



Fact Sheet

CHILD SUPPORT

This Fact Sheet provides general information about child support under the *Divorce Act*. You may also wish to refer to the Department of Justice guide called [The Federal Child Support Guidelines: Step-by-Step](#). This guide provides 8 easy steps to help you determine child support.

What is child support?

“Child support” is the money that one parent pays to another to support their children financially after a separation or divorce.

Do both parents have to support their children financially after a separation or divorce?

Yes. Your children have a legal right to financial support from both parents, and you both have a legal responsibility to provide this support. A separation or divorce does not change that ongoing obligation.

What if I do not want child support from the other parent?

Child support is a child’s right and they are entitled to it by law. Judges may refuse to grant a divorce if they are not satisfied that reasonable arrangements have been made for the continued financial support of your children.

How do I calculate child support?

Child support is calculated using child support guidelines. Child support guidelines are a set of rules and tables of amounts. They are the law.

There are *Federal Child Support Guidelines* (regulations under the *Divorce Act*) and provincial/territorial guidelines (regulations under provincial or territorial laws). Figuring out which one to use will depend on the [situation](#):

- *Federal Child Support Guidelines* (Federal Guidelines) apply in all divorce cases, unless both parents live in the same designated province. New Brunswick, Manitoba and Quebec are designated provinces that apply their own guidelines when both divorcing parents live there.

- Provincial or territorial guidelines apply when the parents were never married to each other and when married parents separate but do not divorce.

What is the difference between Federal Guidelines and provincial/territorial guidelines?

All [provinces and territories](#) have child support guidelines that are a lot like the Federal Guidelines, except for Quebec which has its own child support model. The rules may be a little different in some jurisdictions but all of them, except for Quebec, use the federal tables, so the basic amounts are the same.

If the other parent and I decide to make our own child support arrangements, do we have to use the applicable child support guidelines?

Child support guidelines are the law for establishing child support amounts. As parents, you may both decide that another amount of child support—higher or lower—is better for you and your children. But, if you ask a judge to decide, he or she will set the child support amount according to the guidelines, unless there are *special provisions* which benefit a child.

For example, if one parent transfers his or her interest in an asset such as the family home or a vehicle to the other parent without compensation, it may benefit the child directly or indirectly. Parents may wish to take such special provisions into consideration when deciding on a child support amount.

When does child support end?

If you already have a child support order or a written agreement, it may indicate when child support will end. For example, your support order or agreement might say that support will stop only when a child reaches a certain age. If your child support order or agreement does not say when support ends, then the requirement to pay child support continues until the order is changed by a court or until you and the other parent change your agreement.

Can I pay child support directly to my child rather than to the other parent?

Child support is generally paid to the other parent, not to the child. In rare cases, judges may order that child support be paid directly to a child who is at or over the age of majority. Judges will consider the family's situation to determine whether direct payment is appropriate.

If I have children with a new partner, do I still have to pay child support for children from an earlier relationship?

Parents must continue to support their children financially even if they have new family responsibilities. An existing support order remains in effect until the end date set out in the order or until it is changed by a court.

Under the Federal Guidelines, a court may order a different child support amount if a claim for [undue hardship](#) is successful. Circumstances that may cause undue hardship include the obligation to support children from a new relationship. There are two steps in determining if a parent or a child is experiencing undue hardship:

- You must first show that your circumstances would make it very difficult to pay the required amount of child support;
- The standard of living in both households would then be compared to see if the household of the parent asking for the child support change has a lower standard of living than the household of the other parent.

Learn more about the free information about divorce and separation available from Justice Canada in this short [video](#), or visit our website:

Canada.ca/family-law

Disclaimer: This is not a legal text and does not provide legal advice. As family law can be complex, it is usually best for individuals to get advice about their situation from a family law lawyer. These lawyers are in the best position to give legal advice about rights and obligations. Most of the provincial and territorial bar associations offer [Lawyer Referral Services](#). Some lawyers may give an initial consultation for free or at a reduced rate, or individuals may decide to consult a lawyer just a few times to help with certain aspects of their specific situation.

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