

**Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP**  
**Answers to pressing questions on Family Law.**

**He owes you: Get his financial info.**

**Question:** My ex takes money off the monthly child support payments for things like baseball for my son. This to me seems awfully cheap in that he has never helped with day care of taekwondo for the past few years. He recently told my daughter he couldn't afford her grad dress, as he was struggling. The same week, he signed my son up for baseball and took money from my support cheque which is to pay for housing and food. Now the children will soon be out of day care. It is too late to claim contribution for day care and taekwondo retroactively?

**Answer:** No. You have every right to claim for a contribution to day care retroactively to the day they started day care. Moreover, he has no right to deduct any of his own child-related expenses from your basic monthly payment. He may or may not be liable for extra-curricular activities like Taekwondo, depending on his earnings and yours. Some judges will award it, other won't. But at the very least, his contribution for day care each year should be in proportion to your own gross yearly income as compared to his under Section 7 of the Child Support Guidelines. You should consult with a competent family law lawyer to assist you in calculating the appropriate overall contributions he has missed over the years. After obtaining his tax returns (and possibly other financial statements if he is self-employed) for each of those years. Then, you or your lawyer should send him a letter of demand for those funds with appropriate receipts, and if his income is increased, for the retroactive basic child support he should have paid. If he fails to provide the financial disclosure or refuses to pay for retroactive child support and the monies he should have never deducted from your basic child support payments, then you should have no hesitation whatsoever making a court application. You should also file your payment agreement with the government support enforcement agency, the Family Responsibility Office. As I mentioned in a recent article, the basic table amount for child support, without calculating these extraordinary or special expenses like daycare or Taekwondo, has gone up effective May 1, 2006. Some judges may or may not grant you the entire amount of retroactive day care because you waited too long to notify him of your claim in writing. But that doesn't mean you shouldn't obtain at least partial relief.

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