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Separated and divorced parents' experiences with child support and related issues

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Executive summary

Background: Children need the financial support of both parents, even after separation or divorce, and both parents have the joint obligation to provide that support according to their ability to do so. Both federal and provincial legislative regimes provide that parents owe an obligation to support their children. Child support orders and the resulting financial consequences for children and parents are topics that are among the least studied in family law, with very little attention in Canada.

Purpose of the Study: The purpose of this study was to collect direct feedback from parents on child support and related issues.

Methodology: This project included a brief survey to assess eligibility to participate in a qualitative interview, followed by in-depth interviews with parents about their experiences of child support. Participants were initially recruited by Justice Canada based on participants' consent to be contacted following their participation at a parenting education or mediation service between 2018 and 2021. Interview questions included questions related to the experiences with child support, including on issues such as parenting time arrangements, income disclosure, income determination, and special or extraordinary expenses. Questions also explored the participants' level of knowledge of and experience with child support obligations and solutions that were considered helpful in resolving disputes related to their child support issues. The individual semi-structured interviews were recorded, transcribed. Consistent with grounded theory methods, initial coding categories of information were completed by reading line-by-line all transcripts. By employing a constant comparative approach, the data were continually examined using open, axial and selective coding until no new data provided insight.

Key Findings: There were 224 respondents who completed the surveys in English (none in French) and of these, 216 provided contact information (telephone number/email). For the qualitative interviews, there were 147 emails sent out to invite the survey respondents to participate in the interviews, including all 51 parents who indicated shared parenting time arrangements. This led to 34 qualitative interviews conducted for the qualitative arm of this study, including 17 mothers and 17 fathers with children who ranged in ages from 2 years old to 21 years old (mean age: 11 years old).

In the qualitative interviews, participants who did not receive child support (but should have; 30% of cases), provided various explanations for why child support was not being paid including:

- A lack of understanding about child support, specifically confusion regarding whether child support would apply in shared parenting time arrangements.
- Feeling intimidated by court processes resulting in not initiating an application.
- Concerns about the costs involved in going to court, or lack of resources to pay a lawyer.
- Giving up on efforts to pursue support because the other side did not comply or refused to cooperate for significant amounts of time, even years following the separation.
- Lack of income disclosure was noted as a barrier to receiving an order for support.
- Making their own arrangements outside of court when they first separated (lump sum) and did not pursue further support.

Other issues that emerged included misinformation about how child support is arranged in shared parenting time arrangements, the drifting of children back into majority of parenting time with a parent over time, and the lack of annual assessments of income when these plans are made outside of the court.

Conclusions: This is the first known study in Canada to explore the views of parents regarding their experiences with child support issues. Several issues related to child support that were shared by the respondents need further exploration in the research, including the context of shared parenting time arrangements, the experiences of victims of family violence, and reasons why some parents are not fulfilling their child support responsibilities post separation and divorce. Further research is needed to address ongoing myths and misunderstanding child support in the context of shared parenting time.

1. Introduction

Once a couple separates, they consider the division of their property, how they will care for their children, and what financial support is needed for the children. There are several different ways that decisions regarding property division, parenting arrangements and child support may be made by the parents.

Children need the financial support of both parents, even after separation or divorce, and both parents have the joint obligation to provide that support according to their ability to do so. The term “child support” refers to the amount of money one parent pays to another to support their child financially after a separation or divorce.¹

In Canada, both federal and provincial legislative regimes provide that parents have an obligation to support their children financially after divorce or separation. Family law is an area of shared responsibility between the federal, provincial, and territorial governments. The *Divorce Act* applies when people divorce. Provincial and territorial laws apply when unmarried couples separate or when married couples separate but do not divorce. Rules relating to the calculation of child support are found in child support guidelines. There are *Federal Child Support Guidelines* (Federal Guidelines) and provincial/territorial child support guidelines. In general, the Federal Guidelines apply when married parents divorce. Provincial or territorial child support guidelines apply when there is no divorce. Provincial child support guidelines also apply in cases of divorce when both divorcing parents live in the province of Manitoba, New Brunswick or Quebec.²

1.1 Review of the social science research on child support

Despite the widespread interest in divorce, and its antecedents and consequences, child support orders and the resulting financial consequences for children and parents are topics that are among the least studied, with very little attention in Canada.³ Many of the social science research referred to in this paper are from other countries, including the United States and Australia. Xu, L., et al.⁴ note in an American study, that a growing body of literature has been documenting the importance of child support for children's wellbeing. Some of that literature explains that higher payment levels of child support post separation and divorce are associated with significantly lower odds of poor or declining health status of children, regardless of total family income and visitation patterns of the other parent.⁵

¹ The Federal Child Support Guidelines: Step-by-Step (n.d.). Glossary. <https://www.justice.gc.ca/eng/rp-pr/fl-lf/child-enfant/guide/glos.html#h13>; AFCC Ontario Parenting Plan Guidelines. Retrieved online at <https://afccontario.ca/parenting-plan-guide-and-template/>

² More information on child support guidelines and a step-by-step process for using the guidelines can be found on Justice Canada's website [The Federal Child Support Guidelines: Step-by-Step \(justice.gc.ca\)](https://www.justice.gc.ca/eng/rp-pr/fl-lf/child-enfant/guide/guide-etape-par-etape.html) // [Lignes directrices fédérales sur les pensions alimentaires pour enfants : étape par étape \(justice.gc.ca\)](https://www.justice.gc.ca/eng/rp-pr/fl-lf/child-enfant/guide/guide-etape-par-etape.html)

³ Chen, Y., & Meyer, D. R. (2017). Does joint legal custody increase child support for nonmarital children? *Children and youth services review*, 79, 547-557.

⁴ Xu, L., et al. (2016). "Child support and mixed-status families an analysis using the Fragile Families and Child Wellbeing Study." *Social Science Research* 60: 249.

⁵ Baughman, R. A. (2017). The impact of child support on child health. *Review of Economics of the Household*, 15(1), 69-91.

1.1.1 Child support as a gendered phenomenon

Research shows that child support typically involves fathers transferring funds to mothers who have a larger proportion of parenting time and decision-making responsibility after separation and divorce.⁶ A small Canadian study of court orders from 2018-19 indicated that just over 1 in 2 mothers (56%) had sole physical custody⁷ of all the children in the family, while one in three cases resulted in shared physical custody⁸ and fathers had sole physical custody in 7% of cases, the remaining 2% of families had split custody arrangements.^{9,10}

Due to the high incidence of poverty among single-mother families after family breakdown, most countries have a variety of policies designed to increase mother-led households' income security, including child support.¹¹

American studies show that child support has been found to be a critical source of income for children living in single-mother households.¹² Stirling and Aldrich¹³ for example, found that mothers who are with the children less than 40% of the time receive a much smaller amount of support than fathers in the same situation, both in terms of the absolute dollar amount and as a percentage of the payor's income.

1.1.2 Inconsistencies in child support transfers

Despite policy efforts, in a wide range of countries the majority of families where there is one parent with the majority of parenting time with the children do not always receive child support transfers from the other parent.¹⁴ Unfortunately, very few studies have been conducted in Canada and so the transferability of this research remains unknown.

Conversely, child support litigation can also be used as a tactic to avoid or delay paying child support by deliberately prolonging a case by manipulating finances, and distorting information.¹⁵ Based on a study involving 4,000 divorces in Wisconsin, Meyer, et al.¹⁶ found that changes in parenting schedules, relative incomes, and the freedom to choose child support explained almost half of the decline in the likelihood of orders, but about half remained unexplained. They noted that changes towards shared parenting (both time with the children and decision-making) were particularly important in explaining the trend.

⁶ Cozzolino, E., & Williams, C. L. (2017). Child support queens and disappointing dads: Gender and child support compliance. *Social Currents*, 4(3), 228-245.

⁷ Physical custody refers to the primary residence and day-to-day care of the child.

⁸ Shared custody indicates that the child resides at least 40% of the time with each parent, or the equivalent of at least three full days a week.

⁹ At least one child in the physical custody of each parent.

¹⁰ Department of Justice Canada (2021) Parenting arrangements after divorce and separation: A 2018-2019 snapshot of the Survey of Family Courts. <https://www.justice.gc.ca/eng/rp-pr/jr/paade-apsds/index.html>

¹¹ Cook, K. and K. Natalier (2016). "Gender and Evidence in Family Law Reform: A Case Study of Quantification and Anecdote in Framing and Legitimising the 'Problems' with Child Support in Australia." *Feminist Legal Studies* 24(2): 147-167.

¹² Cuesta, L. and M. Cancian (2015). "The effect of child support on the labor supply of custodial mothers participating in TANF." *Children and Youth Services Review* 54: 49-56.

¹³ Stirling, K. and T. Aldrich (2012). "Economic inequities in child support: The role of gender." *Journal of Divorce & Remarriage* 53(5): 329-347.

¹⁴ Cuesta, L. and D. R. Meyer (2012). "Child support receipt: Does context matter? A comparative analysis of Colombia and the United States." *Children and Youth Services Review* 34(9): 1876-1883; Meyer, D. R., et al. (2015). "Why are child support orders becoming less likely after divorce?" *Social Service Review* 89(2): 301-334.

¹⁵ Watson, L. B. and J. R. Ancis (2013). "Power and control in the legal system: From marriage/relationship to divorce and custody." *Violence Against Women* 19(2): 166-186.

¹⁶ Meyer, D. R., et al. (2015). "Why are child support orders becoming less likely after divorce?" *Social Service Review* 89(2): 301-334.

1.1.3 Child support and shared decision-making

Parents with shared decision-making are expected to make major decisions for their child together, regardless of the time the children spend with each parent. In the US, when parents share legal decision-making for their children, there tends to be an increase in child support payments by about \$170 a year and a higher compliance ratio by 5 percentage points.¹⁷

1.1.4 Child support and shared parenting time

In Canada, shared parenting time refers to arrangements where a child spends at least 40 percent of the time with each parent, whereas majority of parenting time refers to arrangements where a child spends more than 60 percent of the time with one parent.¹⁸ While there is a lack of studies in Canada that have explored child support and shared parenting time after separation and divorce, US studies have documented that shared parenting time¹⁹ can decrease the amount of child support transfers.²⁰ For example, Fehlberg, et al. explored the long-term financial impacts of shared parenting by examining links between shared parenting and child support arrangements over time and found that long-term child support payments depended on several factors: the quality of the post-separation relationship, the role of new partners, and parents' level of commitment to their children (including their willingness and capacity to financially support them). Fehlberg, et al. also found that children tended to drift back into a majority of parenting time arrangement with one parent (usually mothers), but these children were more financially disadvantaged if child support payments were not increased to reflect the new schedules.²¹

1.2 Purpose

In the last several years, very little information has been collected directly from parents regarding their experiences with child support and the family justice system in Canada. The purpose of this study was to explore the experiences of parents with different parenting arrangements, including shared parenting time arrangements, with child support and related issues.

2. Methodology

This project involved a brief survey to assess eligibility to participate in a qualitative interview. Separated and divorced parents who have gone through a parenting education or mediation between 2018 and 2021 and who provided their consent to be contacted by Justice Canada were the focus of data collection for this project.

¹⁷ Chen, Y. (2016). Analyses of emerging policies for supporting noncustodial parents to support their children. D. R. Meyer, University of Wisconsin - Madison.

¹⁸ Department of Justice Canada (2021). Making plans: A guide to parenting arrangements after separation and divorce. Section 4: What is the best parenting arrangement for my child? <https://www.justice.gc.ca/eng/fl-df/parent/mp-fdp/p5.html>

¹⁹ Although shared parenting time in Canada typically includes at least 40 percent of time with both parents, research studies on shared parenting time have included shared parenting time to be as low as 25 percent of the time with the children. This creates limitations in the transferability of these results into a Canadian context, but it is nevertheless important to consider these trends.

²⁰ Meyer, D. R., et al. (2015). "Why are child support orders becoming less likely after divorce?" *Social Service Review* 89(2): 301-334. Fehlberg, B., et al. (2013). "Post-Separation Parenting and Financial Arrangements: Exploring Changes Over Time." *International Journal of Law, Policy and the Family* 27(3): 359-380.

²¹ Fehlberg, B., et al. (2013). "Post-Separation Parenting and Financial Arrangements: Exploring Changes Over Time." *International Journal of Law, Policy and the Family* 27(3): 359-380.

2.1 Sample

An email was sent to 2,006 people who had attended a Parent Education or Mediation program between 2018 and March 2022 and who had provided their consent to be contacted regarding future research with the Department of Justice (or its representatives) in family justice related areas. There were a limited number of jurisdictions and locations where the consent forms were distributed as they were attached to an exit survey that is not used across Canada. Consent forms came from: Alberta (N=1949); Saskatchewan (N=42); Atlantic Region (N=15). This email invited the recipient to complete a short survey if they were interested in participating in the current research.

There were 224 respondents who completed the survey in English (none in French). All 224 agreed to participate in the study. Of the 224, 216 provided contact information (telephone number/email address). Most of the respondents (220/224; 98%) had at least one child with the other parent with whom they separated and/or divorced. Of the 224, 219 (98%) identified as a parent, two (1%) identified as grandparents and three (1%) identified as other (step-mother and step-father).

Emails were sent to participants in small batches in order to seek a sample of 30 interviews for the project. Of the 216 respondents with contact information provided, contact was made with 147 in order to get a sample of 34 parents were eventually interviewed. The majority of the participants contacted (n= 108) did not respond to the email invitation; 34 parents agree to participate in the interviews and another 5 respondents indicated that they no longer wanted to participate in the study.

2.2 Data collection

In order to explore parents' experiences of child support after separation, this study conducted qualitative interviews using a grounded theory approach.²² Grounded theory allowed for interpretations of parenting experiences within the context of separation.²³

Interview questions included questions related to their experiences with child support, including on issues such as parenting time arrangements, income disclosure, income determination, and special or extraordinary expenses. Participants were asked about their level of knowledge of and experience with child support obligations, including income disclosure and determination, spending on children (special or extraordinary expenses, day-to-day expenses) as well as experiences with child support in their case. In addition, participants were asked about solutions that worked best for their situation and the services that were considered helpful in resolving disputes related to their child support issues.

2.3 Data analysis

Using a list of questions, the interviews were recorded, transcribed and then imported into a qualitative software for qualitative analysis. Consistent with grounded theory methods, initial coding categories of information were completed by reading all transcripts line-by-line. The data were then reduced to themes characterizing the information from all data gathered. By employing a constant comparative approach, the data were continually examined using open, axial and selective coding until no new data provided insight.

²² Grounded theory is a qualitative methodology that is used when little is known about a phenomenon. The aim of grounded theory is to generate new theory that is grounded in the data. See for example: Chun Tie Y, Birks M, Francis K. (2019). Grounded theory research: A design framework for novice researchers. *SAGE Open Med.* 2(7). doi: 10.1177/2050312118822927.

²³ Wells, K. (1995). The strategy of grounded theory: Possibilities and problems. *Social work research*, 19(1), 33-37.

3. Findings

3.1 Demographics of initial survey respondents

Of the initial 224 respondents who completed the survey, 86 (38%) indicated the child spent more than 60% of the time with them over the course of a year (a majority of parenting time), 41 (18%) said the child spent the majority of time with the other parent (more than 60% of the time over a year), 51 (23%) indicated that the parents shared parenting time (more than 40% of the time with both parents) and 47 (21%) said other. Many of the "other" included 100% with one parent and no contact with the other, different arrangements for school years vs summer months, and different arrangements for each child.

While the majority 153 (68%) indicated that child support payment arrangements were in place, more than 30% indicated that child support payments were not being transferred at the time of the survey. There were a variety of reasons provided for having no child support arrangements in place. Some respondents noted not knowing how to request child support. As one noted, "It never got discussed in court when we were in for custody."

Some seemed intimidated by the court process to pursue child support because of the cost of going to court. Others felt intimidated by the other parent and scared to take them to court to initiate an application for child support. Some respondents noted that they tried to pursue child support, but then just gave up because the other parent "dodged the divorce" for years after the initial separation. Likewise, others said that they were unable to resolve child support because the other parent refused to cooperate. Parents discussed the inability to pay for a lawyer to go to court and they were not able to deal with the many delays due to ongoing litigation. One parent noted that when they went to court to ask for child support, the other parent made false allegations against them, withheld the child and forced them to seek legal help, all in order to avoid paying child support. The lack of disclosure of income was another reason for the lack of child support schedule, as when one parent refuses to provide correct income disclosure and/or habitually files the wrong paperwork to the court. Some respondents made their own arrangements outside of court and instead settled on a lump sum of money when they first separated and decided against further financial support.

3.2 Demographics of qualitative interview participants

The sample of the qualitative interviews was composed of 17 mothers and 17 fathers. The children's ages ranged from 2 years old to 21 years old (one respondent indicated that they had one child in university and the other in high school) with the average age of children being 11 years of age. About two in five (14/34) indicated that they were still involved in the courts to finalize their divorce since their separation (in some cases up to six years ago), while the others had been able to come to a final divorce prior to the interview.

Despite attempting to oversample shared parenting time arrangements (reaching out to 51 parents who indicated they had shared parenting time arrangements with the other parent), only about one in five of the participants indicated shared parenting time schedules (14/34) and half of the cases involved the majority of parenting time of the children with the mother (more than 60% of the time spent in the mother's care (17/ 34)). Two parents indicated that the children were split between the parents' homes, and another participant indicated that they were the step-parent with no contact with the child.

Not surprising, given the fact that consent forms did not provide close to national coverage (noted above), the majority of the participants (31/34) lived in the province of Alberta, while two lived in Saskatchewan and one other lived in New Brunswick.

3.3 Knowledgeable about child support obligations

Overall, participants seemed knowledgeable about child support obligations, spending on children (special or extraordinary expenses, day-to-day expenses), income disclosure and determination obligations regardless of whether child support was being paid. Most parents reported gaining knowledge about child support and other related expenses on the Justice Canada website, at parent education programs, from their lawyers or from family and friends.

The majority (23/34) of the participants indicated that they had a child support payment schedule in place at the time of the interview either by court order or by agreement. If the child support payment was agreed upon in an early intervention (such as mediation, case consultation), then parents typically reported receiving payments months after separating. If the child support payment was by court order, these typically started at least a year or longer after the separation. In one situation, a father stated that he began paying child support right away without intervention because he did not want to find himself in a situation where he had to pay a lump sum for previously missed payments from the time of separation. But for many others, the initial child support payment schedule began with having to pay support dating back to the time of separation up until when the schedule was put in place. This made payment particularly challenging for individuals without disposable income, and even more so in cases that involved maintenance enforcement²⁴ that would involve garnishing wages and/or other penalties to recoup money owed in arrears.

3.4 Initial and ongoing disclosures

For those with child support payment schedules in place (23/34), most indicated that the initial income disclosure seemed fair and comprehensive. Parents described the initial disclosure involving both parents to disclose all sources of income, property and assets. Submitting the paperwork to the court was explained as a straightforward process, usually handled by lawyers or with assistance of court clerks. Disputes about initial disclosure often resulted in delays in the resolution of child support payments and these delays could go on for years.

Difficulties arose during the initial disclosure in cases that involved parents with "hidden assets" (such as putting assets in their extended family's names to avoid having to declare the assets to the other side), bank accounts in different countries, and when a parent attempted to "liquidate their assets" prior to the disclosure. Cases that involved parents working in private practice (e.g., as consultants with incomes that would fluctuate) and/or owned multiple properties also added to the complexity of the disclosure. Disclosure was also more challenging when a parent did not believe the other parent. In some cases, this lack of trust resulted in further court involvement as the parents or their lawyers demanded further documents to prove the accuracy of the disclosure.

Challenges also occurred when the parties did not seek services to assist in establishing child support payment amounts. Very few parents engaged with accountants to scrutinize the disclosure of the other parent. The involvement of forensic accountants seemed to be typically reserved for the more complex cases, for higher income cases with multiple properties, shared businesses, and/or a lot of assets. For the most part, parents discussed conducting an informal cost-benefit analysis to determine the potential likelihood of uncovering undisclosed income from the other parent versus the cost of paying the additional legal fees. As one parent

²⁴ *The Alberta Maintenance Enforcement Act* (passed in 1985) authorizes the Maintenance Enforcement Program to collect child/spousal maintenance ordered by the court or required under certain agreements filed in court. See for example: <https://www150.statcan.gc.ca/n1/en/pub/85-552-x/85-552-x2000001-eng.pdf?st=VHi92QMS>

noted, it would have cost them \$10,000 in legal fees to take the matter to court to show the other parent was lying about their income, only to see an increase in their monthly child support payment by a couple of hundred dollars and this did not seem reasonable to them or worth the trouble.

Most parents reported that ongoing disclosure occurred as a formality each year where they would share their income tax documents to the other parent. This sharing of income tax documents, once a divorce was finalized rarely occurred with the aid of lawyers or the courts. June seemed to be the typical month for sharing income tax documents as this gave both sides enough time to file their documents and to receive their documents indicating their gross annual income for the previous year. In shared parenting time arrangements, both parents would exchange their income tax documents. When the child lived the majority of the time with one parent, it was the other parent who typically produced their income tax documents for ongoing disclosure (this was different than the initial disclosure where both seemed to disclose regardless of parenting arrangement).

Most parents felt that ongoing disclosure was insufficient to accurately update them about any changes in the income of the other parent. Parents explained that this ongoing disclosure was not helpful in recalculating child support payments because the parents tended not to pursue recalculations once a divorce was finalized in fear of resurfacing conflict with the other parent. Parents generally felt that the other parent could simply claim additional losses to their income tax, thus appearing that they made no additional income during the previous year. It appeared that once the divorce was finalized, parents exchanged these documents from a procedural perspective (because they had to provide the other side with the documents), but they had little intention or motivation to ramp up the dispute to sort out changes to the child support amount.

Parents, particularly those with orders from the court, expressed having little desire to bring the matter back to court to re-investigate disclosure of income (parents were either under the assumption that final orders could not be changed or had no desire to make changes once the final order was made). Parents with final orders from the court expressed that their lives often became more complicated over time, with new partners, new family obligations and with changes in parenting schedules (a few of the parents indicated that the parenting plan began as shared parenting time, but then drifted into majority of parenting time with the mother over time). For these parents, they had little desire to re-litigate previous child support arrangements even if these no longer applied because they did not want to deal with the additional emotional and financial burden of trying to update the amount of child support received. For most parents with child support payments established, little to no changes were made to the child support amounts over time. Receiving ongoing disclosure seemed to be a yearly event that did not change much in terms of the amounts owed. One of the benefits of being involved a provincial child support service²⁵ is that child support would be recalculated without the need to go back to court and this allowed child support payment to be adjusted without increasing conflict between the parents.

²⁵ Provincial child support services are administrative services that calculate and/or recalculate child support amounts. The [Department of Justice Canada website](#) has information on where provincial child support services are available and who can use them. See [Additional information - The Federal Child Support Guidelines: Step-by-Step \(justice.gc.ca\)](#) for more information. Provincial child support services are administrative services that calculate and/or recalculate child support amounts. The Department of Justice Canada website has information on where provincial child support services are available and who can use them. For example, in Alberta, the Child Support Recalculation Program helps parents with child support orders meet their legal obligations to update the child support they pay based on their income. The Program annually recalculates child support based on current income tax information. The Program can recalculate: table (monthly) amounts of child support; proportionate shares of special or extraordinary expenses. For further information, please see <https://www.alberta.ca/child-support-recalculation.aspx>

3.5 Shared parenting time

There were 14 of the 34 respondents who indicated that they shared parenting time with the children. Several benefits of shared parenting were mentioned, including the ability to offer children two homes and the ability to negotiate the children's extracurricular activities and corresponding expenses. These parents reported being able to put the children's needs first and then manage a routine that seemed to benefit the children. Parents also expressed the importance of being able to assist each other in managing parenting time and activities.

Some parents chose to plan activities on their own time with the children (e.g., piano lesson while with the mother and karate lessons while with the father), while others indicated that they made joint decisions about the children's activities so that there would be no disruption of time devoted to the activities based on the parenting time. While considered to be a strength of the joint decision-making responsibility to have both parents involved, having to negotiate every activity in terms of whether the child could participate and how they would pay for the activity, made decisions about extracurricular activities more complicated, especially when the parents were sharing decision-making responsibility but were engaged in higher levels of conflict.

3.6 Expenses for parents with shared parenting time

One of the biggest challenges for parents in shared parenting time arrangements was the expectation that they could just negotiate the child support payment amounts and all of the additional expenses with little to no outside assistance. Attempts to negotiate activities and expenses related to their children seemed to exacerbate tensions for some parents who were already struggling to manage shared decision-making responsibilities for their children.

Another challenge was the lack of follow-through when parents had to negotiate and renegotiate over time. Frustrations expressed by parents in shared parenting time arrangements was also having to pay for childcare expenses while the child was in the care of the other parent when it was believed that the child would have been better with them rather than pay somebody else to care for their children.

Other expenses seemed to be less conflictual for parents who shared parenting time and these expenses seemed just part of instrumental parenting duties, such as paying for medical needs, dental care, health-related expenses such as orthodontic treatment, eyeglasses and prescriptions. Typically, shared parenting time arrangements kept the children on their benefits and so both parents could pay or the person with the benefits would pay because it was not coming out of pocket.

If the child was involved in therapy, it was also generally shared by the parents, as well as educational programs that meet the child's particular needs. The majority of parents had some post-secondary education savings for the children in case their children eventually pursued college or university.

3.7 Typologies of non-transferring child support

Consistent with the initial survey of the 224 respondents, there were approximately 30% of the cases where there was no transferring of child support from one parent to the other after separation. While there were different reasons provided by the participants about why there was no child support payment schedule in place, these reasons could be explained within four broad typologies that emerged from the participants' experiences. These typologies seem to fall within a quadrant of the level of court involvement of the parents and the level of risk of conflict and/or family violence (see Figure 1).

For low risk and low court involvement, parenting plans were typically agreed upon outside of the courts and/or dispute resolution services. These parents agreed on a parenting plan for their children and negotiated child support. Rather than begin monthly child support payments, some parents decided to pay a lump sum at the onset with an agreement that the other parent would not ask for additional funds. When parents agreed to shared parenting time, they typically waived the allocation of child support because the children lived with both parents equally and because the parents felt that the child support guidelines did not apply to their specific circumstance. In other situations, it was decided that one parent, usually the mother, would have the majority of parenting time with the children and the other parent would not seek shared parenting time or extra time with the children with the understanding that no child support would be sought. In some of these cases, the mother received some money from the other parent but this was infrequent and of varying amounts.

Figure 1: Typologies of Non-Transferring Child Support Cases

Non-Transferring Child Support Grid			
		Court Involvement	
		Low	High
Level of Risk	Low	Parents make their own plans outside of court and are either not aware of child support obligations or they negotiate alternatives (e.g., shared parenting time, lump sum).	Courts are involved to resolve child support issues, but not until months after separation and/or child support is secondary to purpose of pursuing the court's assistance.
	High	A parent feels intimidated to use the courts to seek child support in fear of retribution (e.g., coercive control, patterns of family violence).	Courts are involved to resolve child support, but high conflict separation prolongs litigation over several months / years and no child support determined.

For low risk and high court involvement, parents reported low risk of conflict and/or family violence between the parents but waited several months before turning to the court for assistance with parenting plan schedules and child support. Once involved in the court process, they experienced significant delays and returns to court to ensure all the documents were in order. Other parents engaged in the courts early after their separation to resolve financial issues and parenting plan schedules, but then would not return to court to address concerns of inconsistent child support payments or outdated parenting plan arrangements as the children aged. For example, a few parents used the court initially and began in a shared parenting time arrangement, but then as the children got older, they began spending more time with one parent. But given that the child support was set for shared parenting time, the child support payments were not set for a majority of parenting time arrangement. Given that these parents did not want to engage in conflict with the other parent and/or use the court system to amend the child support payments, they just accepted the lack of child support.

For high risk and low court involvement, parents reported high risk of family violence in the relationship with their ex-partners and they reported fear of the other parent retaliating against them if they pursued child support through the courts. This fear was especially pronounced for victims of violence who had recently

immigrated to Canada and felt isolated with little support. Some parents indicated feeling threatened that the other parent would attempt to take the children away from them if they sought child support or requested any other financial compensation. Many of these parents spoke of financial hardships and sacrifices they made by leaving the matrimonial home with the children to keep them safe. These parents had to find creative ways to provide for their children without the assistance of child support payments, including “maxing out lines of credit”, going into debt, having to borrow money from family members, and having to get multiple jobs to help pay for the bills. On the other side of these cases, non-payers justified not providing child support payments because they could not guarantee that the other parent would be using the money to support the children. As one parent indicated, they would have no problem paying child support if they were given assurances that the money would be spent on the children and “not on cigarettes”.

For high conflict and high court involvement, parents usually dragged out the court process for many years to avoid paying child support and any other financial assistance. Typically, in these cases, one side was requesting a 50/50 parenting time arrangement and the other side was requesting majority of parenting time with the children. Until the parenting plan was determined by the court, it would be unclear how much child support would be paid and so the parties continued to litigate without child support payments in place. From the side of the parent requesting majority of parenting time with the children, they typically spoke about their concerns of how the other side was using the court system to avoid having to pay child support and about the negative impact of the prolonged involvement in the courts. One parent talked about using up their legal aid certificate and then having to self-represent themselves in court because they could not afford the legal expenses. From the side of the parents requesting shared parenting time, they felt that the other side was refusing their suggested parenting time arrangements to force them to pay more child support than they may have otherwise paid within a shared parenting time arrangement. These parents typically were frustrated that the courts were not doing enough to move their case along and the legal costs of pursuing more time with their children in the courts. One parent who had not paid child support because they were waiting for the court to decide the parenting time arrangements, stated they had already spent over \$70,000 in legal fees.

3.8 Special or extraordinary expenses

The payment of special or extraordinary expenses seemed to be connected to whether or not child support payment arrangements were in place. For high conflict parents with child support payment schedules in place, many of these parents used maintenance enforcement services to collect and disburse both child support and special or extraordinary expenses.

For lower conflict parents, they seemed to notify each other of the upcoming activities and expenses so that they could discuss how best to divide the cost. This typically included discussions about the merit of the activity (e.g., should the child be allowed to be involved in swimming lessons) and then a negotiation of payment for the activity. While these decisions for payment seemed generally governed by the proportional income of the parents, the other major factor in the decision seemed to be related to the proportional value that a parent placed on an activity (e.g., it was decided in one family that the father would pay for hockey because he wanted the child to be in hockey more than the mother).

While the ratio of the payer was typically set (e.g., 70/30) based on the allocation of child support, if parents had joint decision-making responsibility, they would first need to agree on the cost before they were both responsible for the cost. One area of conflict seemed to be regarding the cost of childcare. The other parent often complained about having to pay for another person to care for this child rather than being allowed to care for the child during these times. When asked about the benefits of childcare, they were hard pressed to come

up with any benefits for the child. Other sources of conflict seemed to be related to ‘big ticket items’ such as horseback riding, dance lessons, swimming, and hockey.

3.9 Experiences with services, lawyers and supports²⁶

As a group, the participants indicated that they were not satisfied with their experiences with the services offered to them to help them understand the rules about child support and their implications. Those who were self-represented spoke of frustrations of not being able to sufficiently educate themselves about the requirements of child support. While participants with lawyers were generally concerned about the legal fees and cost needed to resolve child support disputes and the time it took to resolve these disputes. Participants who attended mediation reported feeling pressured to reach a settlement regarding child support amounts and many did not feel they had sufficient opportunity to seek legal advice in making these decisions in mediation. Agreeing to a child support payment early in the process often had negative consequences for these participants as they spoke about the lack of change to child support amounts once determined in mediation.

The majority of the participants recalled attending a parent information session at the time of filing their court documents, but none of them recalled receiving specific information related to child support. They recalled that the information sessions focussed more generally on the process of the courts and the opportunities to settle, but did not provide them sufficient information about how to resolve child support issues quickly and efficiently. Most participants viewed the lack of information about child support early in the process as a missed opportunity.

Parents who felt supported usually referred to extended family members, friends, support groups and their faith. Participants suggested that additional services would have been helpful to navigate child support issues at the point of separation so they could have made better and more informed decisions regarding child support. Parents believed that information about child support was as important to information about resolving conflict and keeping their children out of their disputes as it was suggested that resolving child support issues quickly and early in the process could help to ameliorate expectations, reduce boundary ambiguity, reduce inter-parental conflict and help parents adjust to their separation.

4. Conclusion

Separation is a challenging and difficult time emotionally and financially and can negatively impact people’s abilities to move forward in their parenting relationships post-separation. Adjusting emotionally and financially to the separation can be further hindered by the lack of resolution regarding child support.

The majority of the parents interviewed who eventually received child support payments from the other parent, had to wait several months and/or years from the date of separation to begin the child support payments process and usually not until an application was formally made to the court that included a provision for child support.

The proportion reporting that they are owed child support is concerning. In both the survey and qualitative interviews, approximately 30% of cases involved a non-payment of child support. This is consistent with

²⁶ As most respondents lived in Alberta, content from this section will apply more to the experience of a small number of parents from Alberta and should not be expected to be generalizable to all parents in Alberta or to other areas of the country.

American research that has found that despite efforts to strengthen child support enforcement over the past decades, the level of unpaid child support remains high.²⁷

Participants in this study provided various explanations for this high level of unpaid child support including the increases in shared parenting time, increases in the number of parents who have low incomes (or incomes lower than the parent with the majority of parenting time), and the decision to not use the court to settle their disputes.

One of the findings in this study is that parents may make their own shared parenting time arrangements outside of the courts and not include a child support schedule with the assumption that child support is not required or does not apply to, shared parenting time arrangements.

A better understanding of the factors that are associated with the non-payment of child support and issues around compliance with payments can help strengthen interventions and services so as to best assist families in resolving these disputes.

The connection between family violence and child support is often discussed anecdotally, but there is little research. The current research identified a link based on the small sample of cases involving unpaid child support where some form of family violence was reported. More research is needed to explore the impact of violence on child support issues. Also, more research is needed to determine how to provide safe ways for parents to pursue child support when there is a risk of, or pre-existing family violence victims and on how to provide child support services safely to survivors.

4.1 Limitations

Similar to other studies, there are limitations to the information collected. This study reports on 224 parent surveys and thirty-four follow-up interviews with individuals who were voluntarily recruited, using non-random sampling strategies. No national representation, non-random sampling and sample size is small. Therefore, the sample may not be fully representative of the diversity of parents post-separation, as the sample was drawn from parent education and mediation services where parents were already involved in the initial steps of the family justice services. It would be important to follow participants over the duration of their disputes to understand more about what was helpful and what was not. Moreover, parents who separate and are able to negotiate post-separation child support, with either a lawyer or between themselves, but without going to court, may provide different experiences.

Since data regarding the income level of the participants were not included, financial considerations (such as those who can and cannot afford a lawyer) were not fully addressed in this study. Some participants expressed not being able to afford a lawyer, while others indicated spending hundreds of thousands of dollars on their legal fees.

The vast majority of the participants lived in Alberta and there were no French surveys completed. This research used a small sample of parents, mostly from Alberta. While it was able to raise many issues for further study, the have limited generalizability to parents in Alberta and to other provinces and territories. Future research should target all provinces and territories to explore child support issues across Canada as the sample seems more of a provincial snapshot than a national exploration of child support issues.

²⁷ Kim, Y., et al. (2015). "Patterns of child support debt accumulation." *Children and Youth Services Review* 51: 87-94.

Despite these limitations, the findings highlight that participants were generally familiar with the child support guidelines and how to apply the guidelines. While the majority of the participants used these guidelines to determine the amount of child support and Section 7 expenses, there were many variations of the application of these guidelines based on case-specific circumstances. Several participants expressed frustration both in terms of enforcing support and compliance.

4.2 Future research

Child support has typically been considered a legal matter. With the emotional outpouring of the participants about their experiences of child support challenges, it is important that future research considers child support disputes as an important factor when considering financial abuse, financial stress and overall adjustment post-separation. Child support issues are a gateway into the heart of the conflict and provides an important lens for assessing and intervening in cases that involve family violence, high conflict, parent-child relationships, and parenting plan arrangements. This research should involve speaking directly with parents about their experiences with child support as this is a pathway into understanding the complexity of the family and will support future policy development.

Given the high rates of unpaid child support found in this study, future research should consider exploring interventions that can best increase awareness of child support obligations, improve attitudes towards the payment of child support and decrease compliance issues.

Further research is needed to better understand the distribution of special expenses across parenting arrangements and decision-making authority. In this study, while many parents were able to create proportional payment plans for special expenses based on their level of income and parenting time, there were examples of disputes about the items that *could* and *should* be covered as special expenses. Certain items seemed to fuel more conflict than others, including decisions regarding childcare and extracurricular activities. Other expense items were not frequently mentioned, but did create additional conflicts when in dispute, including orthodontic care, children's therapeutic services and summer camp. Further guidance from the research on the above issues would be helpful.

More research is needed to understand arrangements for shared parenting time, and how child support figures into those decisions. As shared parenting time becomes more common for separating families looking for the ideal parenting arrangement, there remains controversies and debates about which type of parenting time arrangement is best for each child. And, based on the current research, child support is one of the factors that can play an important role in those decisions, but at the same time are this consideration does not necessarily centre around the best interests of the children.

Appendix A - Online survey

1. Did you have child(ren) of the relationship with the other parent with whom you separated and/or divorced?
 - Yes
 - No
2. What is your relationship to the children?
 - Parent
 - Grandparent
 - Other (Please specify) _____
3. Who are the children living with now?
 - You (more than 60% of the time over a year)
 - Other parent (more than 60% of the time over a year)
 - Both (more than 40% of the time with you or the other parent over a year)
 - Other, please specify: _____
4. Are there child support arrangements in place?
 - Yes
 - No

If no, why not?

Appendix B – Qualitative interview guide

The following is a list of questions for the semi-structured interview template:

Thank you for agreeing to participate in this interview. I will first ask you about some questions about you, the other parent and your children and then we will move into talking about child support issues.

1. What gender do you identify with?
2. How would you describe your culture/race?
3. How old are you? How old is the other parent?
4. What is the highest level of education that you have completed?
5. What best describes your employment status during the past six months?
6. When did your relationship first begin (month/year)?
7. When did you last separate (month/year/day)?
8. Please provide the following information regarding the children of this relationship.(How many children from this previous relationship? What is the age and gender of the children?)
9. Who are the children living with now? (You- more than 60% of the time over a year); Other parent - more than 60% of the time over a year; Both -more than 40% of the time with you or the other parent over a year; Other, please specify:
10. Describe the in-person parenting time between you and the child(ren)
11. Describe the in-person parenting time between the other parent and the child(ren)
12. Is there other forms of parenting time apart from in-person between the other parent and the child(ren).

Child support

1. Are there child support arrangements in place? (If yes, who is the payor, how is it going? If no, then why not?)
2. Have you experienced any disputes over child support that were difficult to settle? ((if yes, then what are the issues disputes? Probe for issues with Income disclosure obligations to establish child support; Income determination; Child support determination in shared parenting time arrangements; Child support determination for families in different parenting time arrangements; Issues with income disclosure obligations once there is an order in place; Determining Special or extraordinary expenses; Determining expenses for shared parenting time; Issues with child support amounts being paid; Other, please specify).

Income disclosure

1. Have you ever experienced challenges regarding income disclosure? (If not problems identified with income disclosure then skip to next sets of questions).
2. If so, what were/are the challenges regarding income disclosure? Were there challenges with initial or ongoing income disclosure or both?²⁸

²⁸ There are two types of income disclosure obligations: initial and ongoing (continuing). 1. Initial disclosure obligation. To determine the initial child support amount, the Federal Guidelines require that one or both parents provide their complete income information for the last the year. 2. Continuing disclosure obligation after a child support order or agreement is made. To ensure that children receive fair support that is based on up-to-date income information, there is an obligation for parents to continue to provide income information after a child support order or agreement is made. This legal obligation comes from the law, court decisions, and/or administrative services (for example, a recalculation service).

Initial income disclosure

1. How frequently did challenges with initial income disclosure arise and how difficult was it to settle these issues? How were these challenges resolved? What solutions worked best for your situation? What were the strategies that assisted you with initial income disclosure (e.g., assistance of an accountant)?

Ongoing income disclosure

1. How frequently did you encounter challenges with ongoing income disclosure and how were they resolved? What were the strategies that assisted you with ongoing income disclosure and what solutions worked best in your situation?

Income determination

1. Did you experience challenges related to income determination? What were/are they, how frequently did they arise and how difficult was it to settle these issues? What solutions worked best for your situation? Regarding initial income determination, what strategies did you use to assist you with the determination of income? What challenges did you face with initial income determination and how were they resolved?

For parents with a shared parenting time arrangement

1. What positive and/or negative issues did you face with respect to the determination of the child support amount (prompt: calculating the 40% threshold, agreeing on whether shared parenting time is the best arrangement for the family, calculating the right child support amount, how did you calculate the amount, what does the amount cover, challenges with one parent not using agreed upon parenting time)?

Expenses for parents with shared parenting time

1. For parents with shared parenting time arrangements, are any of the following expenses covered in your child support order:
 - a. child care expenses
 - b. medical and dental insurance premiums attributable to the child
 - c. health-related expenses such as orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;
 - d. expenses for primary or secondary school education or for any other educational programs that meet the child's particular needs;
 - e. expenses for post-secondary education; and
 - f. expenses for extracurricular activities.
2. Was an amount requested for the expenses discussed above? What difficulties were faced in determining or settling those amounts? How are the amounts shared between parents?
3. What expenses are paid for by one household but used in both households? How do parents share these expenses?
4. How did you determine the child support amount? (Prompt – did you use the Tables, do a set off, look at means, needs and other circumstances).

Special or extraordinary expenses

The Federal Child Support Guidelines include a closed list of special or extraordinary expenses. They are:

- (a) childcare expenses incurred as a result of employment, illness, disability, education or training for employment of the spouse who has the majority of parenting time;

- (b) that portion of the medical and dental insurance premiums attributable to the child;
- (c) health-related expenses that exceed insurance reimbursement by at least \$100 annually, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;
- (d) extraordinary expenses for primary or secondary school education or for any other educational programs that meet the child's particular needs;
- (e) expenses for post-secondary education; and
- (f) extraordinary expenses for extracurricular activities

1. Was an amount requested for the expenses discussed above? For which expenses?
2. What difficulties were faced in determining or settling decisions regarding these expenses?
3. How is the payment for these special or extraordinary expenses divided between parents?
4. (if you have identified expenses for D or F) – What are the specific expenses?

Views of services

1. What services, if any, were helpful in resolving disputes related to child support issues for your case? Did you reach an agreement when determining child support, go to court, and/or seek the help of a family justice service?

Final thoughts

1. Are there any other issues you may want to share about your experiences