

## **Separation Agreements - Basic Child Support and Basic or Extraordinary Expenses**

When negotiating a Separation Agreement and the spouse are married or living in a common law relationship, if the child or children are in the primary care of one parent, there are mandatory Child Support Guidelines that determine the basic amount of child support payable.

If the children reside with each parent approximately 50% of the time then the normal approach is to take what each parent should pay for a child or children under the Federal Child Support Guidelines and the person with the higher income would pay to the other parent the difference between the two figures payable.

If the parents have a situation where the children are in the care of one parent at least 60% of the time and in the care of the other parent at least 40% of the time then one does not have to automatically refer to the Federal Child Support Guidelines. An analysis has to take place based on what expenses each parent is incurring based on this time sharing arrangement.

Special or extraordinary expenses include such things as that portion of medical, dental, extended health coverage not covered by the Plan, day care, private school, post-secondary education and other such expenses as the parents agree upon. These expenses are called section 7 expenses under the Federal Child Support Guidelines and are normally shared in proportion to the respective Guideline incomes of the parents, which would take into account any subsidy or tax benefit with respect to such expenses.

If a payer parent lives in a province other than British Columbia, the Child Support Guidelines of the payer's province would apply.