

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

Pursue child support.

Question: I have separated from my husband recently due to his aggressive behavior and physical and mental abuse. I have two children aged a year and a half and 10 with my husband. I wanted to apply for child support. However, my husband has left his job left for India. He is a Canadian Citizen. He was well employed in India before we came to Canada and, due to his vast experience, he has again secured a plush job with a fantastic salary and all prerequisites, like a chauffeur-driven car in India. He is not planning to return to Canada where he was not doing so well implied and challenges me to claim child support. He says no authority in Canada can get child support for me now, try if you can. I am in deep trouble. I find it very difficult to support my children with my small salary. I sincerely request you help me in this matter.

Answer: Do not despair. First, your Ontario Lawyer needs to find a competent family-law lawyer in India near where your husband is employed and resides. The Canadian Embassy in each country had a list of such lawyers (check the web). Secondly, as in many such cases, your Ontario lawyer may be able to obtain a child support Order in Ontario and have the order enforced where you husband has fled, even when the country does not have a reciprocal enforcement agreement with Ontario. In other countries, you must commence a lawsuit for child support in that country, such as Turkey. It depends on the law of the country where the person fled. Ontario and India do not have reciprocal enforcement agreement for child support orders – but that does not mean you are powerless. When I asked the Ontario government what to do in your case I got the following response: “in the situation where a person, who is in default of their family support obligations, has moved to a country with which Ontario does not have a reciprocal enforcement arrangement, the person who is owed support should obtain legal advice or contract the consulate of the other country regarding possible private support enforcement. “If the support obligation was registered with the Family Responsibility Office for enforcement. The FRO will continue to enforce the case: for example, with respect to any income sources of financial assets that have support payer may have in Ontario. The FRO can also request the federal government to suspend the support payers passport.”

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