



RESEARCH GUIDE

family (child & spousal support)

This research guide on child and spousal support covers both federal and provincial legislation (both statutes and regulations) as these apply to issues of support in family law. Precedents set by case law are significant.

legislation

Federal

Divorce Act, R.S.C. 1985, c. 3 (2nd supp.).

<http://laws.justice.gc.ca/en/D-3.4/index.html>

Federal Child Support Guidelines, S.O.R./97-175.

<http://laws.justice.gc.ca/en/D-3.4/SOR-97-175/index.html>

Spousal Support Advisory Guidelines

<http://www.justice.gc.ca/eng/pi/pad-rpad/res/spag/index.html>

The Guidelines have not been legislated by the federal government. They are intended as a practical tool to assist in determinations of spousal support.

Alberta

Family Law Act, S.A. 2003, c. F-4.5.

http://www.qp.alberta.ca/574.cfm?page=F04P5.cfm&leg_type=Acts&isbncln=9780779737574

Alberta Child Support Guidelines, Alta. Reg. 147/2005.

http://www.qp.alberta.ca/574.cfm?page=2005_147.cfm&leg_type=Regs&isbncln=9780779725700

case law

Canadian abridgment. 3rd ed. Carswell, 2003-

"Family law"

IV Support

- 1 Spousal support under Divorce Act and provincial statutes
- 2 Child support
- 3 Child support under federal and provincial guidelines

Digests of Canadian cases are organised under this classification in vol. 39 to vol. 43 in print and are available electronically through LawSource.

CanLII (Canadian Legal Information Institute)

<http://www.canlii.org>

CanLII provides searchable full-text access to Canadian case law. The scope of coverage varies by jurisdiction and court. Boolean operators, proximity connectors, phrases and date restrictions can be incorporated into your query. Using the [Advanced Search] feature, you can select one or more jurisdictions to be searched, limit your search to appellate decisions, and restrict your search by type of tribunal. You can also use CanLII to retrieve cases by citation or name.

For further assistance, call 403.297.6148 (Calgary) or 780.422.2342 (Edmonton) or contact your local ALSL branch.

Reports of family law. Carswell, 1971-

Cases are indexed under:

Family law - Support - Child support

Family law - Support - Child support under federal and provincial guidelines

Family law - Support - Spousal support under Divorce Act and provincial statutes

LawSource, LexisNexis *Quicklaw* and Maritime Law Book provide electronic subject search access to legislation, case law and topical material. LexisNexis *Quicklaw* groups topical information under the source [Family Law Cases - Topical]. Maritime Law Book classifies case law under the topical heading "Family Law".

encyclopedia

Canadian encyclopedic digest (Western). 3rd ed. Carswell, 1979-

Title 63 : "Family law (Divorce)" (current to 2005)

V Support

Title 63.1 : "Family law (General)" (current to 2002)

XVII Support under Provincial Statutes

Title 77 : "Infants and Children" (current to 2004)

XI Support and maintenance

Discussion of this area of law with annotations to legislation and cases is located in vol. 14, vol. 14A and vol. 18 in print and are available electronically through LawSource.

texts

Canada. Dept. of Justice. *Federal child support guidelines : reference manual.* The Dept., 1997-

[KF 547 F42 1997](#)

The manual includes the guidelines and support tables, plus articles.

Continuing Legal Education Society of British Columbia. *Understanding financial information : a family lawyer's guide.* The Society, 2003-

[KF 524 A75 U52 2003](#)

This is a practice-oriented guidebook with a focus on business assets.

Hainsworth, Terry W. *Child support guidelines service.* Canada Law Book, 1998-

[KF 549 H34 1998](#)

An updated service that has comprehensive coverage of the guidelines and applicable cases.

MacDonald, James C. and Wilton, Ann C. *The annotated Divorce Act.* Carswell, 1992-

[KF 535 M32](#)

Annual volumes updating the Divorce Act, including spousal and child support sections, are published.

MacDonald, James C. and Wilton, Ann C. *Child support guidelines : law and practice.* 2nd ed. Carswell, 2004-

[KF 549 M34 2004](#)

This updated service includes commentary, case law and legislation.

MacDonald, James C. and Wilton, Ann C. *Child support guidelines in divorce proceedings : a manual.* Carswell, 1996.

[KF 549 M32 1996](#)

This text is an overview of the intent of the guidelines.

McLeod, James Gary and Mamo, Alfred A. *Annual review of family law.* Carswell, 1992-

[KF 505 M478](#)

Nemet-Brown, Sheila ed. *Child support.* LexisNexis Canada, 2007.

[KF 547 C43 2007](#)

For further assistance, call **403.297.6148 (Calgary)** or **780.422.2342 (Edmonton)** or contact your local ALSL branch.

Nemet-Brown, Sheila and Sandler, Bernard eds. *Spousal support and dependants' relief*. LexisNexis Canada, 2007.

KF 537 N45 2007

Payne, Julien D. and Payne, Marilyn A. *Child support guidelines in Canada 2006*. Irwin Law, 2006.

KF 549 P39 2006

Written for the practitioner, the text is an analysis of the case law.

Spousal support tables Alberta. M.S.T. Publications B.C., 2005-

KF 537 S66

journals

Search the *Index to Canadian legal literature* in print or electronically on LawSource using the headings "Child support" and "Support (Domestic relations)" to identify subject-specific articles.

The relevant journals in ALSL are *Canadian family law quarterly*. Carswell, vol. 1, 1986-, *Canadian journal of family law*. University of British Columbia, vol. 1, 1978- and *Money & family law*. Carswell, vol. 1, 1986-.

Additional full-text articles are available electronically through

- HeinOnline, a database providing full-text access to Canadian and international law reviews and legal journals which may be searched at no charge in ALSL branches;
- LawSource, which contains a collection of Canadian journals and law reviews, as well as all articles and case comments appearing in Carswell law reports; and
- LexisNexis *Quicklaw's* [Family Law Commentary - Topical], a collection of journal articles, research papers and newsletters.

reports, studies and seminars

Legal Education Society of Alberta (LESA) seminar materials and papers from bar association meetings are searchable by [Keyword] through the ALSL catalogue, www.lawlibrary.ab.ca. Detailed information on the Table of Contents is found under the [Table of Contents] display option.

Alberta Law Reform Institute. *Family law project : child support*. The Institute, 1998.

KF 505 F3553 1998

<http://www.law.ualberta.ca/alri/docs/rfd0183.pdf>

Alberta Law Reform Institute. *Family law project : spousal support*. The Institute, 1998.

KF 505 F3552 1998

<http://www.law.ualberta.ca/alri/docs/rfd0182.pdf>

Canada. Dept. of Justice. *Children come first : a report to Parliament reviewing the provisions and operation of the Federal Child Support Guidelines*. The Dept., 2002.

KF 547 C361 2002

<http://www.justice.gc.ca/eng/pi/sup-pen/pub/rp/v1.pdf>

<http://www.justice.gc.ca/eng/pi/sup-pen/pub/rp/v2.pdf>

Federal / Provincial / Territorial Family Law Committee (Canada). *Final federal / provincial / territorial report on custody and access and child support : putting children first*. Canada. Dept. of Justice, 2002.

KF 549 F422 2002

<http://www.justice.gc.ca/eng/pi/pad-rpad/rep-rap/flc2002.html>

Rogerson, Carol and Thompson, Rollie. *Spousal support advisory guidelines*. Canada. Dept. of Justice, 2008.

KF 537 R637 2008

<http://www.justice.gc.ca/eng/pi/pad-rpad/res/spag/index.html>

For further assistance, call 403.297.6148 (Calgary) or 780.422.2342 (Edmonton) or contact your local ALSL branch.

internet resources

Alberta Courts. Family Justice Services

<http://www.albertacourts.ab.ca/CourtServices/FamilyJusticeServices/tabid/283/Default.aspx>

This site includes information on family programs and services, including information from the Family Law Information Centre.

Canada. Dept. of Justice. Programs and Initiatives

Child Support Guidelines

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

Provides links to the guidelines and other key publications, as well as additional related information.

Support Enforcement

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

Provides an overview of the Canadian system of support enforcement and information on interjurisdictional and international support enforcement.

Alberta Justice. Maintenance Enforcement Program (MEP)

<http://www.justice.gov.ab.ca/mep>

The resources provided on this site include MEP information sheets on a variety of topics, creditor and debtor information and forms, and a lawyer's guide to the MEP.

Carol Rogerson. Spousal support advisory guidelines.

http://www.law.utoronto.ca/faculty_content.asp?profile=48&perpage=188&cType=facMembers&itemPath=1/3/4/0/0

This site provides links to the main documents related to the Spousal Support Advisory Guidelines project and to related material on the law of spousal support including digests of relevant case law.

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