



THE NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE # 13

CHILD SUPPORT ORDERS

Attached to this Practice Directive is a form of the Child Support Order that has been approved by the judges of the Nunavut Court of Justice in all “final” or “semi-final” orders. Some changes will be necessary in each order to meet the exigencies of that particular file and those changes can be accommodated within this form.

In this form you shall address:

1. Annual administration review of the Child Support Order by the Director of Maintenance Enforcement. The administrative review should be pled in the Notice of Motion or the order must be by consent.
2. Statement of income upon which the Child Support Order is based
3. Finite date for the payment of child support.

This Practice Directive replaces the memo which was issued on November 6, 2006.

Issued this 18th day of November 2008, by direction of the judges of the Nunavut Court of Justice.

Justice B.A. Browne
Justice R.G. Kilpatrick
Justice E.D. Johnson

IN THE NUNAVUT COURT OF JUSTICE

**IN THE MATTER of the Children's Law Act
S.N.W.T. 1998 c.14, as duplicated for Nunavut
by s.29 of the Nunavut Act**

BETWEEN :

Applicant

-and-

Respondent

BEFORE THE HONOURABLE)
JUSTICE)
IN CHAMBERS)

At Iqaluit, Nunavut on
_____, the ____ day
of _____, 20__

ORDER

UPON THE APPLICATION of _____ coming for hearing before me this date; and upon reading the affidavit of the Applicant sworn the ____ day of _____, 20__ and filed herein; and upon _____ appearing on behalf of the Applicant and _____ appearing on behalf of the Respondent; **AND ON CONSENT;**

I. THIS COURT DOES FIND AND DECLARE THAT:

- a. The Respondent is a "parent" within the meaning of the Children's Law Act of the child _____ born at Iqaluit in the Nunavut Territory on the ____ day of _____, 20__.
- b. The Respondent received from all sources a gross annual income of \$ _____ for the calendar year 20__.

II. THIS COURT ORDERS THAT:

1. Pursuant to the Territorial Child Support Guidelines, the Respondent shall pay to the Applicant the sum of \$ _____ per month commencing on or before the 1st

day of _____, 20___, and continuing on or before the 1st day of each and every month thereafter, until the child reaches the age of nineteen years or withdraws from the care of the Applicant, or is the age of majority or over but is still dependant because of illness, disability or pursuit of education where the child still requires support; whichever event occurs sooner.

2. This order for child support shall be enforced by the Administrator of Maintenance Enforcement pursuant to the provisions of the *Maintenance Orders Enforcement Act* and all payments ordered herein shall be payable to the Maintenance Enforcement Program at P. O. Box 297, Iqaluit NU X0A 0H0.
3. For as long as this order shall remain in force, the Respondent shall provide the Administrator of Maintenance Enforcement with a copy of his Income Tax Return for the preceding tax year on or before the anniversary date of this Order of each and every calendar year commencing with the 20___ tax year. In the event there is a material difference between the Tax Assessment filed by the Respondent and the final assessment made by the Canada Revenue Agency, the Respondent shall, immediately upon receipt, file a copy of the Final Notice of Assessment with the Administrator.
4. The parties shall immediately notify the Maintenance Enforcement Program of any change in their employment, mailing address or phone number.
5. The applicant shall immediately notify the Maintenance Enforcement Program of any change in circumstances that render a child no longer eligible to receive support under section II(1) of this order.
6. While subject to this order, the Respondent shall make reasonable efforts to seek or maintain employment.

III. THIS COURT DOES FURTHER ORDER THAT:

1. The Administrator of Maintenance Enforcement shall review the amount of support payable pursuant to paragraph II (1) of this order on an annual basis.
2. The Administrator may vary the amount of support payable under this order to match the amount set out in the Territorial Child Support Guidelines based upon any change in the Respondent's gross income as reflected by his income tax return from the preceding tax year or any change in the eligibility of a child to receive support.
3. In the event that the reassessment results in a difference of five dollars or more per month in child support, the Administrator shall recalculate the amount of child support payable and provide notice to each party of the change in child support by registered mail.
4. If either party objects to the change in child support payable, he/she must file a Notice of Objection with the Nunavut Court of Justice stating his/her objection within 30 days of the date stated on the Recalculation Notice provided to him/her by the Administrator. If a Notice is filed objecting to the change, no change shall be made to the amount of child support payable except by court order. If no Notice of Objection is filed, the recalculated amount will be effective 31 days after the date stated on the Recalculation Notice provided by the Administrator.

5. The new amount of child support shall be paid directly to the Administrator of the Maintenance Enforcement Program.

IV. THIS COURT FURTHER ORDERS THAT:

1. If the Respondent fails without reasonable excuse to file with the Administrator the documentation required by paragraph II(3) of this order, the Administrator shall reassess the Respondent's income to an amount equal to the Respondent's last declared income plus ten per cent (10%). Notice shall then be served upon the parties in accordance with the procedure set out in paragraph III of this order.
2. Any variation of this support order made in accordance with paragraphs III or IV shall continue to be enforced by the Administrator of Maintenance Enforcement pursuant to the provisions of the *Maintenance Orders Enforcement Act* (Nunavut).

Presiding Justice

ENTERED on this ____ day of _____
20__, at the City/Town of _____
in the Nunavut Territory.

Clerk of the Court

CONSENTED TO:

Counsel for the Applicant

Counsel for the Respondent