


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **346**, Approved and Ordered **MAY 17 2006**

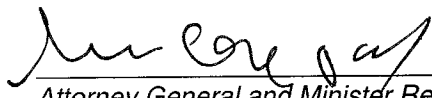


Lieutenant Governor

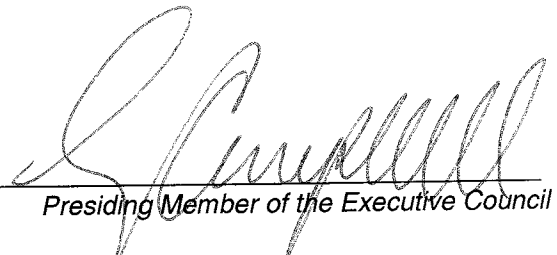
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective June 1, 2006,

- (a) sections 1 to 4 of the *Attorney General Statutes Amendment Act, 2005*, S.B.C. 2005, c. 1, are brought into force,
- (b) the Child Support Guidelines Regulation, B.C. Reg. 61/98, is amended as set out in Schedule A; and
- (c) the Child Support Recalculation Pilot Project Regulation is enacted as set out in Schedule B.



Attorney General and Minister Responsible
for Multiculturalism



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Attorney General Statutes Amendment Act, S.B.C. 2005, c. 1, s. 9
Family Relations Act, R.S.B.C. 1996, c. 128, s. 129

Other (specify):- oic 287/98

April 25, 2006

398/2006/48

SCHEDULE A

1 Section 1 (2) of the Child Support Guidelines Regulation, B.C. Reg. 61/98, is amended by

- (a) striking out “sections 1 (1) and 129 (2) and (3)” and substituting “sections 1 (1) and 129 (2), (3) and (4)”, and**
- (b) striking out “sections 2 (1), (4) (d) and (5), 21 (5), 26 and 27” and substituting “sections 2 (1), 21 (5), 26 and 27”.**

2 Section 1 (3) is amended

- (a) by striking out “deemed to be” wherever it appears and substituting “to be read as”,**
- (b) in paragraph (g), by striking out “to whom maintenance rights, within the meaning of section 24.1 of the BC Benefits (Income Assistance) Act, section 15.1 of the BC Benefits (Youth Works) Act or section 13.1 of the Disability Benefits Program Act, are assigned under those provisions” and substituting “to whom maintenance rights are assigned under the Employment and Assistance Act or the Employment and Assistance for Persons with Disabilities Act, as applicable”,**
- (c) in paragraph (k), by striking out “or 105 (7) of the Family Relations Act” and substituting “of the Family Relations Act or section 10 (2) (c), 13 (1) (b), 30 (2) (c) or 32 (1) (b) of the Interjurisdictional Support Orders Act”,**
- (d) by adding the following paragraph:**
 - (1.1) in section 2 (4) (d) and (5) of the Federal guidelines to “recalculations under paragraph 25.1 (1) (b) of the Act” is to be read as a reference to recalculations under section 93.3 (3) (b) of the Family Relations Act, ,**
- (e) by repealing paragraph (m) and substituting the following:**
 - (m) in section 3 (3) (a) (i) and (b) of the Federal guidelines to “section 25.1 of the Act” is to be read as a reference to “section 93.3 of the Family Relations Act,”, and**
- (f) in paragraph (p) by striking out “deemed to” and substituting “to be read as”.**

SCHEDULE B

CHILD SUPPORT RECALCULATION PILOT PROJECT REGULATION

Definitions

- 1 In this regulation:
- “**Act**” means the *Family Relations Act*;
 - “**child support**” has the same meaning as in section 93.3 (1) of the Act;
 - “**child support guidelines**” means the child support guidelines adopted and established under the Child Support Guidelines Regulation, B.C. Reg. 61/98;
 - “**party**” means a payee or payor;
 - “**registry**” means a registry prescribed under section 2;
 - “**service**” means the child support service established under section 93.3 (2) of the Act;

Prescribed registry

- 2 The Kelowna Provincial (Family) Court Registry is prescribed for the purposes of section 93.3 of the Act.

Income information to be provided to child support service

- 3 (1) On request by the service, a person described in section 93.3 (6) of the Act must provide the service with
- (a) a copy of the personal income tax return filed for the most recent taxation year by the party specified in the request, and
 - (b) a copy of every notice of assessment and reassessment issued to the party for the most recent taxation year,
- (2) A person must provide the income information requested under subsection (1) within 45 days of the service mailing the request.

Contact information

- 4 (1) On request by the service, a party must provide the service with the party’s address, email address, telephone number and fax number.
- (2) A party must notify the service, in writing, of a change in the contact information provided under subsection (1) no later than 30 days after the change occurs.

Authorization to release income tax information

- 5 The attached form is prescribed for the purposes of authorizing the release of income tax information under section 93.3 (8) of the Act.

Recalculation without income information

- 6 If a party does not provide information under section 3 (1) within the time period required by section 3 (2), the service may, for the purposes of section 93.3 (7) of the

Act, recalculate the amount of child support by applying a 10% increase to the income of the party used to determine the current child support.

Prescribed amount for the purposes of section 93.3 (9)

- 7 The prescribed amount for the purposes of section 93.3 (9) of the Act is \$5 more or \$5 less per month than the current child support.

Notification of recalculated amount

- 8 (1) The service must notify each party in writing of the recalculated amount.
- (2) Notification under subsection (1) may be sent by regular mail to the last known address of the party in the records of the service.

Service must decline recalculation

- 9 The service must decline to recalculate a child support amount
- (a) in an order made in accordance with
 - (i) section 3 (2) (b), 4 (b), 5, 9, 10, 17 or 19 (1) (a) or (c) to (i) of the child support guidelines, or
 - (ii) the *Interjurisdictional Support Orders Act*, or
 - (b) if all or a part of the income used to determine the child support amount is self-employment or partnership income.

Requirements for recalculation under child support agreements

- 10 In order for the service to recalculate child support established under a child support agreement, the agreement must include the following terms:
- (a) agreement by the parties that the service may recalculate the child support amount annually, based on the parties' income information provided under section 93.3 of the Act;
 - (b) agreement that the parties will notify the service, in writing, of a change in address, email address, phone number, and fax number, no later than 30 days after the change;
 - (c) acknowledgement by the parties that
 - (i) they are required to provide income information to the service no later than 45 days after the date the service mails a written request to the party, and
 - (ii) if they fail to provide the income information within the required time period, the service may recalculate and increase the child support amount, in accordance with the Act and the regulations.

RELEASE OF INFORMATION (CRA)

The personal information requested on this form is collected under the authority of the *Family Relations Act* and its regulation. The information will be used for the purpose of administering the Child Support Recalculation Service project. The collection, use and disclosure of personal information is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

Canada Revenue Agency

Address	
City	Postal code

Court file number
Level of court
Location of court
CSRS File number

Applicant/Recipient

Full legal name	
Full address for service - street and number	
Municipality	Postal code
Telephone number	Fax number
E-mail address	

Lawyer's name	
Address - street and number	
Municipality	Postal code
Telephone number	Fax number
E-mail address	

Respondent/Payor

Full Legal Name	
Full address for service - street and number	
Municipality	Postal code
Telephone number	Fax number
E-mail address	

Lawyer's name	
Address - street and number	
Municipality	Postal code
Telephone number	Fax number
E-mail address	

TO THE CANADA REVENUE AGENCY:

My name is (<i>full legal name</i>):	
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My latest address shown on tax record is:	
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My social insurance number is:	
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I authorize the Canada Revenue Agency to release income tax returns, Notice of Assessments/Reassessments, and/or any other information that is on my file relating to any income I have received for the following years:	
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Please release the information to:	
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B.C.'s *Family Relations Act*, its regulation and the Provincial Court (Family) Rules require the release of this information for use in this case only for:

- a claim for support,
- any other purpose ordered by the court, or
- recalculation of child support.

I understand that this information may become part of the court file, which may be accessed by the parties, their lawyers, a family justice counsellor and a person authorized by a judge.

Date of signature	Signature of taxpayer