

Briefing Note: GBV Enacted Through the Weaponization of Child Support Processes

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To: The NL Task Force for Gender Based Violence

From: Dawn Evans

The Issue:

Current family law processes have created an environment where economic abuse continues, unnamed and consequence-free after separation. Practical shifts in the application of family law, focusing on identifying these abusive actions early and responding accordingly, is therefore one of the most effective actions this task force can take to make it easier for women to leave abusive relationships safely and with financial autonomy. It will also have a positive impact on the children involved and will reduce what every taxpayer in this province is currently paying to compensate for the legal obligations that abusive men are refusing to abide by.

Background:

We rightfully treat leaving as the goal for people in abusive relationships, but not enough consideration is given to their financial and co-parenting life after they leave and the role that child support and family justice procedures play in that.

Separations don't impact both parent's finances equally. From Justice Canada's [Characteristics of Child Support Payers and Recipients](#) (2024), we know that 96% of child-support recipients are women. Given how child support is calculated, that also means that in 96% of cases, the mother is parenting the majority of the time or earning less or both. **Child support is a heavily gendered issue.**

Economic abuse happens when someone uses money or other resources to control, exploit, or harm another person and limits a person's ability to make their own financial decisions and to be independent. ([Government of Canada](#)) It isn't a rare sub-type of abuse. In fact, 96% of domestic-abuse survivors in Canada also experience economic abuse ([Canadian Centre for Women's Empowerment](#), reaffirmed by the federal government in 2025). Economic abuse is an important part of the power dynamic that makes the other forms of abuse harder to escape. Child support 'disputes' and non-payment are often economic abuse that is rarely recognized as such.

From my personal experience, and that of hundreds of tax clients – NL's family justice system isn't a solution to economic abuse as much as it is a system that is blind to all the ways it is complicit and encouraging of abuse instead. **The reasons many women fear leaving and what women and children encounter when they enter the family law system are, in fact, the same issue.**

Child support is law and there's a standardized calculator that tells the amount. (Called the Federal Child Support Guidelines.) It isn't a negotiation the way most people think. The calculation is based on the parenting arrangement and there are only two scenarios:

- One parent has the child the majority of the time (defined as more than 60% of the time) - The non-primary parent's income is entered in the calculator to determine the amount of monthly support.
- Both parents share parenting time (each parent has the child at least 40% of the time) - The calculation is done with each parent's income and the difference is what is paid to the lower earning parent.

This means there are two main ways to manipulate the Federal Child Support Guidelines to get a lower monthly child support amount:

- Pursue a shared parenting time arrangement as opposed to a continuation of care splitting.
- Hide income – either by committing tax evasion or by refusing to provide income disclosures.

Not coincidentally, judges and lawyers have identified these two issues as being prevalent ‘disputes’ requiring legal intervention to resolve. ([2022 National Family Law Surveys](#)) From that Survey:

- “Most lawyers and judges reported that the most litigious issue in shared parenting time cases was getting parties to agree on the type of parenting time arrangements.”
- “Most lawyers and judges reported that disputes over child support occurred in at least 50% of their cases. The most common disputes involved lack of compliance with income disclosure obligations and challenges with income determination.”

It’s clear that these two means of manipulating the calculator are happening and happening often. From the language used and the processes for addressing these matters, it’s also clear that they aren’t treated as the illegal withholding of funds and economic abuse that they often are. Currently in legal practice, the ‘friendly parent rule’ is used to pressure victims into ‘negotiating’ these matters with an abusive ex rather than litigating — even though litigation is currently the only way to properly address them. Getting people to merely ‘agree’ on matters shouldn’t be the goal of family law processes. Helping them create fair agreements based on their actual parenting and earning realities should be.

Even with a court order for child support and Maintenance Enforcement Programs (MEP’s. NL’s MEP is called the Support Enforcement Program or SEP) to help collect on it, the reliability of that money coming is painfully low. According to Statistics Canada’s [Survey of Maintenance Enforcement Programs](#), only 40% of ordered child support was paid in full in every month of 2022. This means that 60% of child support recipients cannot reliably access the child support they are legally entitled to receive.

When fair child support orders are difficult to obtain, or ordered support goes unpaid, the parent providing the majority of care bears the financial impact—and children are left with fewer resources. That shortfall is often supplemented by public programs providing income, housing, and other supports to low-income families. This makes child support a gender-based violence issue, an equality issue, and a public-cost issue. **Improving how child support is administered, disputed and enforced is therefore one of the most direct levers available to help women leave abusive relationships and ensure their financial autonomy and their children’s well-being when they do.**

Recommendations: **Justice / Enforcement**

When NL’s SEP was launched in 1989 it was estimated that 85% of support orders nationwide were in default. ([NL Department of Justice, 1996](#)) These programs are the single greatest thing government has done for victims of post-separation economic abuse, and for women and children in general. There is much more that can be done to increase compliance here in NL, though.

- Apply interest and penalties to unpaid support, as with any other debtor-creditor relationship.
- More staff at NL’s SEP office: cases currently get attention on a ‘squeaky-wheel gets the grease’ sort of basis. More staff will undoubtedly mean higher rates of compliance.
- Most collections actions stop the moment an account is paid up to date — even though it’s usually those actions that produced the payment. Keep them in place until a consistent payment pattern is established.
- When collections actions are taken against non-payers, fines should also be issued to the payer to compensate for the administrative costs associated with those actions. Government should not be absorbing these costs, but passing them on to the person who made them necessary.
- SEP staff know which payers are willfully non-compliant versus genuinely unable to pay (the latter already have methods to temporarily lower obligations). Willful non-compliance deserves real consequences.

- Expand the SEP to include all monies owed between ex-partners that are in a legal agreement. All family court orders need an accessible, free, safe way to enforce them.

Prevention

The two means of manipulating the child support calculator are incredibly damaging to victims and their children and they are incredibly common. They deserve more targeted and effective solutions.

- Parenting-time disputes should be mediated by professionals trained in child development, not negotiated under a 'friendly co-parent' banner that pressures mothers into arrangements that don't reflect historical caregiving or comply with existing guidelines for determining what would be best for the child.
- Income disclosure and determination should be handled by accountants and/or CRA. Individuals who aren't up to date on tax filing, or who need to access their income records are everyday work for accountants and tax professionals. CRA already has methods for addressing hidden income too. These matters should not be treated as disputes requiring negotiations between parties or legal intervention. There are ways to address these issues that are much more effective and less burdensome to victims.
- Make child support a government-imposed obligation via the existing CRA marital status change process. CRA already holds the income and child data and already uses the same 40% parenting time threshold for Canada Child Benefit calculations. By applying the law more universally and automatically, instead of only to those who engage family justice systems, it will reduce the conflict created by abusers who treat child support as optional and the woman who asks for it as their enemy.
- Have The Law Society of Newfoundland and Labrador mandate thorough education for everyone working in family law on family abuse dynamics, including the intricacies of economic abuse.

Bio of Dawn Evans:

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- Survivor of economic abuse
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