

Child Support Recalculation Program

Objecting to a Recalculation Decision

The Child Support Recalculation Program (RP) uses income information from the parents' previous year's tax return to determine child support amounts. Parents are informed of the new amounts through a Recalculation Decision. RP sends clients (payors and recipients of child support) its Recalculation Decision 38 days before the new child support amount comes into effect. This allows seven days for the clients to receive the information, and 30 days for them to object to the recalculated child support amount to stop it from coming into effect.

If no objection is made within that time, the recalculated child support amount in the Recalculation Decision becomes part of the child support order or agreement. Future child support payments will be required in the amounts stated in the Decision.

How to object to a Recalculation Decision

If you wish to object to a Recalculation Decision, you must apply to the court before the objection deadline. Here are the steps to take:

1. Apply to the court to vary, suspend or terminate your child support order. Include a copy of your Recalculation Decision and say you do not agree with it.

The deadline for you to object is stated in the Recalculation Decision. You must start a court application on or before that deadline by filing documents at the appropriate courthouse. Your Application (or Claim) must clearly say you do not agree with the Recalculation Decision and your accompanying sworn or affirmed evidence (Affidavit or Statement) must enclose a copy of the Decision.

- If you are a client of Income Support (IS) or Child and Youth Support (CYS), you may need to apply to the courts through the agency that represents you. You should contact your assigned case worker to discuss your file before starting your court application.
- If you are not an IS or CYS client, you may choose to represent yourself or hire a lawyer. For more information on varying your court order, please visit the Maintenance Enforcement Program (MEP) website at: http://justice.alberta.ca/programs_services/mep/InfoSheets/VaryingChangingCourtOrders.pdf
- If you have a child support agreement rather than a court order, you must apply to the court for a child support order.
- In some cases, the court requires you to complete certain steps ("mandatory prerequisites") before filing your court application (e.g. taking the Parenting After Separation course, attending a Dispute Resolution meeting). Your objection will be valid if you start these steps within the objection deadline.
- You will need to follow all court rules about notifying the other party that you have commenced a court application. The other party needs notice so they can choose to

participate in the court application and so they know how much child support they can expect to pay or receive in the meantime.

2. Let RP know right away that you are objecting to the Recalculation Decision.

By law, you must notify RP that you are objecting to their Recalculation Decision so RP knows their Recalculation Decision did not become effective. Complete and send RP the Notice of Objection form together with a copy of your filed court application and affidavit/statement. The most convenient and secure way to do this is through your *Recalculation Info Online (RIO)* account. Make sure the application documents you send RP prove when you filed your application, that you are clearly telling the court you do not agree with the Recalculation Decision and that you attached a copy of this Decision. If you must complete mandatory prerequisites before being allowed to file a court application, either attach documents to show you are complying with these prerequisites or authorize RP to verify this with government contractors or employees.

Maintenance Enforcement Program (MEP) clients should also advise MEP of any applications objecting to the Recalculation Decision. Providing MEP and RP with copies of your court application and evidence protects you by ensuring MEP collects the correct child support amount.

3. Follow the terms of your current child support order or agreement.

If either party starts their court application on or before the objection deadline, the Recalculation Decision is automatically suspended. The child support obligation that existed before RP issued this decision continues. This means the parties should follow the terms of their child support order or agreement, as recalculated by any Recalculation Decisions effective in the past.

4. Let RP know when the court application has been heard or withdrawn.

If you withdraw your application or the court dismisses it, the Recalculation Decision comes into effect as of the date it would have come into effect if no objection (application) had been filed.

RP needs to know when the court decides on the amount to be paid. When hearing the application, the court may order the payor to pay the new child support amount retroactively to the date your Recalculation Decision was to be effective, or for any time period it sees fit.

What if I miss the objection deadline?

RP does **not** replace or override the judgement of the court and does **not** restrict your right to be heard by the court. Both parents have the right to ask the court to vary, suspend or terminate a child support order at any time. Missing the objection deadline means RP's Recalculation Decision will come into effect and is not suspended. The recalculated child support amounts will need to be paid until a court decides otherwise.

How to contact Alberta's Child Support Recalculation Program

Recalculation Program	Telephone: 780-401-1111 (toll-free: 310-0000)
8th Floor, 10365 97 Street	Fax: 780-644-3674
Edmonton AB T5J 3W7	E-mail: recalculation@gov.ab.ca
	Website: www.recalculation.alberta.ca

RP is unable to see clients in person. Please contact us by mail, phone, fax or e-mail.