

If you have used some of the other forms and FormSupport guides, the words “Child Support Guidelines” and “table amount” will be familiar. Let’s start with a review of what the guidelines and tables mean, and what they do.

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The Child Support Guidelines

The Child Support Guidelines are rules for how to calculate the amount of child support. There are federal guidelines, and ones for each of the Canadian provinces and territories. Many foreign countries also have their own version of the guidelines.

The guidelines look at the average cost of raising a child. They include all the normal expenses a parent will have. The printed guidelines include very detailed lists, or tables, of the amount the parent paying child support should pay. The amount (called the “table amount”) is a percentage of the paying parent’s income, before taxes. It changes depending on the number of children.

The courts must follow the Child Support Guidelines. There are some exceptions. *If a child has special expenses*, or the table amount would cause a financial hardship for a parent, *the court can order a different amount*. The federal Department of Justice has more information on the guidelines. You can call 1-888-373-2222, or use the internet address <http://canada.justice.gc.ca>.

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Who will use Form H?

If you are asking the court to order that the respondent pay a share of a child’s special or out-of-the-ordinary necessary expenses. You could be:

- Making a claim for a ‘first’ order for child support (and you will fill out Forms C and E, and other forms)
- Asking the court to change (increase or decrease) the special expenses part of an order or written agreement you have now. In that case, you would also fill out Form M, and other forms.

If one of these applies to you, please fill out the forms mentioned. The FormSupport guides for those forms will tell you when to come back to Form H.

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You have now filled out forms which set up, or lay the groundwork for, your special expense claim. Remember that the Child Support Guidelines table amounts are starting points. The table amounts are averages of the costs of raising children. Often, families have expenses which the parents decide to divide according to the income of the parents. With Form H, you are asking the court to make that decision. The court will decide whether each expense is reasonable and necessary for the child. The court may add a part of the expense to the basic table amount which one parent pays the other. It is important to note that there are no guarantees. You have asked the court to make this decision for you.

If you want to make a claim for special expenses, check off the box at the top left of the form. You must attach documents to show that the expenses are necessary.

In the next section each of the ‘types’ of special expenses will be discussed, with examples. Think about whether any apply to your children. Make sure you have your ‘good’ copy of Form H set aside, and use your ‘working’ copy, or a separate piece of paper. Write down any documents you need to get, or work to do, in the Worksheet section at the end of this guide.

1. Childcare

Remember that the normal, average costs of raising a child are already included in the Child Support Guidelines table amount. Occasional babysitting is part of the calculations for the table amount.

“Childcare” is the expense a parent has because she/he works, or goes to school or training, or because of the illness or disability of the parent.

Example :

Andrea works Monday to Thursday at the grocery store. Her shift lets her get the 3 kids up and ready

for school, but she pays for after-school care. On Thursday and Friday nights she takes courses at the community college, and pays for regular babysitting on those nights. During the summer the children go to a day camp run by her church, and she pays for that for four days a week, but doesn't have her night courses and the costs for babysitting. Andrea does get a tax credit for the day care.

Andrea is making a claim for childcare expenses. She will check off the box beside #1. On line a. she will write the expense type (1), then "childcare for work/school" in the next column. It's for all 3 children, so she will write their first names.

Now, the actual amount she spends changes – it's different in the summer when she doesn't go to school, even though the day camp is more expensive than the after-school program. Andrea will work out how much she pays out each year and write it in the third column. For the net amount, Andrea will look at how much of the expense she deducted from her tax. She will subtract that amount from the Actual amount column, and write the Net amount in the last column.

Remember that Andrea has to show that the expense is necessary. To do that, she will attach her proof, or evidence. For Andrea that will be a receipt from the community college showing she is enrolled. She will also attach receipts from after-school care, the day camp, and her regular Thursday and Friday babysitter. She will mark each receipt with "a", to show that the receipts are about the claim she made on line a.

Do you have a special expense claim for childcare? If yes, make a note of the expenses you have, and any documents and/or receipts you need to get.

2. Health-related expenses over \$100.00 per year

The Child Support Guidelines table amount already includes the normal, average health care expenses for a child. If a child's health care needs are at least \$100 a year *more* than what insurance covers, a special expense claim can be made. Health care includes items like medicine, orthodontics, glasses, speech therapy, and counselling.

Example :

Hugh has two sons, Liam and David. The dentist sent David to an orthodontist who says the child

has serious problems with his teeth. He needs treatment and braces for the next few years. The orthodontist gave Hugh a letter with details of the problems, why they need to be fixed, a treatment plan, and estimate of the (very high) costs. Fortunately, Liam's teeth are fine! Hugh is asking the court to include the special expenses for David's health care in his support order.

There is already a support order between Hugh and Colleen, and Colleen is pretty good about paying support. Hugh will fill out Form M (to change the order), and Form H to add special expenses.

On Form H Hugh will check off the #2 box, for health-related expenses over \$100 per year. He will write down "orthodontics", and David's name. The treatment plan hasn't started yet, so Hugh will put in the estimated amount, and attach the orthodontist's plan. Hugh checked with his employer's insurance: he will get part of the amount back each year, and can deduct part of the amount he pays from income tax. In the last column, he will write down the amount that he will pay after the insurance and tax benefit. Hugh will attach a copy of the page from his insurance booklet about orthodontic coverage.

3. Child's portion of medical and/or dental insurance premiums

Parents sometimes pay for insurance for the medical and/or dental needs of their children. If the insurance is reasonable, and necessary, and is for the child, part of it can be included in a special expenses claim.

Example:

Tiffany works three part-time jobs to support herself and her children. She doesn't work enough hours at any of the jobs to qualify for medical and dental insurance coverage through her work. She pays for a private health care plan which covers prescriptions and dental for the kids. The insurance premiums Tiffany pays each month will be part of her claim.

In this case, Tiffany will also claim for expense type #2, because the deductible (her out-of-pocket payment) for medicine and dental work is more than \$100 per year for each child. And she also claims childcare, which she needs to pay for when she goes to work.

For this expense, Tiffany will check off the box beside item 3, then fill in the details in the chart. She will write down the insurance premium she pays each month. For this expense the ‘net’ amount is the same as the actual amount Tiffany spends. She does not get any tax credit, and no one else is paying part of the premiums. She will multiply the monthly amount by 12, and put the yearly amount in the last column.

If you pay insurance to take care of your child’s medical and/or dental needs, the premiums you pay can be part of your special expense claim. You will only include the part which covers the child or children for whom support is claimed or paid in this application. You must attach receipts and something from the insurance company showing what part is for the child or children.

Note: Some courts say that the next three expense types include “any educational program that meets the child’s particular needs”. The court will still look at whether the expense is reasonable and necessary. ‘Reasonable’ is about whether the expense would be expected to be paid by these parents – and the parents are able to afford it. ‘Necessary’ is whether the child is held back or has a disadvantage without the expense.

4. Extraordinary expenses for education (grade school and high school)

“Extraordinary” is the word the Child Support Guidelines uses. Remember that the guidelines ‘table amount’ already includes the normal education expenses which parents have. When expenses are out-of-the-ordinary a claim can be made for the respondent to pay part of them.

What kind of expenses?

First, they have to be reasonable, and necessary. They could include things like:

- School tuition. The parents may have agreed that the child will go to a private school, or it may be necessary to deal with the child’s needs.
- Tutoring. Is the child struggling with math? The school might suggest a tutor or learning centre for extra training, or to catch up on the basics to pass that grade.
- Language. Does the child need extra help to learn in English?
- Equipment. If the school *requires* that the child have a computer, or other tool for classroom use, or to do reports or research.

You’ll note that these examples are about education – things that will help the child succeed in school.

Out-of-school expenses are under another expense type.

The court must see that the expenses are reasonable, and necessary. You will attach receipts, or estimates. A letter from the school, saying that the item is necessary for the child, will help the court.

5. Post-secondary education expenses (college or university)

The same rules apply to this type of expense as are listed in number 4. If a child is going to college or university you’ll need to show the court a list of the courses, and receipts for tuition. If the child is not yet enrolled in post-secondary school, you’ll need an estimate from the school of the expenses, and a letter saying the child can attend, and when.

6. Extraordinary expenses for extracurricular activities

Some parents agree on how to divide the expenses of out-of-school (extracurricular) activities. They decide which ones are part of the normal support payments, and how to divide up the others.

Example:

Andre and Monique have two children, Jean and Natalie. When the parents split up they agreed on the support amount in the Child Support Guidelines table. They wrote up an agreement, which also included special expenses for soccer and music lessons for both children. They divided the expenses at two-fifths (40%) for Monique, and three-fifths (60%) for Andre, based on their incomes.

Monique has now moved to NL, and wants to get a court order for the support and special expenses. She also wants to include the cost of buying a better and larger violin for Jean, and a piano for Natalie. Both children have a chance to go to soccer camp, and she wants Andre to pay for part of the expense.

These parents always agreed that sports and music were important, and that the costs were outside the basic amount of support. Monique’s claim will include the expenses they’ve already agreed to – music lessons and soccer. On other lines she will include the new expenses for soccer camp and musical instruments. She will attach estimates for each.

SPECIAL EXPENSE CLAIM

Form H

I ask the Court to make an order for additional child support. The additional amount is for the respondent's share of the following special expenses. I attach as evidence documents to show why these expenses are necessary.

My special expenses are for:

- 1. Childcare
- 2. Health-related expenses over \$100.00 per year
- 3. Child's portion of medical and/or dental insurance premiums
- 4. Extraordinary expenses for education (grade school and high school)
- 5. Post-secondary education expenses (college or university)
- 6. Extraordinary expenses for extracurricular activities.

| | Expense Type (1 to 6) | Brief description of expense | For (Name of Child) | Actual (or estimated) amount spent per Month or per Year (M / Y) | Net amount spent per YEAR (after any subsidy, benefit, tax deduction, or credit) |
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| Total of net amount spent (or estimated) per YEAR | | | | | \$ |

This document is attached to, and forms part of the evidence in, my support application/support variation application.

Claimant's/Applicant's Signature