



# Child Support Recalculation Service

Public Engagement

Government of  
Northwest Territories



## Summary

The Northwest Territories is launching a Child Support Recalculation Service (“the Service”) that will allow those with eligible child support orders or agreements to register and have their support amounts updated on an annual basis to reflect current income information. The Service will recalculate orders made under the territorial *Children’s Law Act* and the federal *Divorce Act*.

The Department of Justice will be proceeding with a staged launch of the Service. Specifically, individuals with eligible child support orders or agreements under the territorial *Children’s Law Act* will be able to start using the Service in the summer of 2022. Individuals with eligible child support orders or agreements under the federal *Divorce Act* will be able to start using the service in the fall of 2022, once a Memorandum of Understanding has been signed between the Government of the Northwest Territories and the Government of Canada that allows the Service to recalculate these orders.

## Have Your Say

You can share your feedback by email at [HaveYourSayDOJ@gov.nt.ca](mailto:HaveYourSayDOJ@gov.nt.ca) or by mail to:

Policy and Planning Division  
Department of Justice  
Government of the Northwest Territories  
PO Box 1320  
Yellowknife, NT X1A 2L9

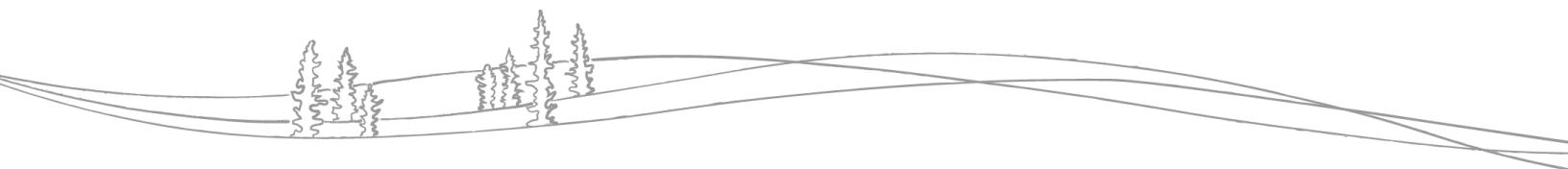
The public engagement on the proposed regulations will be open until **July 5, 2022, 11:59 p.m.**

## Proposed Regulations

The proposed *Child Support Recalculation Service Regulations* that detail how the Service will operate are located [here](#).

## Authority to Recalculate

The authority for the Service to recalculate child support orders and agreements can be found in the territorial [Children’s Law Act](#) (as amended by the [Justice Administration Statutes Amendment Act](#) which received assent in August 2019, but is not yet in force), and the federal [Divorce Act](#) (once a Memorandum of Understanding has been



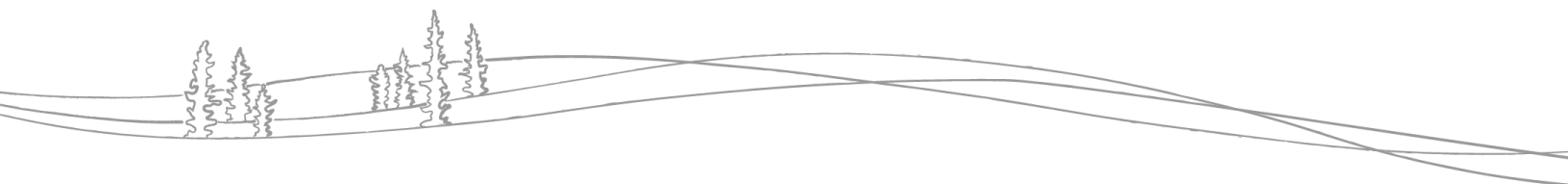
finalized with the federal government).

## Eligibility for Recalculation

There are a number of exceptions that make some child support orders and agreements **not** eligible for the recalculation service, as outlined [under section 2](#) of the Regulations. The Service will not register orders that contain special or extraordinary expenses or deal with arrears of child support.

## The Recalculation Process

- Either the payor or the recipient may apply to the Service to register a child support order or child support agreement for annual review and recalculation. There will be no fee to apply to the Service. Section 3 of the Regulations sets out the information required as part of the application. Applications may be submitted to the Service in person at a court registry, by email or by ordinary mail.
- A Recalculation Officer (“Officer”) may request additional information from the applicant to determine if the child support order or agreement is eligible for recalculation. If an applicant or non-applicant party receives a request for information from an Officer, they must provide that information to the Officer within 30 days.
- If an order or agreement is not eligible for recalculation, the Service will return the application to the applicant with a statement saying why it was ineligible.
- A notice will be given in writing no later than five business days after the date the order or agreement is registered.
- If income information is received, an Officer will recalculate the amount of support based on the applicable Child Support Guidelines tables. If income information is not received, an Officer may deem an increase in the income as follows, depending on the amount of time that has passed since the income information was provided:
  - 10% increase if less than 2 years has passed;
  - 15% increase if 2 years or more have passed, but less than 5;
  - 20% increase if 5 years or more have passed, but less than 10; and
  - 30% increase if 10 years or more have passed.
- An annual recalculation must be conducted or performed at least 45 days before the anniversary date, which is defined in section 1 of the Regulations. The Service will not perform a recalculation if 70 days before the anniversary date both parties provide written notice that they intend to waive recalculation for that year.
- The Officer will issue a Recalculation Decision that will indicate:
  - No change, if a recalculation results in a change of less than \$10 per month, in which case the previous



- amount remains in effect, or
  - the revised amount of child support payable monthly.
- Once they receive the recalculation decision, parties have 30 days to object to the decision in accordance with section 12 of the Regulations or notify the Officer of any errors in the decision. The effective date of the recalculated amount is 31 days after the parties receive or are deemed to have received the recalculation decision. The first payment will be due on the first instance of the due date specified in the child support order or agreement that follows the effective date.

Timeline	Example of Recalculation Process For a June 1 <sup>st</sup> Anniversary Date
115 days before Anniversary Date	February 5 <sup>th</sup> , the Recalculation Service will send a reminder that income information is due.
70 days before Anniversary Date	March 23 <sup>rd</sup> , income information is due or can be deemed if it is not received. If parties agree to waive recalculation for a given year, they must notify the Recalculation Service by this date.
45 days before Anniversary Date	April 17 <sup>th</sup> , the recalculation is completed and the decision is to be delivered to the parties as soon as reasonably possible. At this point, parties have 30 days to object to the decision.

- A child support order or agreement may be withdrawn from the Service if the person who applied submits a withdrawal request; the other party submits a withdrawal request and the Service does not have current contact information for the applicant; or, the parties jointly submit a withdrawal request. The Service will also withdraw an order or agreement from the Service if the order or agreement is no longer eligible for recalculation or no longer valid.

