly-established order for enforcement. State IV-D agencies are encouraged to request establishment and enforcement on the application and to confirm where payments should be sent to expedite the process. Even though a support order has been established in Canada, it is likely that the provincial/territorial support enforcement office will ask the state IV-D agency to file an updated Affidavit of Arrears after the enforcement case has been opened.

## **Enforcement of a U.S. Support Order**

The ISO procedure to register a U.S. support order is very similar to UIFSA’s procedure. The state IV-D agency will send the Transmittal requesting enforcement and three separately certified copies of each support order to the designated authority in the province or territory. The appropriate provincial/territorial office will send the U.S. order to the designated court. The order is registered by filing it with the court.

Notice of the registration is sent to the respondent who has 30 days to apply to have the registration set aside. A registration may be set aside if the Canadian court finds:

- The respondent did not have proper notice or a reasonable opportunity to be heard;

- The order is contrary to public policy in the province/territory where the application to set aside is heard; or
- The court that made the order did not have jurisdiction to make the order. It should be noted that proper exercise of long arm jurisdiction by a U.S. court involving a provincial/territorial respondent may not, in all cases, be recognized as a proper exercise of jurisdiction under provincial/territorial law.

If the registration is set aside, the court must treat the order as a support application or an application for a variation, and proceed to a hearing. The court may request additional information from the petitioner.

If there is no contest or a contest is denied, the order is recognized and enforced as if it was a final order of the province or territory. As in the U.S., some provinces/territories may begin enforcing the order as soon as it is registered; others do not begin enforcement until the expiration of the challenge period. If there is a challenge, the court will not send the order to the enforcement office until it has ruled that the challenge was unsuccessful.

When the enforcement case is opened, the state IV-D agency will need to file an updated Affidavit of Arrears that includes an account breakdown. This updated Affidavit is not a new application; it is an updated statement of the arrears so that the province/territory will have a current record of payments and arrears owed. Enforcement measures may vary from one province or territory to another, but may include garnishment of wages, bank accounts, and federal payments; seizure of assets; incarceration for up to 180 days; suspension of driving privileges; and suspension of federal licenses, such as passports.

Federal legislation, the *Family Orders and Agreement Enforcement Assistance Act*, allows for suspension or denial of the passport. To be eligible for this remedy, the obligor must have arrears of at least \$3,000 (Canadian) or have missed three consecutive pay periods.

## **Fees**

No fees will be charged to custodial parents in the U.S. As in the U.S., some fees might be collected from a Canadian resident, noncustodial parent.

## **Currency Conversion and Arrearage Records**

Under ISO, registered support orders expressed in U.S. dollars must be converted to Canadian currency in order to be enforceable. Depending on the laws of the particular province or territory, the conversion may be done using the exchange rate for the date on which the order was made or last modified or the date it became enforceable in Canada. The exchange rate remains fixed as long as the order is enforced in the Canadian jurisdiction. There is currently no provision in any province or territory for updating the exchange rate after the foreign order has been registered for enforcement.

Once registered and converted, the enforcing province or territory must follow its own records concerning subsequent arrears calculations. If there is a discrepancy between the provincial/territorial record and the payment record of the issuing U.S. State due to currency differences, the only way to adjust the provincial/territorial record is for the U.S. IV-D agency to obtain a new or modified order and register it in the respective province or territory, confirming the “correct” amount that is enforceable in Canada. Currency conversion will be done again with the new or modified order. Whatever sums are in the order will be reconverted. If the new order only addresses arrears, once it is registered in Canada it will trigger a reversion of the arrearage amount. If the new or modified order addresses both current support and arrears, then both amounts will be reconverted. Therefore, in order to update the exchange rate, it is a best practice for a U.S. caseworker to periodically obtain a new or modified order that addresses current support as well as arrears and register that order in Canada; even if the new order states, “Support will continue at \$x/month and arrears are set at \$y,” that will trigger a reversion of both the ongoing and arrearage amounts.

In the U.S., UIFSA (§ 604) provides that “the law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.” States often raise the issue of different arrears balances in working U.S.-Canada cases and have asked Canadian officials if there can be agreement that the payment record of the issuing tribunal governs the arrears owed by the respondent. However, Canadian officials state that, under provincial and territorial law, they cannot agree that the payment record of the U.S. issuing tribunal is the official arrears record for purposes of enforcement in Canada. The U.S. and Canada continue to discuss and work on this issue and the case processing challenges that occur when exchange rates fluctuate over time.

### **Modification (Variation)**

Support orders made under provincial/territorial ISO are governed by ISO if a modification is sought. Therefore, if a U.S. petitioner seeks modification of a Canadian order made under provincial/territorial ISO, the appropriate responding provincial/territorial office would file the application with the appropriate local court which would conduct the modification review.

If the support order was established under the Canadian federal Divorce Act (DA), the Canadian courts only recognize modifications if made by a Canadian court. Therefore, the court in the province or territory where one of the parties resides would be responsible for modifying the order. The IV-D agency should contact the provincial/territorial authority for information on the procedures which would need to be followed to pursue modification of a DA order.

## Forms

Reciprocating Canadian provinces and territories have agreed to accept federal intergovernmental forms [<http://www.acf.hhs.gov/programs/cse/forms/>] plus any specific responding jurisdiction requirements. IV-D agencies may also submit the provincial/territorial ISO forms. The following charts summarize forms requirements for each FRC province and territory. Links to most provincial/territorial forms are available on the Justice Canada website at: <http://www.justice.gc.ca/eng/pi/fcy-fea/sup-pen/enf-exe/ov-ap.html>.

States should provide three certified copies of all child support orders when sending a case to Canada. While provincial and territorial Interjurisdictional Support Orders (ISO) Acts require only one certified copy per request, ultimately three copies are needed to process the case. In some situations, Canadian provinces and territories may not be able to register the order for enforcement or disburse funds received from the payor without the certified copies of the order. (Please see OCSE-DCL-09-30 at <http://www.acf.hhs.gov/programs/cse/pol/DCL/2009/dcl-09-30.htm>.)

Please note that information on specific policies and procedures for each province and territory that has a federal-level agreement with the U.S. is provided in Part D of this guide.

### Alberta, Canada - Forms

IF the person in the U.S. wants to . . .	THEN complete these federal intergovernmental forms and provide supporting documents . . .
Establish a new (initial) support assessment/order in Alberta including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn copy and two photocopies.</p>
Register and enforce an existing U.S. order in Alberta	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>

IF the person in the U.S. wants to . . .	THEN complete these federal intergovernmental forms and provide supporting documents . . .
Enforce an existing Alberta order or agreement in Alberta	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the Alberta order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul> <p>Alberta can now enforce agreements as provided in the Alberta Maintenance Enforcement Regulation. The Regulation requires that parties use a specific form. Additional information and the document are available on the Alberta website at: <a href="http://www.justice.gov.ab.ca/mep.debtor_info.aspx#jumpRec3532">http://www.justice.gov.ab.ca/mep.debtor_info.aspx#jumpRec3532</a>. Alberta can enforce an agreement made in a reciprocating jurisdiction if the agreement is enforceable in the jurisdiction in which it was made.</p>
Modify an existing Alberta order or agreement through the Interjurisdictional Support Orders (ISO) Authority	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of Alberta order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The maintenance enforcement program does not conduct the modification process, but will file the application with the appropriate court in Alberta.</p> <p>The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada. (For further information contact Alberta ISO Counsel.)</p>
Locate a person or provide leads to assets in Alberta	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
Request status, assistance, or information (e.g., requesting income information for a modification, service of process)	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>*Note: At this time, a caseworker can only seek status information. The other services noted are not provided at this time.</p>

## British Columbia, Canada - Forms

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Establish a new (initial) support assessment/order in British Columbia including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn copy and two photocopies.</p>
Register and enforce an existing U.S. order in British Columbia	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>
Enforce an existing British Columbia order or agreement in British Columbia	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the British Columbia order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul>
Modify an existing British Columbia order or agreement through the Interjurisdictional Support Orders (ISO) Authority	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of British Columbia order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The maintenance enforcement program does not conduct the modification process, but will file the application with the appropriate court in British Columbia.</p> <p>The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada. (For further information contact British Columbia ISO Counsel.)</p>

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Locate a person or provide leads to assets in British Columbia	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
Request status, assistance, or information (e.g., requesting income information for a modification, service of process)	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>*Note: At this time, a caseworker can only seek status information. The other services noted are not provided at this time.</p>

## **Manitoba, Canada – Forms**

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Establish a new (initial) support assessment/order in Manitoba including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn copy and two photocopies.</p>
Register and enforce an existing U.S. order in Manitoba	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>
Enforce an existing Manitoba order or agreement in Manitoba	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the Manitoba order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul>

IF the person in the U.S. wants to . . .	THEN complete these federal intergovernmental forms and provide supporting documents . . .
<p>Modify an existing Manitoba order or agreement through the Interjurisdictional Support Orders (ISO) Authority</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of Manitoba order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The maintenance enforcement program does not conduct the modification process, but will forward the application to the designated authority to be filed with the appropriate court in Manitoba.</p> <p>The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada. (For further information contact Manitoba ISO Counsel.)</p>
<p>Locate a person or provide leads to assets in Manitoba</p>	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
<p>Request status, assistance, or information (e.g., requesting income information for a modification, service of process)</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>*Note: At this time, a caseworker can only seek status information. The other services noted are not provided at this time.</p>

## New Brunswick, Canada – Forms

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Establish a new (initial) support assessment/order in New Brunswick including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn copy and two photocopies.</p>
Register and enforce an existing U.S. order in New Brunswick	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>
Enforce an existing New Brunswick order or agreement in New Brunswick	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the New Brunswick order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul>
Modify an existing New Brunswick order or agreement through the Interjurisdictional Support Orders (ISO) Authority	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of New Brunswick order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The maintenance enforcement program does not conduct the modification process, but will file the application with the appropriate court in New Brunswick.</p> <p>The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada. (For further information contact New Brunswick ISO Counsel.)</p>

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Locate a person or provide leads to assets in New Brunswick	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
Request status, assistance, or information (e.g., requesting income information for a modification, service of process)	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>*Note: At this time a caseworker can only seek status information. The other services noted are not provided at this time.</p>

### **Newfoundland/Labrador, Canada– Forms**

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Establish a new (initial) support assessment/order in Newfoundland/Labrador including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn copy and two photocopies.</p>
Register and enforce an existing U.S. order in Newfoundland/Labrador	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>
Enforce an existing Newfoundland/Labrador order or agreement in New Brunswick	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the Newfoundland/Labrador order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul>

IF the person in the U.S. wants to . . .	THEN complete these federal intergovernmental forms and provide supporting documents . . .
<p>Modify an existing Newfoundland/Labrador order or agreement through the Interjurisdictional Support Orders (ISO) Authority</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of the Newfoundland/Labrador order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The Support Enforcement Program does not conduct the modification process, but will file the application with the Newfoundland/Labrador court.</p> <p>The ISO process is not available where the existing Canadian order was made pursuant to the Divorce Act of Canada. (For further information contact Newfoundland/Labrador ISO counsel.)</p>
<p>Locate a person or provide leads to assets in Newfoundland/Labrador</p>	<p>Locate Data Sheet</p>
<p>Request status, assistance, or information (e.g., requesting income information for a modification, service of process)</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>Note: At this time a caseworker can only request status information. The other services noted are not provided at this time.</p>

## Northwest Territories, Canada – Forms

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Establish a new (initial) support assessment/order in Northwest Territories (NT) including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn copy and two photocopies.</p> <p>The support applicant must also include a copy of the statute and/or legal authority upon which the application is based.</p>
Register and enforce an existing U.S. order in NT	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>
Enforce an existing NT order or agreement in NT	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the NT order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul>
Modify an existing NT order or agreement through the Interjurisdictional Support Orders (ISO) Authority	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of NT order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The maintenance enforcement program does not conduct the modification process, but will file the application with the appropriate court in NT.</p> <p>The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada. (For further information contact NT ISO Counsel.)</p>

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Locate a person or provide leads to assets in NT	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
Request status, assistance, or information (e.g., requesting income information for a modification, service of process)	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>*Note: At this time a caseworker can only request status information. The other services noted are not provided at this time.</p>

## Nova Scotia, Canada – Forms

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Establish a new (initial) support assessment/order in Nova Scotia including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>The forms submitted must be sworn/affirmed (by Notary Public) in order to be received as evidence by the Nova Scotia court.</p> <p>The Nova Scotia forms could be used by the U.S. applicant in place of the U.S. forms, although, at this time, this is not required by the Nova Scotia court.</p> <p>The support applicant (petitioner) must also include a copy of the state law upon which the duty of support for the child would be based if the application for support was a request to establish support in an intrastate case.</p>
Register and enforce an existing U.S. order in Nova Scotia	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Enforce an existing Nova Scotia order or agreement in Nova Scotia	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the Nova Scotia order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul>
Modify an existing Nova Scotia order or agreement through the Interjurisdictional Support Orders (ISO) Authority	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of Nova Scotia order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>If the petitioner is the support obligor (payor), a copy of the child support guidelines of the state where the obligor resides must also be included.</p> <p>Note 1: The maintenance enforcement program does not conduct the modification process, but will file the application with the appropriate court in Nova Scotia.</p> <p>Note 2: The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada.</p>
Locate a person or provide leads to assets in Nova Scotia	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
Request status, assistance, or information (e.g., requesting income information for a modification, service of process)	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>*Note: At this time a caseworker can only request status information. The other services noted are not provided at this time.</p>

## Nunavut, Canada – Forms

\* Not available on-line

IF the person in the U.S. wants to . . .	THEN complete these federal intergovernmental forms and provide supporting documents....
<p>Establish a new (initial) support assessment/order in Nunavut including the establishment of paternity</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn copy and two photocopies.</p>
<p>Register and enforce an existing U.S. order in Nunavut</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>
<p>Enforce an existing Nunavut order or agreement in Nunavut</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the Nunavut order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul>
<p>Modify an existing Nunavut order or agreement through the Interjurisdictional Support Orders (ISO) Authority</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of Nunavut order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The maintenance enforcement program does not conduct the modification process, but will file the application with the appropriate court in Nunavut.</p> <p>The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada. (For further information contact Nunavut ISO Authority.)</p>

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Locate a person or provide leads to assets in Nunavut	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
Request status, assistance, or information (e.g., requesting income information for a modification, service of process)	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>*Note: At this time a caseworker can only request status information, The other services noted are not provided at this time.</p>

## Ontario, Canada - Forms

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Establish a new (initial) support assessment/order in Ontario including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn/commissioned copy and two photocopies.</p>
Register and enforce an existing U.S. order in Ontario	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of each U.S. support order</li> <li>• Certified/sworn statement of arrears</li> </ul>
Enforce an existing Ontario order in Ontario	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the Ontario order</li> <li>• Certified/sworn statement of arrears</li> <li>•</li> </ul>

IF the person in the U.S. wants to . . .	THEN complete these federal intergovernmental forms and provide supporting documents . . .
Enforce an existing Ontario agreement in Ontario	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the Ontario agreement. Note: For an Ontario agreement to be enforceable in Ontario, it has to be filed in an Ontario court with the Ontario court form 26B, Affidavit for Filing Domestic Contract or Paternity Agreement with Court.</li> <li>• Certified/sworn statement of arrears</li> </ul>
Modify an existing Ontario order or agreement through the Interjurisdictional Support Orders (ISO) Authority	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of Ontario order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The maintenance enforcement program does not conduct the modification process, but will file the application with the appropriate court in Ontario.</p> <p>The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada. (For further information contact Ontario ISO Counsel.)</p>
Locate a person or provide leads to assets in Ontario	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
Request status, assistance, or information (e.g., requesting income information for a modification, service of process)	These services are not provided by Ontario at this time.

## Saskatchewan, Canada - Forms

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Establish a new (initial) support assessment/order in Saskatchewan including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn/commissioned copy and two photocopies.</p>
Register and enforce an existing U.S. order in Saskatchewan	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>
Enforce an existing Saskatchewan order or agreement in Saskatchewan	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the Saskatchewan order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul>
Modify an existing Saskatchewan order or agreement through the Interjurisdictional Support Orders (ISO) Authority	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of Saskatchewan order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The maintenance enforcement program does not conduct the modification process, but will file the application with the appropriate court in Saskatchewan.</p> <p>The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada.</p>

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and provide supporting documents . . .</b>
Locate a person or provide leads to assets in Saskatchewan	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
Request status, assistance, or information (ex: requesting income information for a modification, service of process, etc.)	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>*Note: At this time a caseworker can only request status information. The other services noted are not provided at this time.</p>

## Yukon Canada - Forms

<b>IF the person in the U.S. wants to . . .</b>	<b>THEN complete these federal intergovernmental forms and providing supporting documents . . .</b>
Establish a new (initial) support assessment/order in Yukon including the establishment of paternity	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Affidavit in Support of Establishing Paternity (where applicable)</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: Forms packages must include at least one originally sworn copy and three photocopies.</p>
Register and enforce an existing U.S. order in Yukon	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Registration Statement</li> <li>• 3 certified copies of the U.S. order</li> <li>• Certified/sworn statement of arrears</li> </ul>
Enforce an existing Yukon order or agreement in Yukon	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Copy of the Yukon order or agreement</li> <li>• Certified/sworn statement of arrears</li> </ul>

IF the person in the U.S. wants to . . .	THEN complete these federal intergovernmental forms and provide supporting documents . . .
<p>Modify an existing Yukon order or agreement through the Interjurisdictional Support Orders (ISO) Authority</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #1 – Initial Request</li> <li>• Uniform Support Petition</li> <li>• General Testimony</li> <li>• Copy of Yukon order or agreement</li> <li>• Supporting documentation/evidence</li> </ul> <p>Note: The maintenance enforcement program does not conduct the modification process, but will file the application with the appropriate court in Yukon.</p> <p>The ISO process is <u>not</u> available where the existing Canadian order was made pursuant to the Divorce Act of Canada.</p>
<p>Locate a person or provide leads to assets in Yukon</p>	<ul style="list-style-type: none"> <li>• Locate Data Sheet</li> </ul>
<p>Request status, assistance, or information (e.g., requesting income information for a modification, service of process)</p>	<ul style="list-style-type: none"> <li>• Child Support Enforcement Transmittal #2 – Subsequent Actions</li> </ul> <p>*Note: Yukon will provide updates on the status of the application by request only.</p>

## **Part C - Incoming Child Support Packages from Canada to the U.S.**

Incoming child support cases from Canadian FRCs shall be sent from the provinces and territories directly to the specific state in which the obligated parent lives. As with other international agreements, the physical presence in the U.S. of the child or custodial parent is not mandatory to establish and enforce a case.

Canadian caseworkers can find information on the laws/policy of individual U.S. States, similar to the information in Part D of this Caseworker Guide regarding provincial and territory policy and law, on the U.S. Office of Child Support Enforcement's online Intergovernmental Referral Guide (IRG):  
<http://ocse3.acf.hhs.gov/ext/irg/sps/selectastate.cfm>.

All payments from the U.S. will be made to the State Disbursement Unit (SDU) in the appropriate U.S. State, and forwarded to the initiating province's or territory's designated authority as indicated on the order.

### **Locating an Individual in the U.S.**

If the state in which the debtor is living is unknown, Canadian provinces and territories may send a request to the U.S. Central Authority, the federal Office of Child Support Enforcement. The U.S. Central Authority will use the Federal Parent Locator Service to try to locate the state in which the debtor resides.

#### Locate-only Request

U.S. States are authorized to disclose personal information to a Canadian FRC in response to a locate-only request. If the state in which the debtor is living is known, but the specific residential or employment address is unknown, Canadian provinces and territories may send a locate-only request to the central registry in the state in which the debtor resides.

### **Paternity Establishment**

If paternity is at issue and the respondent denies paternity, the local child support agency in the U.S. can administratively order genetic testing. Caseworkers in the U.S. should contact the provincial or territorial designated authority that sent the application about the need for testing of the Canadian petitioner. The contact information for the designated authority should be on the Transmittal form. Although the provincial or territorial designated authority will not be involved directly in coordinating such testing, the designated authority will assist by contacting the petitioner (usually the custodial parent) to provide any information that will facilitate the arrangement of the test.

## **Support Establishment**

Child support applications from Canada will contain financial information about the petitioner. If additional income or asset information is needed, the U.S. caseworker should request this information from the provincial or territorial designated authority that sent the application. The designated authority will arrange for the request to be sent to the petitioner (the custodial parent).

## **Medical Support**

Canada offers national health insurance; therefore, there will be no separate request for medical support unless there are extraordinary medical needs.

## **Enforcement of a Canadian Order**

Should a respondent in the U.S. contest registration of a Canadian order based on due process grounds, the U.S. tribunal (not the caseworker or agency) will determine whether due process requirements of the U.S. Constitution have been met. If the U.S. tribunal refuses registration, the state should request a new U.S. support order, retroactive for the period permitted under state law.

## **Cost of Living Adjustments**

The law of some Canadian provinces/territories provides for automatic adjustment of the Canadian support order. The order will reflect those adjustments. Canadian officials understand that they are responsible for notifying the state IV-D agency of the revised payment amount when the Canadian support amount has been adjusted.

## **Duration of Support**

In Part B, the issue of age of majority and the duration of support under provincial and territorial laws was discussed. Generally, Canadian orders of support are payable until an order ceasing the payment has been issued or the parties agree to end support for a child unless the order specifies a termination date or ends by operation of law.

When a provincial or territorial order is registered for enforcement in a U.S. State, state law (UIFSA § 604) requires the registering tribunal to apply the law of the Canadian province or territory that issued the order to determine the duration of the support order. Should the order not provide an end date or an occurrence that terminates the obligation (e.g., child graduates high school), Canadian officials are aware that state IV-D agencies will need a copy of the applicable Canadian law on duration of the support obligation. Please refer to the responses regarding duration of support in the policy charts completed by each province and territory in Part D of this Caseworkers Guide for Canada. Please also see comments on page 8 of this Guide regarding duration of support under the federal Divorce Act.

## **Currency Conversion and Arrearage Records**

In several sections of UIFSA, there is direction to the support enforcement agency and tribunals that if a judgment is stated in a foreign currency, they must convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported. However, there is no further guidance within UIFSA as to how to perform the currency conversion. If a Canadian order provides for a support amount under Canadian currency, the IV-D agency will need to convert that amount into U.S. dollars. The caseworker should check to see if the state agency has policy regarding how to perform the currency conversion. State practice regarding the date to use for conversion varies. There is no solution that will completely satisfy the competing interests of the custodial and noncustodial parents since the conversion rate changes over time. A best practice is to state the foreign currency in a U.S. dollar equivalence. For example, the notice of registration of a Canadian support order could provide that “the amount of the alleged arrearage is [ ] Canadian Dollars as of [date] having a United States of America Dollar equivalence of \$[ ] as of [date.]”

It is appropriate to review the accounting yearly. The official pay record on a Canadian order will be the records of the requesting support enforcement agency. Therefore it may be necessary for the U.S. tribunal to periodically adjust the amount owed. This should be considered a “re-conversion,” not a modification of the underlying support order. Unlike Canadian law, laws within the U.S. States do not require the exchange rate for child support under a particular order to remain fixed for the entire time the order is being enforced within the U.S.

## **Modification (Variation)**

As mentioned in the introductory section, Canadian law does not include the concept of Continuing Exclusive Jurisdiction (CEJ). ISO permits a party to submit an Interjurisdictional Support Variation Application, asking the reciprocating jurisdiction where the other party resides to modify the order. This is allowed even if the requesting party continues to reside in the province or territory that issued the support order. Therefore, U.S. caseworkers need to be aware that they may receive a Request for Registration and Modification in a case where one party still lives in the issuing Canadian province or territory but the other party now lives in the U.S.

We encourage local U.S. jurisdictions to work with the appropriate Canadian support enforcement agency to resolve any issues that may arise with regard to U.S. modification of Canadian orders.

## **Communication**

While it is routine to make long distance phone calls between the U.S. and Canada, it is important to note that “1-800” toll-free phone numbers do not work from Canada to the U.S.

## Telephonic Hearings

In discussions with Canadian officials, concerns were raised about the increased use of telephonic hearings with Canadian residents by U.S. courts. Canada understands that UIFSA 2001 requires states to offer teleconferencing to any out-of-state party or witness. At this time, special arrangements must be made by Canadian support enforcement offices on a case-by-case basis to accommodate these requests as they are not a usual function of Canadian support enforcement offices.

## Forms

The following chart, ***Forms from Canada to the U.S.***, summarizes the forms that Canada will send to the U.S. to process various case actions.

### Forms from Canada to the U.S.

<b>IF the person in Canada wants to . . .</b>	<b>THEN complete these forms and documents . . .</b>
Establish a new (initial) support assessment/order in the U.S. including the establishment of paternity	<ul style="list-style-type: none"> <li>• Provincial/territorial Transmittal</li> <li>• Provincial/territorial Interjurisdictional Support Orders Application</li> </ul>
Register and enforce an existing order in the U.S.	<ul style="list-style-type: none"> <li>• Provincial/territorial Transmittal</li> <li>• Registration Statement</li> <li>• 2 copies, one certified, of the existing order</li> <li>• Certified/sworn statement of arrears</li> </ul>
Register & modify an existing order in the U.S. because the order is not modifiable in Canada	<ul style="list-style-type: none"> <li>• Provincial/territorial Transmittal</li> <li>• 2 copies, one certified, of the existing order</li> <li>• Provincial/territorial Interjurisdictional Support Orders Variation Application</li> </ul>
Request modification of an existing U.S. order or agreement	<ul style="list-style-type: none"> <li>• Provincial/territorial Transmittal</li> <li>• 2 copies, one certified, of the existing (controlling) order</li> <li>• Provincial/territorial Interjurisdictional Support Orders Variation Application</li> <li>• </li> </ul>
Locate a person or provide leads to assets in the U.S.	<ul style="list-style-type: none"> <li>• Provincial/territorial Parent Locate Data Sheet</li> </ul>

<b>IF the person in Canada wants to ...</b>	<b>THEN complete these forms and documents . . .</b>
Request status, assistance, or information (e.g., requesting income information for a modification, service of process)	<ul style="list-style-type: none"> <li>• Provincial/territorial Transmittal</li> </ul>

## Part D - Policy

Following are information charts on the various policies governing child support enforcement in each of the Canadian provinces and territories with which the U.S. has bilateral agreements. The charts are listed alphabetically by province or territory name.

### Alberta, Canada - Policy

#### AGE OF MAJORITY

What is the age of majority in Alberta?	18 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	Generally, the Alberta Maintenance Enforcement Program will enforce an order for children over 18 up to age 22 so long as they are full time students; did not obtain a degree, diploma or certificate; are dependent or under the care and control of the creditor (person who is to receive maintenance); and are not married or living common-law.
Does child support end if the child leaves the household but does not emancipate?	Not necessarily; it depends on the facts (e.g., a child may be attending post-secondary education, be on vacation, or working away from the support recipient's home and still be entitled to support).
Does Alberta allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Yes, depending on the facts.

## SERVICE OF PROCESS

<p>Check which of the following methods are used to serve process on an individual:</p>	<p><input checked="" type="checkbox"/> personal service Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.</p> <p><input checked="" type="checkbox"/> regular mail (no receipt) Notice of Registration of a foreign order is given by regular letter mail at the respondent's last known address.</p> <p><input type="checkbox"/> registered mail (receipted by addressee only)</p> <p><input type="checkbox"/> registered mail (receipted by anyone at the address)</p> <p><input type="checkbox"/> publication (for example: in a legal journal, newspaper, public posting)</p> <p>*These methods may only be used if so ordered by the Alberta court.</p>
<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>Alberta sends all notification to all clients via regular mail. In the case of a client being registered with a reciprocating jurisdiction, communication would occur via that office.</p> <p>Alberta does search for debtors whose whereabouts are unknown. If unsuccessful, collection action still takes place.</p>

## STATUTE OF LIMITATIONS

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>Yes. Alberta cannot collect arrears that accrued before July 1, 1984.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>No.</p>
<p>Will Alberta accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes.</p>

## AMOUNT OF SUPPORT

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>Generally, child support is determined under Child Support Guidelines. Incomes of both the creditor and debtor are considered. More information about the Guidelines is available at the site: <a href="http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/pub/guide/index.html">http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/pub/guide/index.html</a></p>
<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the Child Support Guidelines which include</p> <ul style="list-style-type: none"> <li>• Tables which set the amount based on the noncustodial parent's income and the number of children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties.</p>
<p>Does Alberta allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p>

## MODIFICATION OF ORDERS

May either party request a review for modification?	Yes.
Will Alberta modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?	When one party is in the U.S., then the party in Alberta must utilize the ISO or Provisional process to vary an existing order.
Does Alberta law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?	No.
If yes, are the automatic adjustments considered to be modifications of the order?	N/A
Is a new order issued as a result of an automatic adjustment?	N/A
Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?	No.

## COST RECOVERY

What costs, if any, are recovered from the custodial parent?	Currently none.
What costs, if any, are recovered from the noncustodial parent?	Currently none.

## British Columbia, Canada - Policy

### AGE OF MAJORITY

What is the age of majority in British Columbia?	19 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	No automatic termination.
Does child support end if the child leaves the household but does not emancipate?	No. For the purpose of maintenance, a child is defined as someone under 19, or over 19 but unable because of illness, disability, or other reason to withdraw from his or her parent's charge or obtain the necessaries of life.
Does British Columbia allow support to be paid beyond the age of majority under any circumstances (for example; the child is handicapped or in post-secondary education)?	Yes, depending on the facts.

### SERVICE OF PROCESS

Check which of the following methods are used to serve process on an individual:	<p><input checked="" type="checkbox"/> personal service Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.</p> <p><input checked="" type="checkbox"/> regular mail (no receipt) Notice of Registration of a foreign order for enforcement is given by regular letter mail at the respondent's last known address.</p> <p><input type="checkbox"/> * registered mail (received by addressee only)</p> <p><input type="checkbox"/> * registered mail (received by anyone at the address)</p> <p><input type="checkbox"/> * publication (example: in a legal journal, newspaper, public posting)</p> <p>*These methods are used under certain circumstances or by order of the court.</p>
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<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>A non-resident must be personally served with process.</p> <p>If the whereabouts of an individual are unknown, a court order can be obtained to serve by publication or at the last known address.</p>
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### STATUTE OF LIMITATIONS

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>Yes. Where the past due support is child support, the limitation period is 10 years from age 19. Where the past due support is spousal support, the limitation is 10 years for each payment from the date it was due. In either situation, the 10 years is extended by an acknowledgment in writing of the liability, or <b>by</b> a payment.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>No.</p>
<p>Will British Columbia accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes.</p>

### AMOUNT OF SUPPORT

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>The presumptive rule is that the amount of child support ordered is dependent on the number of children under the age of majority to whom the order relates and the income of the parent or spouse against whom the order is sought. However, the court will look at the incomes of both parents when determining what amount the Support Payor will be ordered to pay to cover the special or extraordinary expenses of the child. In determining the amount of support in circumstances of undue hardship, there will be a comparison of household incomes.</p>
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<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the Child Support Guidelines which include</p> <ul style="list-style-type: none"> <li>• Tables which set the amount based on the noncustodial parent's income and the number of children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties.</p>
<p>Does British Columbia allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p>

### **MODIFICATION OF ORDERS**

<p>May either party request a review for modification?</p>	<p>Yes.</p>
<p>Will British Columbia modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?</p>	<p>Yes.</p>
<p>Does British Columbia law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?</p>	<p>In a pilot project initiated in 2006, support orders originating from a specific British Columbia Registry (Kelowna) may be recalculated annually based on payor income.</p>
<p>If yes, are the automatic adjustments considered to be modifications of the order?</p>	<p>No – Statement of Recalculation Issued.</p>

Is a new order issued as a result of an automatic adjustment?	No.
Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?	No.

### **COST RECOVERY**

What costs, if any, are recovered from the custodial parent?	None.
What costs, if any, are recovered from the noncustodial parent?	<ul style="list-style-type: none"> <li>• Costs of paternity testing where ordered and the test is positive.</li> <li>• Court costs where awarded to the custodial parent.</li> <li>• Expenses incidental to prenatal care of the mother or child or birth of the child.</li> </ul>

## Manitoba, Canada – Policy

### AGE OF MAJORITY

What is the age of majority in Manitoba?	18 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	No automatic termination.
Does child support end if the child leaves the household but does not emancipate?	Not necessarily; it depends on the facts (e.g., a child may be attending post-secondary education, be on vacation, or working away from the support recipient's home, and still be entitled to support).
Does Manitoba allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Yes, depending on the facts.

### SERVICE OF PROCESS

Check which of the following methods are used to serve process on an individual:	<p><input checked="" type="checkbox"/> personal service Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.</p> <p><input checked="" type="checkbox"/> regular mail (no receipt) Notice of Registration of a foreign order is given by regular letter mail at the respondent's last known address.</p> <p><input type="checkbox"/> * registered mail (received by addressee only)</p> <p><input type="checkbox"/> * registered mail (received by anyone at the address)</p> <p><input type="checkbox"/> * publication (example: in a legal journal, newspaper, public posting)</p> <p>*These methods may only be used if so ordered by the Manitoba court</p>
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<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>If the whereabouts of a Manitoba resident are not known but it is known that the person resides in Manitoba, an application can be made to the Manitoba court for an order of substituted service. [Substituted service means that the court may, on an ex parte motion, order that a document be served by substituted service using a method directed by the court, such as registered mail, regular mail, and personal service on another person or publication.]</p>
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### STATUTE OF LIMITATIONS

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>No.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>No.</p>
<p>Will Manitoba accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes.</p>

### AMOUNT OF SUPPORT

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>The presumptive rule is that the amount of child support ordered is dependent on the number of children under the age of majority to whom the order relates and the income of the parent or spouse against whom the order is sought.</p> <p>However, the court will look at the incomes of both parents when determining what amount the Support Payor will be ordered to pay to cover the special or extraordinary expenses of the child. In determining the amount of support in circumstances of undue hardship, there will be a comparison of household incomes.</p>
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<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the Child Support Guidelines which include</p> <ul style="list-style-type: none"> <li>• Tables which set the amount based on the noncustodial parent's income and the number of children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties.</p>
<p>Does Manitoba allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p>

### MODIFICATION OF ORDERS

<p>May either party request a review for modification?</p>	<p>Yes.</p>
<p>Will Manitoba modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?</p>	<p>If the support order to be varied was made under the Divorce Act of Canada, it can only be varied by a Canadian court; however the Manitoba court will only proceed after notifying the U.S. resident.</p> <p>If the order to be varied was made pursuant to Manitoba legislation, the procedure under the Manitoba Interjurisdictional Support Orders Act would be used and the Manitoba applicant would complete a support variation application [request to modify] that would be sent to the U.S. tribunal.</p>
<p>Does Manitoba law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?</p>	<p>No.</p>

If yes, are the automatic adjustments considered to be modifications of the order?	N/A
Is a new order issued as a result of an automatic adjustment?	N/A
Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?	No.

**COST RECOVERY**

What costs, if any, are recovered from the custodial parent?	None.
What costs, if any, are recovered from the noncustodial parent?	When the enforcement agency garnishes federal funds owing to the debtor, a fee is collected from federal funds after maintenance arrears are collected. Court ordered costs are not collected by the enforcement agency.

## New Brunswick, Canada – Policy

### AGE OF MAJORITY

What is the age of majority in New Brunswick?	19 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	No automatic termination.
Does child support end if the child leaves the household but does not emancipate?	Not necessarily; it depends on the facts (e.g., a child may be attending post-secondary education, be on vacation, or working away from the support recipient's home and still be entitled to support)
Does New Brunswick allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Yes, depending on the facts.

### SERVICE OF PROCESS

Check which of the following methods are used to serve process on an individual:	<p><input checked="" type="checkbox"/> personal service Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.</p> <p>_____ regular mail (no receipt)</p> <p>_____ registered mail (receipted by addressee only)</p> <p><input checked="" type="checkbox"/> registered mail (receipted by anyone at the address) Registered mail is used for Notice of Registration of a foreign order.</p> <p>_____ publication (example: in a legal journal, newspaper or public posting but these methods may only be used if so ordered by a New Brunswick court)</p>
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<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>The court may, on an ex parte motion, order that a document be served by substituted service using a method directed by the court, such as registered mail, regular mail, and personal service on another person or publication.</p>
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**STATUTE OF LIMITATIONS**

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>No.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>No.</p>
<p>Will New Brunswick accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes.</p>

**AMOUNT OF SUPPORT**

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>The presumptive rule is that the amount of child support ordered is dependent on the number of children under the age of majority to whom the order relates and the income of the parent or spouse against whom the order is sought.</p> <p>However, the court will look at the incomes of both parents when determining what amount the Support Payor will be ordered to pay to cover the special or extraordinary expenses of the child. In determining the amount of support in circumstances of undue hardship, there will be a comparison of household incomes.</p>
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<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the Child Support Guidelines which include</p> <ul style="list-style-type: none"> <li>• Tables which set the amount based on the noncustodial parent's income and the number of children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties.</p>
<p>Does New Brunswick allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p>

**MODIFICATION OF ORDERS**

<p>May either party request a review for modification?</p>	<p>Yes.</p>
<p>Will New Brunswick modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?</p>	<p>If the support order to be varied was made under the Divorce Act of Canada, it can only be varied by a Canadian court. The New Brunswick court will proceed with an application to vary under the Divorce Act if the respondent in the U.S. has been served, whether or not the respondent responds to the application.</p> <p>If the order to be varied was made pursuant to New Brunswick legislation, the procedure under the <i>New Brunswick Interjurisdictional Support Orders Act</i> would be used. The New Brunswick applicant would complete a support variation application with supporting documents that would be sent to the U.S. state where the respondent resides to be heard by the appropriate court.</p>

Does New Brunswick law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?	No.
If yes, are the automatic adjustments considered to be modifications of the order?	N/A
Is a new order issued as a result of an automatic adjustment?	N/A
Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?	No.

**COST RECOVERY**

What costs, if any, are recovered from the custodial parent?	None.
What costs, if any, are recovered from the noncustodial parent?	None.

## Newfoundland/Labrador, Canada – Policy

### AGE OF MAJORITY

What is the age of majority in Newfoundland/Labrador?	19 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	No automatic termination.
Does child support end if the child leaves the household but does not emancipate?	Not necessarily; it depends on the facts (e.g., a child may be attending post-secondary education, be on vacation, or working away from the support recipient's home and still be entitled to support).
Does Newfoundland/Labrador allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Yes, depending on the facts.

### SERVICE OF PROCESS

Check which of the following methods are used to serve process on an individual:	<p><input checked="" type="checkbox"/> personal service Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.</p> <p><input checked="" type="checkbox"/> regular mail (no receipt) Notice of Registration of a foreign order is given by regular letter mail at the respondent's last known address.</p> <p><input type="checkbox"/> * registered mail (received by addressee only)</p> <p><input type="checkbox"/> * registered mail (received by anyone at the address)</p> <p><input type="checkbox"/> * publication (example: in a legal journal, newspaper, public posting)</p> <p>*These methods may only be used if so ordered by the Newfoundland/Labrador court.</p>
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<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>The court may, on an ex parte motion, order that a document be served by substituted service using a method directed by the court, such as registered mail, regular mail, and personal service on another person or publication.</p>
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**STATUTE OF LIMITATIONS**

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>No.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>No.</p>
<p>Will Newfoundland/Labrador accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes.</p>

**AMOUNT OF SUPPORT**

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>The presumptive rule is that the amount of child support ordered is dependent on the number of children under the age of majority to whom the order relates and the income of the parent or spouse against whom the order is sought.</p> <p>However, the court will look at the incomes of both parents when determining what amount the Support Payor will be ordered to pay to cover the special or extraordinary expenses of the child. In determining the amount of support in circumstances of undue hardship, there will be a comparison of household incomes.</p>
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<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the Child Support Guidelines which include</p> <ul style="list-style-type: none"> <li>• Tables which set the amount based on the noncustodial parent's income and the number of children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties.</p>
<p>Does Newfoundland/Labrador allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p>

### **MODIFICATION OF ORDERS**

<p>May either party request a review for modification?</p>	<p>Yes.</p>
<p>Will Newfoundland/Labrador modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?</p>	<p>If the support order to be varied was made under the Divorce Act of Canada, it can only be varied by a Canadian court. The Newfoundland/Labrador court will proceed with an application to vary under the Divorce Act if the respondent in the U.S. has been served, whether or not the respondent responds to the application.</p> <p>If the order to be varied was made pursuant to Newfoundland/Labrador legislation, the procedure under the Newfoundland Labrador Interjurisdictional Support Orders Act would be used. The Newfoundland/Labrador applicant would complete a support variation application with supporting documents that would be sent to the U.S. State where the respondent resides to be heard by the appropriate court.</p>

Does Newfoundland/Labrador law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?	No.
If yes, are the automatic adjustments considered to be modifications of the order?	N/A
Is a new order issued as a result of an automatic adjustment?	N/A
Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?	No.

### **COST RECOVERY**

What costs, if any, are recovered from the custodial parent?	None.
What costs, if any, are recovered from the noncustodial parent?	<ul style="list-style-type: none"> <li>• Costs of paternity testing where ordered and the test is positive.</li> <li>• Court costs where awarded to the custodial parent.</li> <li>• Expenses incidental to prenatal care of the mother or child or birth of the child.</li> </ul>

## Northwest Territories, Canada –Policy

### AGE OF MAJORITY

What is the age of majority in the Northwest Territories (NT)?	19 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	No automatic termination. Generally, the NT Maintenance Enforcement Program (MEP) will enforce an Order for children over the age of 19 for so long as the child remains a dependent (i.e., post secondary education, disabled where unable to withdraw from parents care)
Does child support end if the child leaves the household but does not emancipate?	No. Support continues to accrue and is payable to the recipient as long as the child is under the age of the majority.  For support to cease being payable for a child under the age of the majority, a new Order would be required or alternatively the support recipient could close the file at MEP.
Does NT allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Yes, depending on the facts.

## SERVICE OF PROCESS

<p>Check which of the following methods are used to serve process on an individual:</p>	<p><input checked="" type="checkbox"/> personal service Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.</p> <p><input checked="" type="checkbox"/> regular mail (no receipt) Notice of Registration of a foreign order is given by regular letter mail at the respondent's last known address.</p> <p><input type="checkbox"/> * registered mail (received by addressee only)</p> <p><input type="checkbox"/> * registered mail (received by anyone at the address)</p> <p><input type="checkbox"/> * publication (example: in a legal journal, newspaper, public posting)</p> <p>*These methods may only be used if so ordered by the NT court.</p>
<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>The court may order that a document be served by substituted service.</p> <p>This means that the court may, on an ex parte motion, order that a document be served by substituted service using a method directed by the court, such as registered mail, regular mail, and personal service on another person or publication.</p>

## STATUTE OF LIMITATIONS

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>No.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>No.</p>
<p>Will NT accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes.</p>

## AMOUNT OF SUPPORT

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>Generally, child support is determined under Child Support Guidelines. Incomes of both the creditor and debtor are considered. More information about the Guidelines is available at the site: <a href="http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/pub/guide/index.html">http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/pub/guide/index.html</a></p>
<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the Child Support Guidelines which include</p> <ul style="list-style-type: none"> <li>• Tables which set the amount based on the noncustodial parent's income and the number of children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties.</p>
<p>Does NT allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p>

## MODIFICATION OF ORDERS

<p>May either party request a review for modification?</p>	<p>Yes.</p>
<p>Will NT modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?</p>	<p>When one party is in the U.S., then the party in NT must utilize ISO and the NT applicant would complete a support variation application [request to modify] that would be sent to the U.S. tribunal.</p>

Does NT law require automatic adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?	No.
If yes, are the automatic adjustments considered to be modifications of the order?	N/A
Is a new order issued as a result of an automatic adjustment?	N/A
Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?	No.

**COST RECOVERY**

What costs, if any, are recovered from the custodial parent?	None.
What costs, if any, are recovered from the noncustodial parent?	None.

## Nova Scotia, Canada – Policy

### AGE OF MAJORITY

What is the age of majority in Nova Scotia?	19 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	No automatic termination.
Does child support end if the child leaves the household but does not emancipate?	Not necessarily; it depends on the facts (e.g., a child may be attending post-secondary education, be on vacation, or working away from the support recipient's home and still be entitled to support).
Does Nova Scotia allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Yes, depending on the facts.

## SERVICE OF PROCESS

<p>Check which of the following methods are used to serve process on an individual:</p>	<p><input checked="" type="checkbox"/> personal service          Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.</p> <p>Notice of Registration of a foreign order may be personally served (Nova Scotia law permits service of the Notice by personal service, regular mail, or registered mail)</p> <p><input checked="" type="checkbox"/> regular mail (no receipt)          Notice of Registration of a foreign order may be given by regular letter mail at the respondent's last known address.</p> <p><input type="checkbox"/> registered mail (receipted by addressee only)</p> <p><input checked="" type="checkbox"/> registered mail (receipted by anyone at the address)          Notice of Registration of a foreign order may be given by registered mail at the respondent's last known address.</p> <p><input type="checkbox"/> * publication (example: in a legal journal, newspaper, public posting)</p> <p>*These methods may only be used if so ordered by the Nova Scotia court.</p>
<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>Private individual petitioners may serve notice of Nova Scotia court proceedings on a non-resident by personal service or by an alternative method if so ordered by the Nova Scotia court. It is rare for the Nova Scotia Maintenance Enforcement Program or the Designated Authority pursuant to The Interjurisdictional Support Orders Act to initiate proceedings that would require direct notification to a non-resident.</p> <p>Normally personal service of notice of court proceedings is required in court proceedings. Alternate methods of service may be accepted by the court, but it is up to the court to determine whether service in a manner other than personal service will be accepted.</p>

## STATUTE OF LIMITATIONS

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>No.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>Yes - where the parties are not married, there is a statutory limitation of 2 years after the date of birth of the child under the <i>Maintenance and Custody Act</i> (Nova Scotia's provincial Act) but the court has discretion to extend the period of time.</p>
<p>Will Nova Scotia accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes, Nova Scotia will accept a petition for support. But the court has discretion as to whether to order support.</p>

## AMOUNT OF SUPPORT

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>The presumptive rule is that the amount of child support ordered is dependent on the number of children under the age of majority to whom the order relates and the income of the parent or spouse against whom the order is sought.</p> <p>However, the court will look at the incomes of both parents when determining what amount the Support Payor will be ordered to pay to cover the special or extraordinary expenses of the child. In determining the amount of support in circumstances of undue hardship, there will be a comparison of household incomes.</p>
<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the Child Support Guidelines which include</p> <ul style="list-style-type: none"> <li>• Tables which set the amount based on the noncustodial parent's income and the number of children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties.</p>

<p>Does Nova Scotia allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p>
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### MODIFICATION OF ORDERS

<p>May either party request a review for modification?</p>	<p>Yes.</p>
<p>Will Nova Scotia modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?</p>	<p>If the support order to be varied was made under the Divorce Act of Canada (federal law), it can only be varied by a Canadian court. The Nova Scotia court will proceed with an application to vary under the Divorce Act if the respondent in the U.S. has been served, whether or not the respondent responds to the application.</p> <p>If the order to be varied was made pursuant to Nova Scotia legislation, the procedure under the Nova Scotia Interjurisdictional Support Orders Act would be used. The Nova Scotia applicant would complete a support variation application with supporting documents that would be sent to the U.S. State where the respondent resides to be heard by the appropriate court.</p>
<p>Does Nova Scotia law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?</p>	<p>No.</p>
<p>If yes, are the automatic adjustments considered to be modifications of the order?</p>	<p>N/A</p>
<p>Is a new order issued as a result of an automatic adjustment?</p>	<p>N/A</p>

<p>Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?</p>	<p>No.</p>
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**COST RECOVERY**

<p>What costs, if any, are recovered from the custodial parent?</p>	<p>None.</p>
<p>What costs, if any, are recovered from the noncustodial parent?</p>	<p>When a payor (debtor) defaults on a maintenance obligation, the Nova Scotia Maintenance Enforcement Program charges to the payor (debtor) administrative fees as well as costs incurred as a result of any court action. The Maintenance Enforcement Program will also enforce court ordered costs against the noncustodial parent if the costs are with respect to support or support enforcement, or are paternity testing or expenses incidental to prenatal care of the mother or child or birth of the child.</p>

## Nunavut, Canada – Policy

### AGE OF MAJORITY

What is the age of majority in Nunavut?	19 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	19 years, unless the child is going to school full time or medically unable to work. Proof is required. No automatic termination.
Does child support end if the child leaves the household but does not emancipate?	Not necessarily; it depends on the facts (e.g., a child may be attending post-secondary education, be on vacation or working away from the support recipient's home and still be entitled to support).
Does Nunavut allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Yes, depending on the facts.

### SERVICE OF PROCESS

Check which of the following methods are used to serve process on an individual:	<p><input checked="" type="checkbox"/> personal service Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.</p> <p><input checked="" type="checkbox"/> regular mail (no receipt) Notice of Registration of a foreign order is given by regular letter mail at the respondent's last known address.</p> <p><input type="checkbox"/> * registered mail (received by addressee only)</p> <p><input type="checkbox"/> * registered mail (received by anyone at the address)</p> <p><input type="checkbox"/> * publication (example: in a legal journal, newspaper, public posting)</p> <p>*These methods may only be used if so ordered by the Nunavut court.</p>
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<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>The court may order that a document be served by substituted service.</p> <p>This means that the court may, on an ex parte motion, order that a document be served by substituted service using a method directed by the court, such as registered mail, regular mail, and personal service on another person or publication.</p>
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### STATUTE OF LIMITATIONS

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>No.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>No.</p>
<p>Will Nunavut accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes.</p>

### AMOUNT OF SUPPORT

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>The presumptive rule is that the amount of child support ordered is dependent on the number of children under the age of majority to whom the order relates and the income of the parent or spouse against whom the order is sought.</p> <p>However, the court will look at the incomes of both parents when determining what amount the Support Payor will be ordered to pay to cover the special or extraordinary expenses of the child. In determining the amount of support in circumstances of undue hardship, there will be a comparison of household incomes.</p>
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<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the Child Support Guidelines which include</p> <ul style="list-style-type: none"> <li>• Tables which set the amount based on the noncustodial parent's income and the number of children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties.</p>
<p>Does Nunavut allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p>

### MODIFICATION OF ORDERS

<p>May either party request a review for modification?</p>	<p>Yes.</p>
<p>Will Nunavut modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?</p>	<p>Yes, the Nunavut court would consider a modification if a provisional variation order was received along with a transcript of proceedings.</p> <p>If the order being varied was made under the Divorce Act of Canada, then it can only be varied by a Canadian court.</p>
<p>Does Nunavut law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?</p>	<p>No.</p>

<p>If yes, are the automatic adjustments considered to be modifications of the order?</p>	<p>N/A</p>
<p>Is a new order issued as a result of an automatic adjustment?</p>	<p>N/A</p>
<p>Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?</p>	<p>No.</p>

**COST RECOVERY**

<p>What costs, if any, are recovered from the custodial parent?</p>	<p>None.</p>
<p>What costs, if any, are recovered from the noncustodial parent?</p>	<p>None.</p>

## Ontario, Canada - Policy

### AGE OF MAJORITY

What is the age of majority in Ontario?	18 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	No automatic termination.
Does child support end if the child leaves the household but does not emancipate?	Not necessarily; it depends on the facts (e.g., a child may be attending post-secondary education, be on vacation or working away from the support recipient's home and still be entitled to support).
Does Ontario allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Yes, depending on the facts.

### SERVICE OF PROCESS

Check which of the following methods are used to serve process on an individual:	<p><input checked="" type="checkbox"/> personal service [Rule 6(3)(a)(i) of the Family Law Rules]</p> <p><input checked="" type="checkbox"/> personal service for notices under the Interjurisdictional Support Orders Act, 2002, unless otherwise ordered [Rule 37(3)(and 37(19) of the Family Law Rules]</p> <p>Options that are available if the person is avoiding personal service:</p> <p><input checked="" type="checkbox"/> regular mail (no receipt) [Rule 6(2)(a) of the Family Law Rules]</p> <p><input checked="" type="checkbox"/> registered mail (receipted by addressee only) [Rule 6(3)(c) of the Family Law Rules]</p> <p><input checked="" type="checkbox"/> registered mail (receipted by anyone at the address) [Rule 6(3)(d) of the Family Law Rules]</p> <p><input checked="" type="checkbox"/> publication (example: in a legal journal, newspaper, public posting) [Rule 6(17) of the Family Law Rules]</p>
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<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>The court may, on motion without notice, order that a document is to be served by substituted service, using a method chosen by the court, if the party making the motion,</p> <ul style="list-style-type: none"> <li>• provides detailed evidence showing, <ul style="list-style-type: none"> <li>• what steps have been taken to locate the person to be served, and</li> <li>• if the person has been located, what steps have been taken to serve the document on that person; and</li> </ul> </li> <li>• shows that the method of service could reasonably be expected to bring the document to the person's attention.</li> </ul> <p>[Rule 6(15) [Rule of the Family Law Rules]</p> <p>If the person commencing the proceedings does not know the whereabouts of the responding party at all and cannot obtain an order for substituted service, then the process cannot proceed.]</p> <p>[Substituted Service means that the court may, on an ex parte motion, order that a document be served by substituted service using a method directed by the court, such as registered mail, regular mail, and personal service on another person or publication.]</p>
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### STATUTE OF LIMITATIONS

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>No. Not as of January 1, 2004. Previous legislation provided for a 20 year limitation period for the enforcement of a support order. Transitional provisions of the new legislation provide that if arrears accrued prior to January 1, 2004, and the 'old' limitation period has not expired, they will never expire. However, arrears that 'died' under the 'old' limitation period will not be revived.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>No, however an application to the court for a declaration of paternity must be done when both the child and the putative father are still living. [s.5 of the Children's Law Reform Act, R.S.O. 1990, c.12]</p>
<p>Will Ontario accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes.</p>

## AMOUNT OF SUPPORT

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>The presumptive rule is that the amount of child support ordered is dependent on the number of children under the age of majority to whom the order relates and the income of the parent or spouse against whom the order is sought.</p> <p>However, the court will look at the incomes of both parents when determining what amount the Support Payor will be ordered to pay to cover the special or extraordinary expenses of the child. In determining the amount of support in circumstances of undue hardship, there will be a comparison of household incomes.</p>
<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the Child Support Guidelines which include</p> <ul style="list-style-type: none"> <li>• Tables which set the amount based on the noncustodial parent's income and the number of children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties.</p>
<p>Does Ontario allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p> <p>The legislation does not set out a specific period although case law has held that it would be paid from the date of separation.</p>

## MODIFICATION OF ORDERS

<p>May either party request a review for modification?</p>	<p>Yes.</p>
<p>Will Ontario modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?</p>	<p>Yes, the court may make an order varying a support order if it has satisfied itself that a change of circumstances as provided for in the applicable guidelines has occurred since the making of the child support order or the last variation order made in respect of that order. [s.37(2.1) of the <i>Family Law Act</i>, R.S.O. 1990, c. F.3, s. 31 (1); 1997, c. 20, s. 2 and s.17(1)(a) of the <i>Divorce Act</i>, R.S., 1985, c. 3 (2nd Supp.)]</p> <p>If the order being varied was made under the <i>Divorce Act of Canada</i>, it can only be varied by a Canadian court. The court will proceed with the variation if it is satisfied that the proceeding before the court has come to the attention of the responding party.</p> <p>If the matter is an application in Ontario under the <i>Interjurisdictional Support Orders Act, 2002</i>, Ontario would forward a request to register and modify the judgment to the U.S. State of residence.</p>
<p>Does Ontario law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?</p>	<p>No.</p>
<p>If yes, are the automatic adjustments considered to be modifications of the order?</p>	<p>N/A</p>
<p>Is a new order issued as a result of an automatic adjustment?</p>	<p>N/A</p>
<p>Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?</p>	<p>No.</p>

## COST RECOVERY

What costs, if any, are recovered from the custodial parent?	None.
What costs, if any, are recovered from the noncustodial parent?	<p>The following fees are charged by the Director of the Family Responsibility Office (FRO): [<i>Ontario Regulation 160/00</i>]</p> <p>\$25.00 = fee for Statement of Arrears</p> <p>\$100.00 = fee for each adjustment that the FRO makes to the account when the payor provides direct payments to the recipient or children, instead of to the FRO.</p> <p>\$400.00 = enforcement fee once every 9 months if aggressive steps taken</p> <p>\$50.00 = fee for repeated filing of a support order or support deduction order. The fee for repeated filing of a support order or support deduction order is payable by each of the payor and the recipient, if a support order or support deduction order that was previously filed in the Director's office, and was withdrawn under subsection 16 (1) of the Act on or after July 31, 2005, is filed in the Director's office again, regardless of whether the payor or recipient files the order. No fee for repeated filing of a support order or support deduction order is payable by a recipient who lives in a reciprocating jurisdiction under the Interjurisdictional Support Orders Act, 2002.</p>

## Saskatchewan, Canada - Policy

### AGE OF MAJORITY

What is the age of majority in Saskatchewan?	18 years of age.
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	No automatic termination. Generally, the SK Maintenance Enforcement Program (MEP) will enforce an order for children over the age of 18 for so long as the child remains a dependent (e.g., post secondary education, disabled where unable to withdraw from parents' care).
Does child support end if the child leaves the household but does not emancipate?	Not necessarily; it depends on the facts. (e.g., a child may be attending post-secondary education, be on vacation, or working away from the support recipient's home and still be entitled to support).
Does Saskatchewan allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Yes, if the child is: (a) under the claimant's charge; and (b) unable, by reason of illness, disability, pursuit of reasonable education, or other cause, to: (i) withdraw from the claimant's charge; or (ii) obtain the necessities of life.

### SERVICE OF PROCESS

Check which of the following methods are used to serve process on an individual:	<input checked="" type="checkbox"/> personal service Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.  <input checked="" type="checkbox"/> regular mail (no receipt) Notice of Registration of a foreign order is given by regular letter mail at the respondent's last known address.  <input type="checkbox"/> registered mail (received by addressee only)  <input type="checkbox"/> registered mail (received by anyone at the address) <input type="checkbox"/> publication (example: in a legal journal, newspaper, public posting)
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<p>How is a non-resident or person whose whereabouts are not known, notified of proceedings?</p>	<p>If the whereabouts of a Saskatchewan resident are not known but it is known that the person resides in Saskatchewan, an application can be made to the Saskatchewan court for an order of substitutional service, for documents to be served on a different party, where the non-Saskatchewan resident can prove that the substitutional service will likely result in the Saskatchewan resident receiving notice of the proceedings.</p>
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**STATUTE OF LIMITATIONS**

<p>Is there a statute of limitations for past due support? If yes, describe.</p>	<p>No.</p>
<p>Is there a statute of limitations for establishing paternity? If yes, describe.</p>	<p>No.</p>
<p>Will Saskatchewan accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?</p>	<p>Yes.</p>

**AMOUNT OF SUPPORT**

<p>In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?</p>	<p>The primary consideration in determining child support is the income of the noncustodial parent.</p> <p>The court may consider the income of either party's new spouse in situations where they are called upon to do a comparison of household incomes if either party makes a claim for undue hardship.</p> <p>The court may also consider the child's income in situations where the child is over the age of 18, in determining whether the child is financially able to withdraw from the support claimant's charge.</p>
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<p>How is the amount of support determined (for example: by formula, % of income, tribunal discretion, etc.)?</p>	<p>Child support is determined by the federal Child Support Guidelines which include:</p> <ul style="list-style-type: none"> <li>• Tables specifically set for Saskatchewan noncustodial parents, with monthly support payment amounts based on the noncustodial parent's income and the number of dependent children;</li> <li>• Provisions that state that special expense amounts in addition to the Table amount are to be shared proportionately between the parents</li> <li>• Provisions for amounts higher or lower than the Table amount to be ordered if the court finds that payment of the Table amount would cause undue hardship to either parent.</li> </ul> <p>Spousal support is based on the circumstances of the parties. Guideline formulae exist, but courts are not bound to use said formulae.</p>
<p>Does Saskatchewan allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?</p>	<p>Yes, but this is at the discretion of the court.</p>

**MODIFICATION OF ORDERS**

<p>May either party request a review for modification?</p>	<p>Yes.</p>
<p>Will Saskatchewan modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?</p>	<p>If the support order to be varied was made under the Divorce Act of Canada, it can be varied provisionally by a Saskatchewan court and then notice would be sent to the U.S. resident that a confirmation hearing of the provisional order would take place in the U.S. resident's jurisdiction.</p> <p>If the order to be varied was made pursuant to provincial support legislation, then the Saskatchewan Interjurisdictional Support Orders Act would be used and the Saskatchewan applicant would complete a support variation application [request to modify] that would be sent to the U.S. State in question for a hearing.</p>

Does Saskatchewan law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?	No.
If yes, are the automatic adjustments considered to be modifications of the order?	N/A
Is a new order issued as a result of an automatic adjustment?	N/A
Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?	N/A

**COST RECOVERY**

What costs, if any, are recovered from the custodial parent?	None.
What costs, if any, are recovered from the noncustodial parent?	None.

## Yukon Canada - Policy

### AGE OF MAJORITY

What is the age of majority in Yukon?	19 years of age
If not stated in the order, at what age is child support automatically terminated as a matter of state law? Qualify, if necessary.	Child support is not automatically terminated under any Yukon statute.
Does child support end if the child leaves the household but does not emancipate?	No
Does Yukon allow support to be paid beyond the age of majority under any circumstances (for example: the child is handicapped or in post-secondary education)?	Child support can be paid beyond the age of majority for a number of reasons – including post secondary education and disability.

### SERVICE OF PROCESS

Check which of the following methods are used to serve process on an individual:	<input checked="" type="checkbox"/> personal service Service of process is generally required to be personal service.  <input type="checkbox"/> regular mail (no receipt)  <input type="checkbox"/> registered mail (receipted by addressee only)  <input type="checkbox"/> registered mail (receipted by anyone at the address)  <input type="checkbox"/> publication (example: in a legal journal, newspaper, public posting)
How is a non-resident or person whose whereabouts are not known, notified of proceedings?	When the whereabouts of a person are not known the court may determine that another method of service is satisfactory – such as substitutional service.

## STATUTE OF LIMITATIONS

Is there a statute of limitations for past due support? If yes, describe.	No.
Is there a statute of limitations for establishing paternity? If yes, describe.	No.
Will Yukon accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?	Yukon will accept orders for enforcement where there is no ongoing child support (arrears only).

## AMOUNT OF SUPPORT

In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?	Generally, when setting the amount of support, the noncustodial parent's income is the only income considered. However, if the court finds that the paying parent is unemployed or under-employed, then income of a new spouse or other supporting person may be considered. Where a hardship application is made by either party, the income for the entire household is assessed.
How is the amount of support determined (for examples: by formula, % of income, tribunal discretion, etc.)?	The quantum of support is set using the child support guidelines and the court's discretion.
Does Yukon allow for support for a period before the parent applied? If yes, what is the period allowed (for example: from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?	Child support may be assessed from the time the child became entitled – with no limitation on retroactivity.

## MODIFICATION OF ORDERS

May either party request a review for modification?	Either party may apply to the court for a variation of the order – at any time. The court may require the party to prove a change in circumstances.
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Will Yukon modify its existing domestic judgment when one of the parties resides in the U.S. and will not return for -- or refuses to participate in -- the proceedings?	Yukon will not modify an existing judgment because a party refuses to participate. Income will be imputed.
Does Yukon law require <u>automatic</u> adjustments (for example: based on changes in the cost of living, or X% every 3 years, etc.)?	There are no automatic order adjustments.
If yes, are the automatic adjustments considered to be modifications of the order?	N/A
Is a new order issued as a result of an automatic adjustment?	N/A
Is there a minimum or threshold amount of change that must occur before a modification is made (for example: the order would need to change by 25 dollars or more, or at least 10% change in order)?	No.

### **COST RECOVERY**

What costs, if any, are recovered from the custodial parent?	The Maintenance Enforcement Program (MEP) does not collect fees or interest. However, where the court orders costs related to obtaining a child support order, MEP will collect those costs.
What costs, if any, are recovered from the noncustodial parent?	The MEP does not collect fees or interest. However, where the court orders costs related to obtaining a child support order, MEP will collect those costs.