

Program Guide

NWT Child Support Recalculation Service



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Important Terms

Annual income: the party's annual total income for the most recent taxation year as indicated in line 15000 of the personal income tax return filed by the party for that taxation year, or of the most recent notice of assessment or reassessment issued to the party for that taxation year adjusted in accordance with section 3 of Schedule III of the Federal Child Support Guidelines, or subsection 3(1) of Schedule C of the Child support Guidelines, if applicable.

Applicant: person applying for recalculation.

Other Party: person responding to the application for recalculation.

Payor: person who pays child support to the Recipient.

Recipient: person receiving child support payments from the Payor.

Child(ren): child(ren) named in the court order or agreement that are under the age of majority. The age of majority in the NWT is 19 years old.

Recalculation Process

Steps to follow when applying for administrative recalculation of child support:

1. Complete the Application form (form 1).
2. Submit your Application and a copy of the court order or agreement.

By mail: Child Support Recalculation Service
Department of Justice
Court Services
Box 1320
Yellowknife NT X1A 2L9

By email: recalculat@gov.nt.ca

By hand:

Yellowknife Court Registry
4903 49th Street

**Hay River Territorial Court
Registry**
#201 - 8 Capital Drive

**Inuvik Territorial Court
Registry**
3rd Floor, 151 Mackenzie Road

3. Once the Recalculation Service receives the Application it will be reviewed for completeness and eligibility for recalculation. If you receive a request from a recalculation officer for more information you must provide the information within 30 days.
4. You will receive a response from the recalculation officer once the application has been reviewed and accepted.
5. A recalculation officer may request that any party whose income information is necessary for the purpose of recalculating the child support provide income information. If so, they must provide the information within 30 days.
6. Once registered with the service, the child support order or agreement will be reviewed every year unless you choose to waive recalculation for that year. Any party whose income information is necessary for the purpose of recalculating the child support must provide updated income information every year.
7. Once the officer issues a Recalculation Decision, you have 30 days from the date you receive it to file an objection with the court.
8. If you do not agree with the recalculation decision, you must:
 - File an objection with the court; and
 - Notify the Recalculation Service and the Maintenance Enforcement Administrator (if the order/agreement is filed with them) in writing and provide copies of any documents filed with the court
 - Provide the date, time and place of the hearing once it has been set.
9. If no objection is filed, the Recalculation Service will file a copy of the decision with the court and the Maintenance Enforcement Administrator (if the order or agreement is filed there).

Forms

Application form (Form 1)

The person who wants the amount of child support to be recalculated (either payor or recipient) must complete the application form and provide as much information as they can to identify and contact the other party.

Change to Contact Information (Form 2)

Parties submit this form to indicate a change in contact information for themselves or the other party within 30 days of the change.

Waive Recalculation (Form 3)

If both parties agree that recalculation is not necessary in any year, then both parties must complete and submit this form at least 70 days before the anniversary date.

Withdrawal Form (Form 4)

An Order or Agreement may be withdrawn from the Service by:

- the Applicant,
- the Other Party if the Service does not have current contact information for the Applicant,
- or both parties jointly.

Income Questionnaire (Form 5)

This form is to be completed and submitted along with the required income tax information by any party whose income information is necessary for the purpose of recalculating the child support at least 70 days before the anniversary date or within 30 days if requested by the recalculation officer.

Frequently Asked Questions

Where is this service available?

Service is available to all residents of the NWT provided both parties live in the NWT and they have an order or agreement that is eligible for recalculation.

Is there a fee for this service?

The Child Support Recalculation Service is free. You may have to pay a fee if you make a court application.

Can I get a recalculation to cancel my arrears?

No. Arrears are child support amounts that were not paid and are still due. If there is an unexpected or sudden change in your circumstances, then you may apply to court to vary the child support .

Do I have to apply to the NWT Child Support Recalculation Service to change the amount of child support?

No. This service is optional and simply provides an administrative recalculation based on changes to income using the Child Support Guidelines table amounts. You can apply to court to change the amount you are paying or receiving.

Is recalculation done automatically?

Yes, once the agreement or order has been accepted into the Service the recalculation will be done automatically every year. The Payor must submit their income information annually using the Income Questionnaire (form 5).

Can the amount of child support be changed using the Recalculation Service?

Depending on the information provided, the amount of child support payable may increase, decrease or remain the same.

Can I get copies of the income information the other parent provides?

Yes, copies of income information used to perform the recalculation may be requested from the Recalculation Service. Contact or other identifying information may be removed.

What if my income information for the most recent year is not yet available at the time I must submit it?

If the due date for income information is prior to June 30th and you have not yet received your notice of assessment/re-assessment for the most recent taxation year, you may choose to submit complete tax information for the second most recent taxation year.

What happens if the payor does not provide any financial information or does not provide enough financial information to determine their income?

If a payor does not provide enough financial information to the Recalculation Service by the time it is required, then the Regulations allow a Recalculation officer to “deem” income as follows:

- 10% of the income if less than 2 years have passed since the income was determined
- 15% of the income if 2 years or more but less than 5 years have passed the income was last determined.
- 20% of the income if 5 years or more but less than 10 years have passed since the income was last determined or
- 30% of the income if 10 or more years have passed since the income was last determined.

If there is a change in the amount of child support payable, when does the recalculated order take effect?

The recalculation order will take effect 31 days after both parties have received a recalculation decision. The first payment of a recalculated amount is due on the next payment date after the effective date.

What if I don't agree with the recalculation decision?

If you do not agree with a recalculation decision, you may file an objection by making a court application within 30 days after the date that you receive the recalculation decision. Objections must be made in accordance with the *Rules of the Supreme Court* or *Northwest Territories Divorce Rules*, as applicable. You may wish to seek legal advice on this process.

What if I notice a mistake in the Recalculation Decision?

If you believe that a decision contains an error, please notify a recalculation officer in writing within 30 days after the recalculation decision is received. If it is determined that an error was made, the Recalculation Officer will identify each correction to the Recalculation Decision in writing and will send the corrected decision to each party.