

Publisher's Note

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From Your Library:

Wilton, Miyauchi & Kirwin

Enforcement of Family Law Orders and Agreements: Law and Practice

This practice-oriented manual details the full range of family law enforcement remedies available under federal and provincial legislation. The work is divided into three parts: Support, Custody Orders and Separation Agreements. Under each part, available enforcement remedies are described in detail with an emphasis on practice and procedure points. The full text of all relevant federal, provincial and territorial enforcement legislation is included.

What's New in this Update

This release features updates to the Issues in Focus and Words & Phrases section.

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Highlights

- **Issues in Focus:** How does a spouse obtain a divorce judgment if the respondent spouse does not file an answer? After the respondent's answer is struck or if the respondent does not file and serve an answer, the clerk may set a date for an uncontested trial. A divorce may be sought at that time or separately by desk order.
- **Issues in Focus:** How may a support order be enforced? Once there is a support order, enforcement proceedings may be commenced under Rules 26, 27, 28, 29, 30 and 31 of the *Family Law Rules*, O. Reg. 114/99. Counsel may request a financial statement, request disclosure from an income source, conduct a financial examination, obtain an order of seizure and sale, hold a default hearing, garnish, appoint a receiver, or register with the Family Responsibility Office under the *Family Responsibility and Support Arrears Enforcement Act, 1996* generally, (“FRSAEA”).
- **Decision-making authority** — does not just afford one parent a right to make a decision or override the other parent. It also carries with it responsibilities that must be met. In the realm of extracurricular activities, this means providing the other parent with enough notice to consider an activity prior to a registration date, obtaining times and dates and schedules for the activities and the cost, and then sharing all that information with the other parent. It involves finding ways to solve legitimate concerns raised by the other. The same goes for decision-making authority in the areas of education and with respect to medical issues. The parent that has the authority is the one who gives notice of the appointment; who inquires prior to booking them if the other parent wants to attend; and attempting where feasible to arrange a convenient time ... The parent with authority keeps the other one up to date on the outcome of the appointment or recommended treatments that require attention and follow-up: *J.A.P. v. M.J.P.* (2018), 2018 MBQB 1, 2018 CarswellMan 5 (Man. Q.B.) at para. 105, 106 Little J.