



COURT OF QUEEN'S BENCH OF ALBERTA

SECTION 7 ORDERS AND ENFORCEMENT

In May of 2016, in response to the Court's decision in *Fraser v Airhart*, 2016 ABQB 136, the Maintenance Enforcement Program (MEP) issued a new policy for the enforcement of section 7 expenses under the Federal Child Support Guidelines and Alberta Child Support Guidelines.

In *Fraser v Airhart*, none of the child support orders at issue authorized specific section 7 expenses and they referred only to proportionate sharing. While noting that judges and lawyers must be clear in drafting section 7 orders, MEP was found to have over-reached in deciding what expenses would be payable from a table of allowable expenses.

Under the new policy, MEP will continue to collect section 7 expenses where the court order or agreement provides that:

1. A party is to pay a fixed dollar amount for section 7 expenses (e.g. order states "...must pay \$50 per month for section 7 expenses.");
2. Parties are to pay a percentage or proportionate share of expenses and the order clearly specifies what expense are payable (e.g. order states "...each party must pay 50% of expenses for daycare, piano lessons, and orthodontic treatment.");

If the court order or agreement requires the parties to pay a percentage or proportionate share of expenses for a child but does not specifically state what expenses are to be shared, MEP will not be able to enforce this term.


The new MEP policy is consistent with s. 13 (e) of the Guidelines, which provides that a child support order must include the following information:

- (e) the particulars of any expense described in subsection 7(1), the child to whom the expense relates, and the amount of the expense or, where that amount cannot be determined, the proportion to be paid in relation to the expense . . .

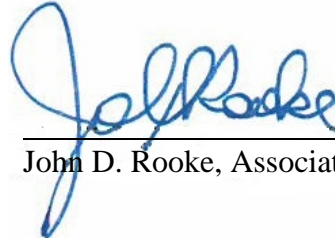
MEP will no longer enforce section 7 orders that do not comply with section 13(e) of the Guidelines.

All section 7 orders granted by the Court, including consent orders and desk divorces, are impacted. Effective immediately, all section 7 orders should comply with s. 13 (e) of the Federal Child Support Guidelines and the Alberta Child Support Guidelines.

The Court will strictly enforce these requirements starting January 1, 2017.



Neil C. Wittmann, Chief Justice



John D. Rooke, Associate Chief Justice