



**COURT OF QUEEN'S BENCH OF ALBERTA**

**NOTICE TO THE PROFESSION AND PUBLIC**

**CHILD SUPPORT APPLICATIONS**

1. Effective May 1, 2016, sections 21 through 24 of the Federal Child Support Guidelines and section 21 of the Alberta Child Support Guidelines will be strictly enforced by the Court. To ensure continued access to justice for litigants, a grace period will be observed until June 1, 2016, after which the requirement for compliance will be strictly enforced.
2. Effective May 1, 2016, a spouse/parent who is applying for a child support order, including an application to vary child support (“an applicant”), and whose income information is necessary to determine the amount of the order (shared or split parenting; where s. 7 claims are being made; or where an undue hardship claim is being made) must include with the application, the financial information set out in section 21 of the applicable Guidelines. Forms will be available on the Alberta Courts website effective April 15, 2016, and their use is encouraged for consistency in the filing process.
3. Likewise, a spouse/parent who is served with an application for child support (“a respondent”) and whose income information is necessary to determine the amount of the order, must, within 30 days after the application is served if the spouse/parent resides in Canada or the United States, or within 60 days if the spouse/parent resides elsewhere, provide the Court and the other spouse with the financial information set out in section 21 of the applicable Guidelines.
4. An applicant in an application for child support will not be permitted to file an Application and supporting Affidavit unless the applicant has provided the information required by s. 21 of the applicable Guidelines.
5. A respondent to an application for child support will not be permitted to file a responding affidavit or reply to the application unless the respondent has provided the information required by s. 21 of the applicable Guidelines.
6. A Notice to Disclose Application is not required to trigger the above obligations.
7. If a spouse/parent fails to comply with s. 21 of the applicable Guidelines, the application for support may proceed and income may be imputed to that spouse/parent pursuant to sections

19(1)(f), 22 and 23 of the Federal Child Support Guidelines or section 19(1)(f) of the Alberta Child Support Guidelines, as applicable. That spouse/parent will not be able to vary the child support until disclosure pursuant to s. 21 of the Guidelines has been provided. That spouse/parent may also be subject to an order for costs for failure to disclose and may be prohibited from filing any other applications until their disclosure is provided.

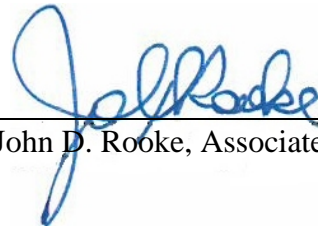
8. In rare exceptions, leave of the Court can be sought by application in family chambers, for a Fiat permitting the filing of an application or response without the required financial information. Any such Fiat will be without prejudice to arguments that the hearing should not proceed without proper disclosure, and the party applying for the Fiat will be directed to provide the required disclosure within 30 days or such other period as directed by the Court.

9. This procedure will not apply to an application for a stay of enforcement regarding child support arrears.

10. Family Law Practice Note #2 does not apply to the materials filed in compliance with this Notice.



Neil C. Wittmann, Chief Justice



John D. Rooke, Associate Chief Justice