

Administrative Recalculation Clauses for Orders

Effective March 1, 2021

For the Recalculation Officer in the Child Support Services Office to recalculate child support in a support order, the order must contain the following recalculation wording:

- a) Every year until [Payor's] obligation to pay child support ceases under this Order, [Payor] shall forward to the Recalculation Officer, at least 30 days before the anniversary date of this [Order] or any subsequent Recalculation Order, a copy of [Payor's] Income Tax Return and Notice of Assessment/Reassessment for the previous year for recalculation according to the *Children's Law Act*, RSPEI 1988, Cap. C-6.1;
- b) If the [Payor's] Income Tax Return and Notice of Assessment/Reassessment are not received by the Recalculation Officer by the anniversary date, [Payor]'s income shall be deemed to be the sum of:
 - i) [Payor]'s income for the most recent year during which
 - A. the Recalculation Officer was provided with the [Payor]'s income information, or
 - B. a Recalculation Order was issued in respect of this Order, as determined using that income information or the amount of the deemed income in that Recalculation Order, as the case may be, and
 - ii) 10% of [Payor]'s income referred to in clause (a).
- c) The Recalculation Officer shall automatically recalculate child support using the deemed income and applying the applicable table.
- d) This Order may be filed by either party with the Recalculation Officer at the Family Law Centre with a completed registration form. The parties must notify the Recalculation Officer of any change to their contact information within 30 days of such change.