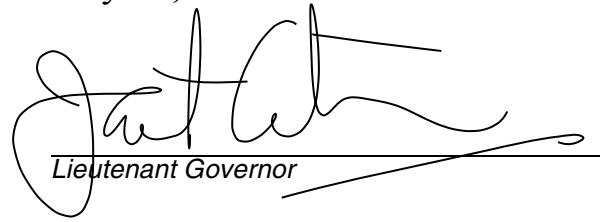


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 37

, Approved and Ordered January 24, 2022



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 March 1, 2022, the Family Law Act Regulation, B.C. Reg. 347/2012, is amended as set out in the attached Schedule.



Attorney General and Minister Responsible for Housing



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: *Family Law Act*, S.B.C. 2011, c. 25, s. 247 (2)

Other: OIC 837/2012

R10556902

SCHEDULE

- 1** *Section 11 of the Family Law Act Regulation, B.C. Reg. 347/2012, is amended by striking out “section 13” and substituting “section 12”.*
- 2** *Section 12 is amended by striking out “The Kelowna Provincial (Family) Court Registry” and substituting “Each Provincial (Family) Court Registry in British Columbia”.*
- 3** *Section 13 is amended*

 - (a) by adding the following subsection:*

 - (1.1) A request under section 13 (1) may be made by posting the request to the person on the website operated and maintained by the child support service if the person has set up access to that website. , **and**
 - (b) in subsection (3) by striking out “applying a 10% increase to the income of that person that had been used to determine the current child support” and substituting “applying to the income of that person that had been used to determine the current child support the following:*

 - (a) if fewer than 2 years have passed since the child support amount being recalculated was established or last changed, a 10% increase;
 - (b) if 2 or more but fewer than 5 years have passed since the child support amount being recalculated was established or last changed, a 15% increase;
 - (c) if 5 or more but fewer than 10 years have passed since the child support amount being recalculated was established or last changed, a 20% increase;
 - (d) if 10 or more years have passed since the child support amount being recalculated was established or last changed, a 30% increase.”
- 4** *Section 14 is amended*

 - (a) by adding the following subsections:*

 - (1.1) A request under section 14 (1) may be made by posting the request to the party on the website operated and maintained by the child support service if the party has set up access to that website.
 - (1.2) A party must respond to a request made under section 14 (1) within 30 days of receiving the request. , **and**
 - (b) by repealing subsection (3) and substituting the following:*

 - (3) If a party does not provide the contact information as requested under subsection (1) or does not provide notification of a change in that contact information as required by subsection (2), the child support service may recalculate the amount of child support without further notice to the party.
- 5** *Section 15 is repealed.*

6 **Section 17 (2) is amended by striking out “child support service” and substituting “child support service or posted to the website operated and maintained by the child support service if the party has set up access to that website”.**

7 **Section 18 is amended**

(a) **by renumbering it as section 18 (1),**

(b) **in paragraph (1) (a) (ii) by striking out “or”,**

(c) **in subsection (1) by adding the following paragraph:**

(a.1) if the amount is for special or extraordinary expenses calculated under section 7 [*special or extraordinary expenses*] of the child support guidelines unless

(i) all parties provide the income information required under section 13, and

(ii) the order or agreement indicates the proportionate share that each party is to pay of those expenses, or , **and**

(d) **by adding the following subsection:**

(2) Despite subsection (1), the child support service may recalculate a child support amount if the child support amount was established in an agreement or order made in accordance with

(a) section 3 (2) (a) [*child of or over the age of majority*] of the child support guidelines,

(b) section 9 [*shared parenting time arrangements*] of the child support guidelines if

(i) the increased costs of shared parenting under paragraph (b) of that section were not considered, or

(ii) the conditions, means, needs and other circumstances of a parent, guardian or child under paragraph (c) of that section were not considered,

(c) the process under the *Interjurisdictional Support Orders Act* if

(i) the order was made in British Columbia, Canada or another province or territory of Canada,

(ii) the parties reside in British Columbia, and

(iii) the order is otherwise eligible for recalculation by the child support service.

8 **Section 19 is repealed.**

9 **The following section is added:**

Child support service may decline recalculation

19.1 The child support service may decline to recalculate a child support amount if the child support service determines that it would be impracticable to recalculate the amount.

10 *Section 20 is amended by striking out “it was sent” and substituting “it is sent or posted, as the case may be”.*

11 *The following section is added in Part 5:*

Withdrawal of agreement or order from child support service

- 22.1**
- (1) A party may request, in writing to the child support service, to withdraw an agreement or order from the child support service.
 - (2) The child support service must give the other parties notice of a request received by the child support service under subsection (1).
 - (3) The child support service must stop recalculating respecting an agreement or order if
 - (a) a party requests the withdrawal of the agreement or order and the other parties
 - (i) agree to the withdrawal, or
 - (ii) do not respond to the request for withdrawal within 30 days of receiving notice from the child support service,
 - (b) the withdrawal request is received by the child support service no later than 60 days before the annual child support recalculation date assigned by the child support service, and
 - (c) the withdrawal request is not respecting an order that requires the child support service to recalculate child support, unless the request is accompanied by an order that
 - (i) changes the mandatory nature of the recalculation, or
 - (ii) requires the withdrawal of the order from the child support service.

12 *Form 1 of Appendix A is repealed.*