

Checklist for Drafting Support Agreements to be Filed with the Maintenance Enforcement Office

This document outlines the mandatory requirements for agreements to be filed with the Court of King's Bench under section 11 of *The Family Maintenance Act*. All agreements must be filed with the Court prior to registration with the Maintenance Enforcement Office (MEO).

For more information about making support agreements contact the Family Law Information Centre. MEO does not provide legal advice with respect to support agreements. Parties are urged to obtain independent legal advice prior to signing a support agreement.

Mandatory Information:

1. Full names of the parties entering into this agreement.
2.
 - a) Who is paying support?
 - b) Who is receiving support?
 - c) Who the support is being paid for:
 - i. For child support, names and birth dates of the children.
 - ii. For spousal support, name of spouse for whom support is being paid for.
3. The specific dollar amount for each support payment.
4. The start date and frequency of the payment (e.g. every month, bi-weekly, etc.).
5. Signatures of both parties and date signed.

Other information that may be helpful:

1. If support is for children, which parent the child(ren) lives with, or the schedule of when the child(ren) is in the care of each parent.
2. Addresses of the parties to the agreement.
3. If there is already a support agreement, support order, calculation decision, recalculation decision, or arbitration award in place, details of that document (i.e. court file number, judicial center, date granted, name of the judge on order).
4. For child support:
 - a) The gross annual income of the payor.
 - b) The gross annual income of the recipient, where applicable.
 - c) What would the Child Support Guideline Table amount be, and whether you are using that amount or not. (Note: MEO can only step down the amount when the Table has been used.)
 - d) Details of any section 7 (extraordinary) expenses as well as the dollar amount of any

- reimbursement payments, when that payment commences and ceases, and how frequently the payment will be made.
5. Any other terms which parties feel are appropriate to help manage payments and share information.
 6. Signatures of witnesses to each parent's signature with the date signed.

Steps to Register your Agreement with MEO:

1. Prepare agreement based on guidelines on previous page.
2. Once the agreement is signed by both parties, make copies for each of yourselves, or make multiple copies by signing more than one original.
3. Get a copy of the Section 11 *The Family Maintenance Act* affidavit from MEO (1-866-229-9712) or the Family Law Information Centre (1-888-218-2822 ext. 2).
4. Take the Section 11 Affidavit and your new agreement to the Local Registrar's Office at the Court of King's Bench, between 10:00 AM and 4:00 PM on a weekday.
5. Advise the staff at the Local Registrar's Office that you wish to file the agreement pursuant to Section 11 of *The Family Maintenance Act*. You will be required to complete the affidavit, with your agreement attached as an exhibit.

Issues that may arise:

1. MEO will not enforce an agreement that does not have specific dollar amounts to collect. (i.e. percentages, conditional amounts, amounts requiring further calculation).
2. If the Local Registrar Office will not allow your agreement to be filed because there is an existing Divorce Act support order, you can have your agreement registered directly with the MEO using a different affidavit under section 7.1 of *The Enforcement of Maintenance Orders Act*. Contact the Family Law Information Centre for assistance with this.
3. The Child Support Service offers free administrative recalculation of child support orders that meet eligibility requirements. Information about eligibility for recalculation is available here: <https://www.saskatchewan.ca/child-support-recalculation>

For more information about child support and spousal support visit:

- Department of Justice Canada: <http://canada.justice.gc.ca>
- FAMLii (Public Legal Education Association): <https://familylaw.plea.org/>

If you have any questions, contact:
Family Law Information Centre
1-888-2822 (extension 2)
306-787-5837
familylaw@gov.sk.ca