

Legal Matters: Section 7 Expenses explained: What are divorced parents required to pay for?

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Q: My wife has been nagging me about paying for the kids' expenses. She says I have to pay and it is the law. What do I have to pay for?

A: In addition to paying child support, contribution to "Extraordinary Expenses" or "Section 7 Expenses" as they are called, is an expected parental obligation. However, this is not a blank check. Certain items would always be expected to be paid- such as daycare [where the custodial parent is working], medical and dental costs over and above workplace plans, counseling, and contribution to post-secondary schooling costs such as tuition, residence, meals, books and software.

Other items, such as the cost of babysitting when the other parent is available to care for the children, and school pictures for example, are not normally considered a section 7 expense. Where the child has been historically involved in a sport or activity while the parents were together – (even, as in the case of Rep Hockey, if it is very expensive), the courts would normally expect both parents to continue to support such an activity. If however a couple splits and then one parent wants to enroll the child in something new and expensive such as flying lessons or horseback riding and the other parent does not agree, the courts are normally unwilling to support the new expense.

It is customary to calculate the percentage that each parent should pay, in relation to their income. For example, if you make \$60,000 and your wife makes \$40,000 for a total of \$100,000 family income, you will pay 60% of such expenses. It is also fair to calculate the deductions such as the fitness tax credit and the arts tax credit, in reducing the total amount payable.

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