

In Form 3 you gave the court the information it needs to order that the respondent has a duty to support a child. If the "presumptions of parentage" do not apply to you, or if you believe the respondent will dispute parentage, you filled in Form 4.

With Form 5, you are making a claim for support for a child or children. Use this form if you **do not** have a child support order (or written agreement) now. If you have an order now, use Form 13.

Form 5 is short, but important. Please read this ISO Guide carefully. You will be asked to make some important choices that could affect your child or children.

"I ask for support for the following children..."

This is your claim. If you are **not** asking for child support, you do not need to fill out this form. If you are asking for child support, check the box beside the first statement. On your working copy, write the full name of each child for whom you are claiming support from the respondent.

Example: Kimiko has four children. Her oldest child is 21 and is working and living away from home. That child, and the 15-year old twins, are children of her relationship with the respondent. She also has an 8-year old with her current husband. Kimiko would write the names of the twins only. The oldest child is independent, and the respondent was never a parent to the youngest.

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The Child Support Guidelines

The Child Support Guidelines are rules for how to calculate the amount of child support. There are federal guidelines, and ones for each of the Canadian provinces and territories. Many foreign countries also have their own version of the guidelines.

The guidelines reflect the average amounts spent on their children by parents at various income levels. They include all the normal expenses a parent will have. The printed guidelines include very detailed lists, or tables, of the amount the parent paying child support should pay. The amount (called the "table amount") is a

percentage of the paying parent's income, before taxes. It changes depending on the number of children.

The courts must follow the child support guidelines. There are some exceptions. If a child has special expenses, or the table amount would cause a financial hardship for a parent, the court can order a different amount. The federal Department of Justice has more information on the guidelines. You can call 1-888-373-2222, or use the Internet address <http://canada.justice.gc.ca>.

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"I ask that the amount of support be set using the child support guidelines or law of the jurisdiction where the respondent lives."

If the respondent lives outside Canada, check the box. All the Canadian provinces and territories use the child support guidelines. The Province of Alberta has not formally adopted the Federal Child Support Guidelines for maintenance made under provincial legislation; however, most Alberta courts follow the guidelines voluntarily. If the country ("reciprocating jurisdiction") where the respondent lives has its own version of the guidelines, that's what it will use. If it doesn't, it will use its own laws to decide on the amount.

"If the respondent lives in Canada:"

You have three choices here:

1. The child support guidelines table amount only.
2. A different amount than the table amount.

This applies if:

- you have a child over the age of majority (age 19 in New Brunswick)
 - you have split custody with the respondent
 - you have shared custody with the respondent
 - the table amount would cause you or the children financial hardship
 - the respondent has an income over \$150,000 per year
3. Additional child support to cover special expenses for:
 - childcare
 - health-related expenses over \$100 per year
 - child's portion of medical and/or dental insurance

- out-of-the-ordinary expenses for post-secondary education
- out-of-the-ordinary expenses for extracurricular activities

If you think 2 and/or 3 apply to you, go to the ISO Guides for Forms 7 and/or 8. Those Guides will give you more information about your choices. When you have decided, and filled out any other forms you need, come back to Form 5 and complete it.

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"I ask for an order that the respondent obtain or maintain medical or dental insurance coverage for the child(ren)."

A court can, and will, include this in an order. Usually, this happens if the respondent can get insurance coverage through work at a reasonable cost. There is no guarantee that the court will include this in an order, but asking for it can mean that the court will ask the respondent if insurance is available.

Form 5 is part of your evidence. You will sign it as claimant/applicant in the blank provided at the bottom of the form when you swear/affirm Form 1.

Worksheet

Document / To Do	Done
Look at ISO Guide for Form 7	
Look at ISO Support Guide for Form 8	
Choose the claim I am going to make	