

“To SSAG or Not To SSAG, That Is The Question!”

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What are the Spousal Support Advisory Guidelines (“SSAG”)?

In January of 2005, the Federal Department of Justice released a paper entitled “Spousal Support Advisory Guidelines: A Draft Proposal” (the “SSAG”), prepared by Professors Carol Rogerson and Rollie Thompson. The SSAG are guidelines which address the issues of amount and duration of spousal support. The SSAG are *not* legislated and operate on an advisory and completely voluntary basis only. The SSAG do not deal with entitlement to spousal support, just amount and duration of spousal support once entitlement has been found.

What are the formulas under the SSAG?

The SSAG provide two basic formulas (and one hybrid formula) which produce ranges for both the amount and the duration of spousal support. It is important to remember that amount and duration are interrelated parts of the formulas, and cannot be considered in isolation.

The first formula is the “Without Child Support” Formula, which applies when there are no children of the marriage, or when there are children, but they are no longer dependent as of the date of separation. This is the most straight-forward formula which the authors of the SSAG joke can be done on the “back of an envelope.” Of course, a computer makes the calculation that much easier!

The next formula is the “With Child Support” Formula, which applies when there are dependent children of the marriage *and* a concurrent child and spousal support obligation payable to the same person. This formula is very complex and *cannot be done by hand* unless you are a skilled lawyer, accountant and mathematician. This formula necessitates the use of computer software.

Finally, there is a hybrid formula which applies where the payor of spousal support is the custodial parent. While not as complex as the “With Child Support” Formula, it does require a gross-up of child support as part of its calculation, which is easily done by a computer program.

... hence, the introduction of our newest software module – CHEQUEmate!

What is CHEQUEmate?

The CHEQUEmate Spousal Guidelines Calculator (“CHEQUEmate”) is one of the DIVORCEmate Tools One modules. CHEQUEmate quickly calculates the ranges of amount and duration of spousal support payments in accordance with the formulas contained in the SSAG.

What is the “Without Child Support” Formula?

Amount ranges from 1.5% to 2.0% of the difference between the spouses’ gross incomes (the “gross income difference”) for each year of marriage (including pre-marital cohabitation), up to a maximum of 50.0%. The range remains fixed for marriages/cohabitation of 25 years or longer at 37.5% (1.5% x 25) to 50.0% (2.0% x 25) of the gross income difference.

Duration ranges from 0.5 to 1 year for each year of marriage (including pre-marital cohabitation). Where the marriage/cohabitation is 20+ years, or where the marriage/cohabitation is 5+ years and the age of the recipient plus the years of marriage/cohabitation is 65+ years (“Rule of 65”), support will be indefinite in duration.

What is the “With Child Support” Formula for “Amount”?

Amount:

Determine the range of spousal support amounts that would be required to leave the lower income recipient spouse with between 40% and 46% of the parties’ combined Individual Net Disposable Incomes (“INDI”):

Typical Sole Custody and Shared Custody*:

Payor’s INDI = CSG Income – Child Support (Basic Table* + share of Special Expenses) – Taxes/Deductions + Gov’t Benefits/Credits – Spousal Support

Recipient’s INDI** = CSG Income – Child Support (Notional Basic Table* + share of Special Expenses) – Taxes/Deductions + Gov’t Benefits/Credits + Spousal Support

Split Custody:

Payor’s INDI = CSG Income – Child Support (Basic Table for child(ren) living with recipient + Notional Basic Table for child(ren) living with payor + share of Special Expenses) – Taxes/Deductions + Gov’t Benefits/Credits – Spousal Support

Recipient’s INDI** = CSG Income – Child Support (Basic Table for child(ren) living with payor + Notional Basic Table for child(ren) living with recipient + share of Special Expenses) – Taxes/Deductions + Gov’t Benefits/Credits + Spousal Support

* For shared custody, the full amount of Basic Table Child Support according to the CSG is deducted from each party’s INDI in order to determine the setoff amount under s.9(a) of the CSG (ie. the difference between the parties’ respective basic Table amounts). The recipient’s Child Support is accordingly no longer notional in a shared custody arrangement. In light of the S.C.C. decision, *Contino v. Leonelli-Contino*, 2005 SCC 63, the setoff amount may need to be adjusted in accordance with s. 9(b) and (c) of the CSG.

** The child support paid by the payor to the recipient is not included in the recipient’s INDI.

What is the “With Child Support” Formula for “Duration”?

Duration:

Spousal support is indefinite in form, with the latest of the following outside time limits:

- a. Medium/Longer Marriage Test:
 - one year of support for every year of marriage/cohabitation;
- b. Shorter/Medium Marriage Test:
 - number of years until youngest child finishes high school, subject to review, *at a minimum*:
 - (i) where the children are pre-school age at time of the initial order, no later than the month after the last or youngest child commences full-time school; or
 - (ii) where the children are under 12 years at time of the initial order, no later than the month after last or youngest child turns 12 years.

Where the marriage/cohabitation is 20+ years, or where the marriage is 5+ years and the age of the recipient plus the years of marriage is 65+ years (“Rule of 65”), support will be indefinite in duration.

What is included in each party’s INDI under the “With Child Support” Formula of SSAG?

The determination of Individual Net Disposable Income (“INDI”) for the payor and the recipient in sole, shared and split custody arrangements is set out in the above-noted boxed definition of the “With Child Support” Formula for amount. The basic formula is set out at the top of pages 2 and 3 on the CHEQUEmate printout, for your ease of reference.

INDI includes government benefits (Canada Child Tax Benefit, National Child Benefit, provincial top-ups and supplements, GST refunds), and refundable credits (refundable medical credits, various other provincial benefits and schemes). Mandatory pension contributions are *expressly* not allowed as deductions from income when calculating INDI.

Why is there so much confusion about “INDI”?

The INDI confusion may arise from the "boxed" definition of the “With Child Support” Formula found on page 68 of the SSAG, which does not expressly mention the +/- of spousal support in the first step, and is therefore somewhat misleading in its definition. If, however, you look at the second step in the “boxed” definition, the necessary inclusion/deduction of spousal support from INDI, as appropriate, is implicitly evident, since the only way to determine the range of spousal support is to deduct it from the payor’s INDI and include it in the recipient’s INDI. (This was expressly done in the sample calculation in Appendix C of the SSAG, especially page 115.)

What makes this calculation of INDI so complex and difficult is the fact that as the spousal support amount changes, so do the Special Expenses’ component of Child Support (if applicable), the Taxes and Deductions and the Government Benefits and Credits. So the question becomes, how do you solve for an answer, when the answer affects the components making up that answer?

This spousal support range can only be determined by complex trial and error mathematical calculations, known as “iterations”. These iterations are most easily calculated by a computer and specialized software, namely CHEQUEmate.

So while it is important to understand the logic and mathematics that go into these tricky calculations, it’s not necessary to do these calculations yourself – all you have to do is push the “Calculate” button, and CHEQUEmate does the rest!

What amounts are deducted as “Child Support” in the calculation of each party’s INDI in the “With Child Support” Formula of SSAG?

The amounts differ for the payor and the recipient depending on the custody arrangement:

Custody Arrangement	Payor	Recipient
Sole	Basic Table + share of Special Expenses	Notional Table + share of Special Expenses
Shared	Basic Table (even if payor is only paying setoff amount or is paying more or less than the setoff amount, although see Contino note below) + share of Special Expenses	Basic Table (even if payor is only paying setoff amount or is paying more or less than the setoff amount, although see Contino note below) + share of Special Expenses
Split	Basic Table (for children with recipient) + Notional Table (for children with payor) + share of Special Expenses	Basic Table (for children with payor) + Notional Table (for children with recipient) + share of Special Expenses

Note:

The recipient’s INDI does *not* include child support received from the payor.

“Notional Table” refers to a “notional” amount of child support that is deducted from the custodial party’s INDI to represent the money that party is presumed to spend on the child(ren) in his/her care. The “notional” amount is based on the basic table support under the CSG as a proxy measure of the custodial party’s contribution to the children in his/her care.

Sole and shared custody often result in the same spousal support amounts under SSAG because the Basic Table amount in shared custody is equal to the Notional Table amount in sole custody (although the child support amounts and the corresponding family NDI apportionment continue to be very different in sole and shared custody situations.) In light of the S.C.C. decision, Contino v. Leonelli-Contino, 2005 SCC 63, the setoff amount may need to be adjusted in accordance with s. 9(b) and (c) of the CSG.

What is the difference between INDI and NDI?

Net Disposable Income (“NDI” in SUPPORTmate) is the “food, clothing and housing” money available (ie. the actual cash in hand) for each party *and* the child(ren) living with him/her, after payment of taxes, CPP, EI, other adjustments etc. and after receipt of the Child Tax Benefit and GST credit, if any. The payor’s NDI *excludes* the actual child support paid to the recipient. The recipient’s NDI *includes* the actual child support received from the payor and does *not* remove any notional support from the recipient. The SSAG often refer to this as *Family* Net Disposable Income.

Individual Net Disposable Income (“INDI”) under SSAG is the “food, clothing and housing” money available for each party individually, *not including* the child(ren) living with him/her. INDI *excludes* the actual child support paid by the payor to the recipient and any notional support a custodial parent is presumed to spend on the children in his/her care. For a more detailed discussion of the child support excluded from INDI, see the question above.

What is the hybrid “Payor of Spousal Support is Custodial Parent” Formula?

Amount:

- a. Reduce the payor’s CSG Income by the “grossed-up” Child Support (Notional Basic Table + share of Special Expenses).
- b. Reduce the recipient’s CSG Income by the “grossed up” Child Support actually being paid by the recipient (Basic Table + share of Special Expenses, or Applicable Actual Amount).
- c. Determine the adjusted gross income difference between the spouses.
- d. Amount ranges from 1.5% to 2.0% of the adjusted gross income difference for each year of marriage (including pre-marital cohabitation), up to a maximum of 50.0%.

Duration ranges from 0.5 to 1.0 year of support for each year of marriage (including pre-marital cohabitation). Where the marriage/cohabitation is 20+ years, or where the marriage/cohabitation is 5+ years and the age of the recipient plus the years of marriage/cohabitation is 65+ years (“Rule of 65”), support will be indefinite in duration.

What formula do I use when there are older children for whom the parents are contributing an amount of child support other than the Basic Table amount under the CSG?

In cases where child support for an older child is determined under s. 3(2)(b) of the CSG (eg. child lives away from home or makes a large contribution to his/her education), such that child support is paid on a Paras/budget basis, the authors of the SSAG have suggested that it might be easier and cleaner to use a variation on the “Without Child Support” formula (similar to the hybrid “Payor of Spousal Support is Custodial Parent” Formula set out above) in calculating the amount of spousal support:

- a. Determine each spouse’s *actual* child support contribution under s. 3(2)(b) of the CSG.
- b. Reduce each spouse’s CSG Income by his/her “grossed up” *actual* child support contribution.
- c. Determine the adjusted gross income difference between the spouses.
- d. Amount ranges from 1.5% to 2.0% of the adjusted gross income difference for each year of marriage (including pre-marital cohabitation), up to a maximum of 50.0%.

In these “older child” cases, once the child ceases to be a “child of the marriage”, there may be a transition or “cross over” to the “Without Child Support” formula in any event.

The newest release of CHEQUEmate now contains a section called “Post-secondary Option” that allows for this calculation

In many cases, the range of support under the SSAG is very broad. How do I know where in the range support should be?

The SSAG discuss many factors to be considered in determining the appropriate placement of support within the range generated by the formulas. We have highlighted *some* of these factors for you.

The following factors *may* favour a support award at the higher end of the range:

- a. The recipient has a strong compensatory claim.
- b. The recipient has limited income.
- c. The recipient has limited earning capacity.
- d. The recipient has compelling needs and standard of living.
- e. The recipient is older.
- f. The recipient will be undertaking retraining or education in the immediate future which is aimed at promoting self-sufficiency.
- g. There is no property to be divided.
- h. There are local or regional differences (e.g. parts of Ontario, especially 416 and 905 area codes).
- i. The recipient has primary care of very young children, several children and/or special needs children (i.e. age, number and needs of the children can restrict the custodial parent's ability to work).
- j. The marriage is long term.
- k. The marriage is short with young children and a stay-at-home custodial parent.

The following factors *may* support an award at the lower end of the range:

- a. The recipient has a weak compensatory claim.
- b. The payor has limited income.
- c. The payor has limited earning capacity/ability to pay.
- d. The recipient does not have significant needs.
- e. The payor has significant needs.
- f. The recipient is younger.
- g. There is an unequal division of property in favour of the recipient.
- h. Debts exceed assets and the payor is carrying a disproportionate share of debts.
- i. In the case of a traditional marriage, the payor has costs associated with going to work, in contrast to the non-working recipient.
- j. An incentive for the recipient to make greater efforts towards self-sufficiency is needed (although imputing income can also address this factor).
- k. There are local and regional differences (eg. Atlantic provinces).
- l. The payor has significant direct access costs (especially important when the payor is at the lower end of the income spectrum).
- m. The payor makes mandatory deductions for pension contributions (especially important when the payor is at the lower end of the income spectrum).
- n. The recipient has remarried/repartnered.

How do I know if I should be outside the SSAG range altogether?

Some of the above-noted factors may be so extreme as to push an award outside the formula ranges altogether. The formulas are intended to generate appropriate results in a wide range of *typical* cases; exceptions are required for *unusual* cases. Some of the factors considered "exceptions" under the SSAG are as follows:

- a. Debts exceed assets and the payor is carrying a disproportionate share of those debts.

- b. The recipient has a large compensatory claim disproportionate to the length of the marriage (particularly in short to medium length marriages).
- c. The recipient's illness or disability is not accommodated by the maximums in the ranges or by restructuring (eg. young recipient; short marriage; payor has low income).
- d. The payor (or recipient) has prior spousal or child support obligations, requiring that spouse's gross income to be adjusted prior to applying the formulas ("first family first" exception). This exception is handled by CHEQUEmate.
- e. The recipient is a non-custodial parent from a short marriage with a young child (or children) who needs support in excess of the "Without Child Support" formula to fulfil his/her parental role (the "parenting exception").
- f. Where there are compelling financial circumstances at an interim stage (eg. one spouse carries a disproportionate share of housing expenses in the short run).
- g. The payor's gross income is between \$20,000 and \$30,000.
- h. The payor's gross income is below the income floor of \$20,000, but the payor still has an ability to pay spousal support (eg. payor lives with parents and has reduced needs/expenses).

These factors and exceptions are not intended to be an exhaustive list.

What issues are beyond the scope of the SSAG?

There are a number of issues that the SSAG identify as beyond their scope and left to "discretionary, case by case determinations under the evolving framework of current law" (SSAG, p. 97). These issues include, among other things: post-separation increases in the payor's income or decreases in the recipient's income; re-partnering/remarriage, particularly in the case of the recipient; second families. While the SSAG suggest that these issues may be addressed in subsequent phases of the project, for the time being, they must be assessed on a case by case basis using the principles outlined in the caselaw.

What is restructuring under the SSAG?

The SSAG permit spousal support awards to be "restructured" if a straight application of the formulas does not generate appropriate awards. "Restructuring" is the trade-off of amount against duration to arrive at an award within the global amount generated by the formula when amount is multiplied by duration. Awards may be restructured in three ways: front-end loading (increasing amount by shortening duration); extending duration (by decreasing amount); formulating lump sum payments (by combining amount and duration).

While the SSAG examples do not take into account the time-value of money or income tax consequences, you can use LIFEmate and SUPPORTmate respectively, to address these issues in your "restructuring" calculations.

Is there a ceiling beyond which the SSAG formulas do not apply?

The SSAG provide that where the payor has a gross annual income of more than \$350,000, the formulas should no longer be applied to divide income. Instead, the court will have to exercise discretion. See chapter 7.1 of the SSAG.

CHEQUEmate will flag a payor's gross annual income that is over \$350,000 in the summary box on pages 2 and 3 of the printout, but will continue to apply the formulas for the purposes of allowing the user to possibly formulate an argument as to how the court might exercise its discretion if it wished to award a very high amount of support (being mindful that the continued application of the formulas over the ceiling is not advocated by the SSAG).

Is there a floor below which the SSAG formulas do not apply?

The SSAG provide that where the payor has a gross annual income of \$20,000 or less, no spousal support should be payable. See chapter 7.2 of the SSAG. There is an exception, however, for support to be paid below the income floor in exceptional cases where the payor spouse has significantly reduced expenses (eg. living with parents).

Note that there is also the possibility of an exception to the formulas where the payor's income is more than \$20,000 but less than \$30,000 to eliminate a "cliff effect".

CHEQUEmate will flag a payor's gross annual income that is less than \$20,000, or between \$20,000 and \$30,000 inclusive in the summary box on pages 2 and 3 of the printout, but will continue to apply the formulas for the purposes of allowing the user to formulate an argument as to whether or not an exception applies.

CHEQUEmate is a new product. Why should I rely on it?

While CHEQUEmate is a new product, we are confident in its accuracy, for a number of reasons.

CHEQUEmate substantially relies on our already tested and proven SUPPORTmate formulas. In fact, in its calculation of INDI pursuant to SSAG, CHEQUEmate relies on the *identical* methodology and software engine for tax and benefit calculations used in the determination of NDI in SUPPORTmate.

CHEQUEmate was designed in direct consultation with the authors of SSAG, including a number of personal meetings with Professor Rollie Thompson, who both reviewed and approved our methodology and interpretation of SSAG from the inception of the software until its release.

The mathematical calculations can be verified manually by using tax/benefit information publicly available (albeit extremely time-consuming) or by using a combination of SUPPORTmate and the CSG, as was expressly done by the authors of SSAG in Appendix "C" of the document (at the time, using 2004 figures). The figures can furthermore be verified by specialized family law accountants who are familiar with the SSAG.

In fact, our product was developed in consultation with accounting and tax consultants, including a chartered accountant who carefully reviewed and tested our product.

Finally, other software companies are able to test the veracity of our numbers. A comparison of a cross-section of calculations with one of our competitors did not reveal any significant disparities in our SSAG ranges.

DIVORCEmate's proven track record speaks volumes! Not only do we have the confidence of the authors of SSAG, who provided us with an advance copy of SSAG, who relied on us in testing various scenarios prior to SSAG's release, and who used our software in preparing the samples in the SSAG Appendices (Tools+ 2004), but we also enjoy the confidence of over 2,000 users around the country.

CHEQUEmate was recently used in a Continuing Legal Education conference jointly sponsored by the Canadian Bar Association and the Law Society of Upper Canada in Ontario, and attended by more than 700 lawyers and judges from across Canada.

Why do CHEQUEmate and/or SUPPORTmate sometimes produce different income tax calculations than other income tax preparation software programs on the market?

CHEQUEmate and SUPPORTMATE look into the future, using the most recent tax and government social benefit information released in current federal and provincial budgets. Some of these provisions may not be effective until later in the year, but they will be in effect by the time the taxpayers begin paying/receiving child and spousal support.

CHEQUEmate and SUPPORTmate also incorporate changes to provincial social programs, changes in marginal tax rates and other changes that affect the net disposable incomes of tax paying Canadians. Accordingly, CHEQUEmate and SUPPORTmate figures will be different than tax programs already on the market, such as 2004 Quicktax or even our own Tools+ 2004, which rely on past tax and benefit information in their calculations.

(With respect to B.C., both SUPPORTmate and CHEQUEmate additionally deduct the Medical Services Plan Premium ("MSP") from NDI and INDI, respectively, to arrive at a more accurate comparison of actual cash flows.)

What is the difference between SUPPORTmate and CHEQUEmate? Do I need both programs?

CHEQUEmate provides a range of spousal support payments according to the SSAG, while SUPPORTmate allows the critical examination of this range and its effect on NDI for the family, as well as the individual, in the context of each client's particular circumstances.

SUPPORTmate allows the user to put the SSAG support range into perspective by comparing cash flows and percentages for the payor as well as the recipient and the children.

SUPPORTmate allows the brainstorming of taxable spousal support only, or any combination of child support (under the CSG or otherwise) combined with spousal support. SUPPORTmate calculates for five possible "what if" scenarios: the income taxes paid; GST, CCTB, NCB and refundable cash credits; net disposable income; net after tax cost or benefit to the payor and the recipient.

Under the SSAG, there are a number of instances when one would want to engage in an in depth examination of the very criteria that SUPPORTmate analyzes:

- a. placement of spousal support within the SSAG range;
- b. exceptions to the SSAG formulas;
- c. restructuring of support awards;
- d. discretionary issues.

As Professor Thompson, one of the SSAG authors, states:

"The use of SUPPORTmate and those family NDI numbers is really important, not just in this transition phase (where Ontario judges still think in family NDI terms), but also for the location of the right amount within the ranges. In particular, the family NDI numbers should be calculated and argued carefully in cases of shared and split custody. Also, I tell audiences that close attention to net disposable income numbers is critical for high end "Without Child Support" formula cases (those of 25 years or more at the ceiling) and at the low end for any case below \$30,000 and those just above \$30,000."

In short, SUPPORTmate complements CHEQUEmate, and is an essential tool in negotiating and advocating each individual client's spousal support position.

If I have CHEQUEmate, why do I need to read the SSAG?

There is a lot more to the Spousal Support Advisory Guidelines than just math!

While CHEQUEmate can simplify the formulas by doing the complex mathematical calculations for you, you must understand and be able to apply the SSAG in order to properly serve your client. In addition to detailing the formulas to be applied in determining the appropriate ranges of spousal support, the SSAG also, inter alia:

- a. review the legislative framework, judicial history and philosophical theories behind spousal support;

- b. set out factors to be considered in determining the appropriate amount of spousal support within the SSAG range;
- c. outline exceptions to the SSAG formulas;
- d. address when and how to restructure spousal support awards;
- e. discuss variations and reviews of spousal support orders;
- f. identify issues beyond the scope of the SSAG.

Will judges follow the SSAG?

This remains to be seen. Most judges will likely want to see the SSAG ranges for spousal support at the very least to use as a “litmus test”, particularly in interim orders and case conferences.

We can tell you that we have shipped 200+ copies of Tools+ including CHEQUEmate to judges in Ontario, B.C., and other provinces across Canada! In addition, we have either trained or personally spoken to numerous members of the Judiciary and their support staff regarding SSAG formulae calculations.

Also, Justice Canada reported that 10,000 copies of SSAG were downloaded from the Justice Canada website within seven days of the Paper’s release, and 25,000 copies were downloaded by the end of April.

What other points should I remember about SSAG?

- The SSAG are NOT legally binding; they are informal and completely voluntary.
- The SSAG provide a “check” or “litmus test” in case conferences or negotiations.
- The SSAG may have more application in interim orders.
- The threshold issue of entitlement is NOT addressed in the SSAG; entitlement is already assumed.
- The formula outcomes are only the first step in determining spousal support under the SSAG.
- Amount and duration are interrelated parts of the formulas, and cannot be considered in isolation.
- Regional differences (both within and between provinces) are NOT addressed in the SSAG (although position in the range *may* somewhat address these differences).
- Cost of living differences are NOT addressed in the SSAG, and will be relevant particularly where the parties live in disparate communities (although position in the range *may* somewhat address these differences).
- The definition of Income under the SSAG is the same definition as the federal Child Support Guidelines (the “CSG”), which includes Schedule III adjustments and ss. 17, 18 and 19 (imputing income) adjustments.
- Imputing income can help to deal with the “disincentives of self-sufficiency created by generous amounts of spousal support” and may be fair and reasonable in subsequent reviews or variations.
- Be careful grossing up incomes in the “With Child Support” Formula; accounting for actual income taxes *and not “notional” income taxes* may skew results.
- The length of marriage under the SSAG *includes* any period of pre-marital cohabitation.
- The SSAG’s “Rule of 65” (length of marriage/cohabitation plus age of recipient) does NOT apply to marriages/cohabitation of less than 5 years.
- Spousal support may “cross over” from the “With Child Support” formula to the “Without Child Support” formula, by way of a variation, when the children cease to be “children of the marriage”.
- All spousal support orders/agreements are subject to the normal processes of variation and review

according to the relevant legislation and the caselaw.

- ☑ Once the SSAG case law is established, look for changes to our Precedents+ Separation Agreement and Interim Separation Agreement.
- ☑ The SSAG are a work-in-progress, subject to discussion, experimentation and feedback.

With respect to the “With Child Support” formula:

- ☑ Orders are indefinite in form, with outside time limits; spousal support may well decrease or terminate altogether prior to the outside time limit.
- ☑ Be wary of the SSAG’s boxed formula which fails to +/- spousal support in calculation of INDI and which forgets to include payor’s Government Benefits and Credits.
- ☑ The more child support, the less spousal support.
- ☑ Child support paid by the payor is NOT included in the calculation of the recipient’s INDI.
- ☑ Mandatory pension contributions are *expressly* not allowed as deductions from income when calculating INDI.
- ☑ In shorter/medium length marriages, spousal support is subject to review, *at a minimum*, when the youngest child is in school full-time or when the youngest child turns 12 years. Reviews may be scheduled at different times and for other reasons as well, as ordered by the court or as agreed upon by the parties.
- ☑ In shared custody cases, *no* adjustment should be made to the child support paid even if the court orders or the parties agree that an amount more or less than the straight set-off amount (ie. the difference between the parties’ respective basic table amounts under the CSG) should be paid. However, in light of the S.C.C. decision, *Contino v. Leonelli-Contino*, 2005 SCC 63, the setoff amount may need to be adjusted in accordance with s. 9(b) and (c) of the CSG; this change will likely be reflected in the next revision of the SSAG.
- ☑ Length of marriage has no influence on quantum in the “With Child Support” formula.
- ☑ In cases where child support for an older child is determined under s. 3(2)(b) of the CSG, the authors of the SSAG have suggested that it might be advisable to use a variation on the “Without Child Support” formula to calculate spousal support, as set out in one of the questions above.

A Note from DIVORCEmate’s President re: Members of DIVORCEmate SSAG Advisory Team:

Simon Knowles and **Steve Clarke** of DIVORCEmate Software Inc.; **Yvonne Bernstein** B.A., LL.B. of LawPro; **Christine Montgomery** B.A., LL.B.; **Vivian Alterman** M.B.A., C.A., C.B.V. of AP Valuations Ltd.

These brilliant and dedicated professionals are artists and scientists; they all worked relentlessly for three months in order to have the CHEQUEmate software ready within a week after the SSAG was released! I applaud and appreciate their efforts.

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