

"Getting a Quick Divorce When you have Children but don't want a Child Support Order"

Question: I have been separated for three years and I have a five-year-old daughter. Her father gives me child support off and on but I really don't care if he does and neither does he. I want to get a divorce and not have to go through a child support and custody battle. Can I get divorced without having to deal with child support and custody?

Answer: You can apply for a divorce with the court without requesting custody or child support. However, by law you must disclose in court documents that you have a child, that the child lives primarily with you, the identity of the father, any knowledge of his income and that you are declining to apply for child support. Believe it or not under the Child Support Guidelines of the Divorce Act, a judge has a legal duty prior to granting a divorce to ensure that the parent not living with the child is ordered to pay the appropriate amount of child support in accordance with his income, even though you are not applying for it. To ensure that you are not denied a divorce you should either apply for child support and give some evidence of the father's annual income or explain in the affidavit in support of your divorce motion convincingly why you do not seek it and why it is the child's best interests for you to waive it. The same law does not apply to custody matters. However, you can apply for a divorce without requesting a custody order.