

BILL C-78 - DIVORCE ACT AMENDMENTS & CONSULTATIONS

In the midst of the COVID-19 epidemic, the Government of Canada is still moving forward with Bill C-78 (An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act) with two amendments and two new regulations.

The date for the coming into force of most of the provisions in the Divorce Act (the Act) was fixed by order in council as July 1, 2020.

In light of the changes to the Divorce Act, two existing regulations have to be amended and two new regulations are required.

New regulations entitled Provincial Child Support Service Regulations would be established to include a number of rules for the calculation and recalculation of child support amounts under the Divorce Act. The new Regulations would include rules relating to the liability and appeal periods, as well as a method of calculation for provincial child support services to apply when deeming the income of a parent for recalculation purposes. The new Regulations would apply in the absence of provincial or territorial rules.

New regulations entitled Notice of Relocation Regulations would be established in light of amendments to the Divorce Act that require the use of prescribed forms for the provision of information relating to certain types of moves. The Regulations would set out the required contents for three forms: Notice of Relocation, Notice of Objection to Relocation and Notice – Persons with Contact.

Rationale: The regulatory changes are required to:

- ensure consistent terminology and approaches among related statutory instruments and governmental policies;
- prevent any legal void;
- support and comply with the amendments to the Divorce Act; and
- improve the efficiency of processes, including rules relating to the calculation and recalculation framework under the Divorce Act.

In light of the changes to the Divorce Act, two existing regulations have to be amended and two new regulations are required to reflect changes to the following legislation.

1. Federal Child Support Guidelines
2. Central Registry of Divorce Proceedings Regulations

The Federal Government has made reviewing these changes/additions a little challenging. The link below will take you directly to the Canada Gazette. Once there, you can then click on the Proposed Regulations link in the Table of Contents, which will take you to the right section in the Gazette.

The section starts with the Regulatory Impact Assessment, which provides background information. This is followed by the Proposed Regulatory Text for each of the amendments to regulations / new regulations. The instructions for submitting comments appear at the beginning of the Proposed Regulatory Text for each of these.

<http://www.canadagazette.gc.ca/rp-pr/p1/2020/2020-03-21/pdf/g1-15412.pdf>

Alternative link:

<http://canadagazette.gc.ca/rp-pr/p1/2020/2020-03-21/html/index-eng.html>

The consultation period will end on April 20, 2020.

Submissions must cite the Canada Gazette, Part 1 and be sent to the Family and Children's Law and Policy Unit via email: fclpu-updfe@justice.gc.ca.