

**Amendment to the *Alberta Child Support Guidelines*
Regarding Pension Income Splitting
July 1, 2009**

What's been changed?

The *Alberta Child Support Guidelines* (Alberta Guidelines) has been changed as of July 1, 2009. The change may affect you if:

- a) you are paying child support or are receiving child support and your income is relevant to the child support calculation; and
- b) you claim an “elected split-pension amount” that was transferred to you by your spouse or common-law partner for income tax purposes under the [pension income splitting](#) program.

What are the *Alberta Child Support Guidelines*?

The Alberta Guidelines is a Regulation under the *Family Law Act*. It is a set of rules and tables used to determine the amount of child support to be paid in *Family Law Act* applications.

Does this amendment apply if I pay child support under the *Divorce Act*?

The Federal Government has enacted a similar amendment to the *Federal Child Support Guidelines*. The *Federal Child Support Guidelines* is used to determine child support under the *Divorce Act*. If your child support order was made pursuant to a Divorce Judgment or other order in a divorce proceeding, the change to the *Federal Child Support Guidelines* may apply.

What is meant by “elected split-pension amount” and “pension income splitting”?

Since 2007, the *Income Tax Act* has allowed pensioners to transfer part of their [eligible pension income](#) to their spouse or common-law partner for income tax purposes. The spouse or common-law partner would then claim this elected split-pension amount as income.

How were the Guidelines changed?

As of July 1, 2009, if you claim an elected split-pension amount transferred from your spouse or common-law partner for income tax purposes, the amendment will allow you to deduct that amount from your total income when you use the Alberta Guidelines to calculate child support.

Without the amendment, the Alberta Guidelines would require you to include this split-pension amount as income when calculating child support. This is because it is included in total income shown on line 150 of the income tax form.

Why were the Alberta Guidelines amended?

A key principle of the Alberta Guidelines is that child support should be based on a parent's ability to pay. A parent's ability to pay is determined mostly by the most up to date information on their income as shown on line 150 of their tax return.

For tax purposes, an elected split-pension amount is now included in the income of the person who receives it. However, money does not actually change hands in the pension income splitting process. So receiving an elected split-pension amount does not change a parent's ability to pay child support. Excluding this amount from income, when calculating child support, keeps the Alberta Guidelines consistent with the principle that support payments should be based on a parent's ability to pay.

Does this amendment affect me if I pay child support and I transfer part of my pension to my spouse or common-law partner under the pension income splitting program?

No. This is because splitting your pension does not affect your total income as shown on line 150 of your tax return. The amendment only affects child support payers who receive an elected split-pension amount.

Where can I get more information?

- Information on applying for child support under the *Family Law Act* or the *Divorce Act* is available through the Family Law Information Centres website at : <http://www.albertacourts.ab.ca/familylaw>.
- Information on the amendment to the *Federal Child Support Guidelines* is available at www.justice.gc.ca/eng/pi/sup-pen/index.html.
- Information on the pension income splitting program may be found on the [Canada Revenue Agency](#) web site.