



Child Support and Extracurricular Activities

By Scott Abel

The Child Support Guidelines were created in order to make the determination of child support simpler and more consistent. Once a payor's income was determined, the amount of child support to be paid was simply a matter of looking up the chart.

What has not been explained is which of the child's expenses the table amount of child support is to cover. There is no doubt that the table amount of support is to cover the basics. However, the Guidelines also provide that the payor could also pay an additional amount for "extraordinary" expenses for primary school education programs, or for extracurricular activities.

If for example the child wishes to attend swimming lessons or girl guides, does the table amount of support cover those expenses, or are those extraordinary expenses for extracurricular activities? Unfortunately, there is no simple answer.

What may be an "extraordinary" expense for an extracurricular activity for one family, may not be so for another.

An extraordinary expense is defined as an expense that the recipient parent requesting the amount cannot reasonably cover. In other words, depending on the income of the recipient parent, the additional amount may or may not be extraordinary.

An expense of \$1,000 for a sporting activity for a child for a parent making \$75,000, may not be extraordinary. Whereas that same expense for a parent earning \$25,000 per year may be extraordinary.

The expense is to be weighed against the recipient parent's ability to cover the expense. Not only is the recipient parent's income considered, but also the amount of child support that the recipient parent receives.

Again, the recipient parent's income may be low, but if the recipient parent is receiving a large amount of child support, that parent may have the ability to reasonably cover the expense.

However, that is not the end of the analysis. Even if the recipient parent could not reasonably cover the expense, the Court must still consider whether the expense is a necessity. Unfortunately, this creates even more uncertainty.

Necessity is based on the expense being necessary for the child's best interest and whether it is reasonable for the child to participate in the activity proposed. In some families, no matter how talented the child or how desirable the activity, it is simply unrealistic considering the means of the parents and the family's spending pattern prior to separation.

There is no doubt that involvement in hockey or ringette may benefit the child. But, to spend \$5,000 to \$10,000

on that sport may not be reasonable or necessary, especially if the child has no specific talent or skill.

However, if the parents prior to separation engaged in a spending pattern where both acknowledged and wanted the child to be involved in the activity, this may create an obligation to continue to support the activity even after separation.

While the Guidelines were intended to help reduce litigation and inconsistencies in child support, that goal may never be attainable. This is especially true where the Guidelines themselves allow for discretion and inconsistency. The expense will be the same, regardless of the income of the family. How the Court treats that expense will vary, however, depending on the income of the individuals involved.