



Fact Sheet

INCOME DISCLOSURE FOR CHILD SUPPORT PURPOSES

Both parents have a legal obligation to support their children financially after separation or divorce. Children have a legal right to that support.

Under the [Federal Child Support Guidelines](#)¹ (Federal Guidelines) parents need to provide complete and up-to-date income information to ensure a fair amount of support.

This Fact Sheet provides general information about:

- **who** needs to provide income information and **when** they need to provide it;
- **what** income information they need to provide; and
- **what** happens when the information is not provided.

Who needs to provide income information and when do they need to provide it?

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 three tax years.²

Both parents will need to provide their income information if:

- there is a [split](#) or [shared custody](#) arrangement;
- there are [special or extraordinary expenses](#);
- there is a [claim of undue hardship](#);
- there is child at or over the [age of majority](#) and child support is being calculated differently than if the child were under the age of majority;
- the paying parent earns more than \$150,000 per year;
- either party has been [acting as a parent](#) to the child of their spouse or partner (for example, a step-parent).

¹ All provinces and territories have adopted child support guidelines that are a lot like the Federal Guidelines (except in Quebec where they adopted a different child support approach), but there may be some differences. Information about these guidelines can be found on <http://www.justice.gc.ca/eng/fl-df/pt-tp/> websites. The facts of a person's situation will determine which guidelines will apply.

² If the Federal Guidelines do not apply, please refer to the income disclosure requirements under the applicable provincial or territorial guidelines for more information.

If none of these situations apply, only the parent who will be paying the child support amount is required to provide his or her income information (for example, if one of the parents has sole custody).

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 service³):

- **Federal Guidelines:** The Federal Guidelines say that parents who had to provide their income information to establish child support have to provide updated income information not more than once a year if they receive a written request from the other parent. This means that the parent sending the request for updated income information has the right to that information and that the other parent must provide it.
- **Changes in income:** The Supreme Court of Canada said that parents must pay child support based on their most current income information.⁴ Therefore, parents should keep each other informed of changes to their income.
- **Order or agreement:** A child support order or agreement may require a parent to provide income information to the other parent at specified times or in specific situations.
- **Recalculation service:** Parents may also be required to provide their income information if their child support order or agreement is registered with a “recalculation service”.

What type of income information do parents need to provide?

Complete and up-to-date income information **must** be provided and must include:

- income tax returns for each of the three most recent tax years; and
- notices of assessment and reassessment from the [Canada Revenue Agency](#) for each of the three most recent tax years.

A parent **may** also need to share other income information, such as:

- the most recent statement of earnings or pay slip, or a letter from their employer stating their salary or wages;

³ Recalculation services are provincial or territorial services that can adjust child support based on updated income information. The [Inventory of Government-Based Family Justice Services](#) on the Department of Justice Canada’s website has information on where recalculation services are available and who can use those services.

⁴ *D.B.S. v. S.R.G.; L.J.W. v. T.A.R.; Henry v. Henry; Hiemstra v. Hiemstra*, [2006] 2 S.C.R. 231, 2006 SCC 37.

- financial statements if the parent is self-employed or controls a corporation;
- information on income received from employment insurance, workers' compensation, disability payments, and social or public assistance.

What if the parent does not provide the information?

By law, parents must provide their complete and up-to-date income information when required to do so. If a parent does not respect that obligation, the court can, for example:

- order that the income be provided (disclosure order);
- assume that the parent's income is a certain amount for child support purposes and make an order based on that income (impute income);
- order the parent to pay the child support owed all the way back to when the income changed (retroactive order);
- require a parent to pay the legal costs of the other parent;
- find the parent in contempt of court, which can result in fines and/or imprisonment.

The Federal Child Support Guidelines: Step-by-Step publication found in the Family Law pages of the Department of Justice Canada website at <http://www.justice.gc.ca/eng/rp-pr/fl-lf/child-enfant/guide/index.html> provides more information about child support issues.

Learn more about the free information about divorce and separation available from Justice Canada in this short video, or visit our website:

Canada.ca/family-law

Disclaimer: This is not a legal text and does not provide legal advice. As family law can be complex, it is usually best for individuals to get advice about their situation from a family law lawyer. These lawyers are in the best position to give legal advice about rights and obligations. Most of the provincial and territorial bar associations offer [Lawyer Referral Services](#). Some lawyers may give an initial consultation for free or at a reduced rate, or individuals may decide to consult a lawyer just a few times to help with certain aspects of their specific situation.