

# **ISSUES FOR DISCUSSION: REVISING THE SPOUSAL SUPPORT ADVISORY GUIDELINES**

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## **1. Background**

Since 2001, the federal Department of Justice has funded a project to research and develop some form of informal guidelines that could bring more uniformity and predictability to the determination of spousal support. We are the project directors. On January 27, 2005, the federal Department of Justice released “The Spousal Support Advisory Guidelines: A Draft Proposal”.

In the following year, over 50,000 copies of the document were downloaded from the Justice website and thousands of photocopies were distributed at various programs around the country. The Advisory Guidelines have been cited in more than a hundred reported decisions, in every province in Canada. Lawyers now regularly use them in discussions with clients and in negotiations with other lawyers. Mediators and judges use the Advisory Guidelines to assist in settling spousal support issues.

In the past year, the Advisory Guidelines have come to dominate the continuing legal debate about the law of spousal support, and to refocus that debate. The law of spousal support had become confused, uncertain and unpredictable, especially on the practical issues of amount and duration. The Advisory Guidelines have served as a starting point – sometimes accepted, sometimes rejected – in negotiations and decisions on the amount and duration of spousal support.

When the Advisory Guidelines were first released, we emphasised that they were a “draft proposal”, ready to be applied immediately, but to be revised based upon their use by family law practitioners. Over the past year, we have already received much feedback from lawyers and judges, in the course of various information sessions on the Advisory Guidelines. Now the feedback process begins in earnest, as we are actively seeking out comments, suggestions, criticisms and possible revisions from all those who have used the Advisory Guidelines.

The purpose of this short paper is to help structure the next stage of the feedback process, to ensure that we get the detailed benefit of your experience in a form that is readily applicable to making specific revisions. You may receive this “issues paper” in many ways: along with a questionnaire, as part of a small-group feedback session, as part of a larger continuing education program, or simply as a stand alone document posted on one of the many websites where we regularly post updates and commentary on the advisory guidelines.

A few words about the organisation of this “issues paper”. First, we provide a brief discussion of some of the problems in the application of the Advisory Guidelines, gleaned from our travels and conversations of the past year. In some cases, we have found that the difficulties identified in practice reflect a misunderstanding or misapplication of the Advisory Guidelines. Here we have identified some of the most common “misunderstandings”. In the revised version of the Guidelines, we will rewrite some parts, in the hope that such misunderstandings can be avoided.

Second, we have identified a list of “issues”, issues or problems that have been most frequently raised with us by judges, lawyers and mediators. A few of these issues are also the product of our own reconsideration of aspects of the Advisory Guidelines. We have tried to be careful in phrasing these issues, as it is important to be specific and to define terms. The list is not closed and we would be happy to receive your additions to the list.

On some of these issues, we have formulated a short list of possible options for revision and we are asking people to suggest which option would be preferable, or to suggest other alternative options.

Finally, there is a brief description of the revision process, so that you know what will happen next and when.

## **2. Correcting Misunderstandings and Misapplications of the Advisory Guidelines**

It is not surprising that there have been some early misunderstandings of the Advisory Guidelines. The intention of the Advisory Guidelines is to reflect the best of the current case law on amount and duration of spousal support, but the methods are a bit different, with their language of formulas, restructuring, exceptions, etc.

Here we address the most common of these “misunderstandings”, in a positive way. Each heading is phrased to state the corrected understanding of the Advisory Guidelines, to ensure positive reinforcement.

### **(1) The Advisory Guidelines Are Just That, Advisory, and Not Legislated**

Some judges and lawyers have refused to apply the Advisory Guidelines “until they become law”. There are no plans to “legislate” these Guidelines. We are currently revising the *Draft Proposal*, but the final version will continue to be informal and advisory only.

**(2) The Advisory Guidelines Are Intended to Reflect the Current Law**

The Advisory Guidelines are not a law reform exercise. The law is set down in the *Divorce Act* and the leading cases on spousal support, notably *Moge* and *Bracklow* in the Supreme Court of Canada. The Advisory Guidelines attempt to encapsulate the current case law through formulas, restructuring and exceptions. These Guidelines were constructed after extensive case law research, advice from the federal Advisory Working Group on Family Law and some consultation with wider audiences. The method of determining amount and duration may be new, but the underlying substantive law is not changed. In some areas, where the current law is not clear, we have identified emerging trends and best practices. The Advisory Guidelines are intended to provide a more efficient and predictable method of determining the amount and duration of spousal support under the current law.

**(3) Entitlement Matters, Throughout the Advisory Guidelines**

The threshold issue of entitlement is often ignored in practice, with entitlement simply being assumed because there is a difference in spousal incomes, a difference that generates an amount of support under the formulas. This is incorrect. The Advisory Guidelines do not deal with entitlement, only amount and duration. There must be a finding (or agreement) on entitlement *before* the formulas and the rest of the Guidelines are applied.

Further, the basis for entitlement in a particular case, e.g. compensatory or non-compensatory, is not just a threshold issue. It runs through the whole Guidelines analysis, including ranges, location within range, restructuring, exceptions, etc.

**(4) Remember Arguments Within Ranges, Restructuring, Exceptions**

There has been a tendency to focus only upon the formulas. The Advisory Guidelines are not just “the formulas” and “ranges”. The formulas are only one part of a more complex scheme. The full scheme requires the exercise of judgment by lawyers and judges in response to the facts of individual cases. There are arguments to be made about location of an amount or duration within the ranges. If the amount appears “too low”, the ranges can be “restructured” to generate larger amounts for a shorter duration. The exceptions are often ignored in practice, such as the compensatory exception for short marriages or the disability exception. In these “exception” cases, the formula amounts will seem “too low” or “too high” or the duration “too short”.

**(5) Income: The Need for Accuracy, Including Imputing**

These are income-based guidelines. In some cases the ranges are rejected as “too high” or “too low”, because of errors in determining income, for example, a failure to gross up non-taxable income, or a failure to impute income.

**(6) Always Look at Net Incomes**

Even though the *without child support* order uses gross incomes to determine the range for amounts, it is important to consider the resulting net incomes for both spouses *after* payment of spousal support, especially in two situations: (i) in cases at the lower-income end; and (ii) in long marriage cases of 25 years or more. The *with child support* formula uses net incomes and thus constantly reminds us to look at net income positions. Even in these cases, it is important to look at the net family or household incomes after the payment of both child and spousal support.

**(7) High Incomes: The Formulas Are Not Applicable Above the Ceiling**

The “ceiling” in the Draft Proposal was set at a gross payor income of \$350,000. Lawyers for recipients will sometimes argue for the formula amounts in cases above the ceiling, in order to generate large claims. Once the payor’s income goes above the “ceiling”, then the amount of support must be determined on an individual case-by-case basis.

**(8) “Indefinite” Orders Are Not “Permanent” Orders**

“Indefinite” does not mean “permanent”. An “indefinite” order is simply an order without time limit at the time it is made. An indefinite order is subject to review and variation. The initial amount ordered will change over time, the duration may be time limited, and the order may even terminate in future.

**(9) Self-Sufficiency Issues: Reviews, Incentives**

The Advisory Guidelines don’t “solve” the problem of self-sufficiency, but neither do they ignore it. Self-sufficiency raises some of the most difficult questions in spousal support law: how best to encourage the recipient to return to the paid labour market; what constitute “reasonable efforts” towards self-sufficiency; at what point is self-sufficiency attained. Self-sufficiency issues are addressed at many points throughout the Guidelines. Income may be imputed to a recipient spouse who does not realize his or her earning potential. The time limits under the *without child support* formula encourage self-sufficiency. Self-sufficiency is always a factor in locating amount and duration “within the ranges”. Reviews and variations often focus upon self-sufficiency issues.

**(10) Variation: When the Guidelines Help, and Their Limits**

The normal principles govern variations. A material change in circumstances must still be proved. Once that threshold has been met, the Advisory Guidelines can be useful in determining the amount and duration of spousal support.

The Advisory Guidelines work well for many changes in incomes, as these are income-based guidelines. Post-separation increases in the payor’s income, and

post-separation reductions in the recipient's income, however, can raise some threshold issues. The recipient's re-partnering or remarriage require discretionary judgments at present, as does the appearance of subsequent children of the payor. Questions of self-sufficiency and continued entitlement also arise regularly on variations.

A variation application also must assume the correctness of the previous order. Where the previous order was not consistent with the Advisory Guidelines, there may be some limitations upon the ability to use the Guidelines for subsequent orders.

**(11) Contracts: A Limited Role for Guidelines**

Because the Guidelines are "advisory", and not legislated, they can't be used to re-open agreements for spousal support. The Advisory Guidelines may be of some assistance in deciding whether a particular agreement is in "substantial compliance" with the objectives of the *Divorce Act* or, if spousal support is reconsidered, in determining issues of amount and duration. But that's it. *Miglin* and the law surrounding contracts will govern.

**3. Issues for Discussion**

In identifying issues for discussion below, we have tried to group the issues in some loose (very loose) categories. Many of them reflect problems with the Advisory Guidelines that have been raised with us by lawyers, mediators and judges. Inevitably there are issues that overlap and defy categorisation. In some instances, we have suggested some possible options for revisions.

**(1) Income Definition**

Income is defined as "Guidelines income" using the same definitions found in the Federal Child Support Guidelines, including Schedule III adjustments.

Early on, we suggested that s. 4 of Schedule III should not be followed for spousal support purposes, such that social assistance is excluded from "income" entirely. Is that right?

Are there any other changes that should be made to "income"?

**(2) Floors and Ceilings**

There seems to be a consensus that the "floor" is set at about the right place, at a gross payor income of \$20,000. The *Draft Proposal* suggests greater flexibility

for payor incomes from \$20,000 to \$30,000, allowing for downward adjustment from the ranges. These “floor” issues most often arise in cases under the *without child support* formula.

Is the current “floor” about right? Should it be raised? Does the increased flexibility above the floor adequately address any low-income concerns?

Should the “floor” be different for cases under the *with child support* formula? Practically, the priority to child support means that the low end of the range will be zero for payor incomes up to \$40,000. Is any further adjustment required?

The “ceiling” is currently set at a gross payor income of \$350,000. Some think that amount is too high, although those who practise in urban centres like Vancouver, Calgary and Toronto don’t think so. To date, judges appear reasonably comfortable following the Guidelines ranges up to about \$200,000, but then some differences emerge.

Should the ceiling be left at \$350,000?

### **(3) The *Without Child Support* Formula**

#### **(a) Basic Formula**

Is the basic formula “right”? Does it give too much weight to “length of marriage” as a factor? Are there other factors that should be added to the basic formula, along with length of marriage and gross income difference?

In what specific kinds of fact situations does this basic formula produce less acceptable numbers?

#### **(b) Short-to-Medium Marriages**

Some have suggested that the formula produces amounts that are “too low” in shorter marriage cases, not providing enough support for the transition from the marital standard of living back to a lower standard of living based upon the recipient’s earning ability. In these cases, involving marriages of less than 6 or 7 years, there is also little scope for much restructuring.

Are the shorter marriage amounts “too low”?

Should an additional exception be created to accommodate these concerns? Or do these cases get settled anyway? Or do they get resolved by a longer period of interim support (or even by a larger amount of interim support under the “compelling circumstances at the interim stage” exception)?

If an additional exception were to be created, should it only be available in cases where the formula amount would cause undue hardship for the recipient in meeting his or her basic needs? Or should it be framed as a transitional exception more broadly available to recipients with middling incomes?

**(c) The Maximum of 50 Per Cent in Long Marriage Cases**

In marriages of 25 years or more, the maximum range under this formula is 37.5 to 50 per cent of the gross income difference. The maximum of 50 per cent amounts to income equalization between the spouses. Some suggest that this maximum would be ordered so rarely that it would be more like an “exception”. For most cases, the maximum sharing should be lower, like 48 or 45 per cent of the gross income difference. There might be some cases where 50 per cent is warranted, such as two pensioners or two lower-income spouses.

Should the maximum percentage be fixed lower, at 48 or 46 per cent? If that were done, should the formula incorporate an “exception”, allowing the percentage to rise to 50 per cent of the gross income difference in “exceptional” cases?

Alternatively, should the maximum for long marriages look at *net* incomes. Should the maximum under this formula be set by the amount that would leave the spouses with equal net incomes? On this approach, the high end of the range of 37.5 to 50 per cent of the gross income difference would be “capped” by a maximum of equalization of net incomes.

**(d) The Requirements for Indefinite Duration**

Under the current formula, support is “indefinite” where the marriage has lasted 20 years or more, or where the recipient’s age at separation and the years of marriage total 65 or more (what we called the “rule of 65”). In some cases, courts have preferred to order indefinite support for marriages shorter than 20 years, in that 15 to 20 year bracket. And there has not been consensus around our attempt to adjust duration for older recipients under the “rule of 65”.

Should the threshold for indefinite support be lowered below 20 years of marriage? If lowered, how low should it go – 18, 16, 15 years? Or should it be left at 20 years, with greater use of restructuring to extend the duration for marriages in the 15-19 year range?

There is a trade-off between amount and duration under this formula. If we lower the threshold for indefinite support, should the formula for amount change, to lower the amount of support in these cases, since support will potentially be paid for a longer period?

Should the “rule of 65” be maintained? Is there any justification for differential treatment of duration in shorter marriages by older spouses? Should age matter at all?

**(4) Exceptions**

We only listed five specific exceptions: (i) a compensatory exception for shorter marriages; (ii) illness and disability; (iii) debt payment; (iv) prior support obligations; and (v) compelling financial circumstances at the interim stage. Of course, since these are advisory Guidelines, this list can be expanded and adjustments made in individual cases anyway.

Are there other recurring fact situations where additional categories of “exceptions” should be recognized?

Should an exception be recognized for shorter marriages under the *without child support* formula, as discussed above. This exception would provide for a higher percentage of the gross income difference in order to effect a reasonable transition in those cases where the recipient has little or no income.

Should an explicit exception be made for “high asset” cases? For cases where assets are divided unequally, or reapportioned in favour of the support recipient?

Should the debt payment exception be extended, beyond those cases where the couple has a negative net worth? Should the exception be broadened, to include debt payments in those cases where assets exceed debts, even if those debts have been considered in the property division? Or, alternatively, should the exception be narrowed, to only those cases where debts exceed assets and the payor has assumed a disproportionate share of the marital debts?

**(5) The *With Child Support* Formula**

**(a) The Range of 40 to 46 Per Cent INDI**

The precise location of the range under this formula was a subject of considerable discussion prior to the *Draft Proposal*. An earlier proposal had fixed the range to leave the recipient spouse with 44 to 50 per cent of individual net disposable income (INDI), but that was felt to be too high. In some parts of the country, like urban Ontario or P.E.I., some think the 40-to-46 range is “too low”. In other parts of the country, that’s seen as “too high”.

Should the range be higher? Lower? Left at 40-to-46-per-cent?

**(b) Contino and Shared Custody**

The shared custody formula was devised around the simple or straight set-off before *Contino* was decided by the Supreme Court of Canada. *Contino* emphasized that this set-off is the starting point for child support under section 9, but only a starting point and not a default rule. Section 9 affords a broad discretion, but a major concern is the child's standard of living in each household.

At the moment, the shared custody version of the formula uses the straight set-off for child support. No adjustment is made where child support is higher or lower than the set-off (although the software does provide for such an adjustment). The result is that the spousal support range in shared custody cases is the same as in sole custody cases, although the recipient's net family or household income will be lower because of the lesser amount of child support. This result was intended to meet concerns about creating further disadvantages for the lower income parent in a shared custody situation.

Should the shared custody version of the formula be changed after *Contino*?

Should spousal support in shared custody cases be lower, or higher, than the spousal support generated in sole custody cases for similar incomes?

Should the *with child support* formula for shared custody cases give greater importance to the household net incomes after *Contino*, rather than the parent's INDI? In most cases, a 50/50 sharing of household net disposable incomes or monthly cash flow is possible within the ranges currently generated by the formula.

If the payor pays child support that is more or less than the straight set-off amount, should the formula adjust for that difference? Always? Only in some cases?

**(c) "Mixed" Custody Cases**

The *with child support* formula includes versions for sole custody, shared custody and split custody, as well as a separate hybrid formula for the situation where the custodial parent also pays spousal support to the non-custodial parent. We have received a number of questions about "mixed" custody cases: cases where there is a mix of shared and split custody, or a mix of sole and shared custody. Also there can be cases where one child is at home attending high school while one or more adult children attend university away from home.

Should the revised Advisory Guidelines expressly deal with these "mixed" custody cases?

**(d) The Formula for Spousal Support Paid by the Custodial Parent**

A different, hybrid formula was developed for the subset of cases where spousal support is paid by a higher-income custodial parent to a lower-income non-custodial parent. In these cases, the recipient of spousal support may also be paying child support to the higher-income parent. This hybrid formula is constructed around the *without child support* formula, after reducing the spousal incomes for grossed-up amounts of child support. As a result, the amount and duration of spousal support are affected by the length of the marriage.

Should there be any changes to this “custodial payor” formula?

Does this custodial payor formula produce amounts that are “too low” for shorter marriages? Is this true even after consideration of the compensatory exception?

Remember also that there is another exception under this formula, a “parenting exception” to increase the amount and duration of spousal support to permit the recipient parent to continue to fulfil an expanded parental role. Should that exception be maintained?

**(e) Adult Children Under Section 3(2)(b)**

In those cases where child support is determined under s. 3(2)(b) of the Federal Child Support Guidelines, should a different formula be adopted? Under s. 3(2)(b), a court can depart from the table-amount-plus-section-7-expenses approach if it is “inappropriate”. The s. 3(2)(b) approach is adopted in those cases where the adult child is attending university away from home, or the student is making a significant contribution to his or her own education, or there are other non-parental sources to defray education costs, like scholarships or RESP’s or grandparents. Under s. 3(2)(b), the court usually draws up a budget for the adult child, deducts the student’s contribution, and then requires each parent to pay his or her proportionate share of the remaining budget deficit. The child support amounts thus determined for each parent are usually lower than table-plus-section-7 amounts.

We have already suggested a revision in such cases where the only or remaining children have their child support determined under s. 3(2)(b). A hybrid formula is suggested, by using the *without child support* formula after deducting grossed-up amounts of child support from each parent’s income.

Is this suggested formula a good idea? Should it be added to the revised Advisory Guidelines?

**(f) The Child Tax Benefit**

In constructing the *with child support* formula, a decision was made to include the Child Tax Benefit and GST Credit in the parents' incomes, for the practical reasons explained in the *Draft Proposal*. The major concern was the size of these benefits, especially at lower income levels, and their reduction as the recipient receives larger amounts of spousal support. Some consider this to be an inappropriate inclusion, for philosophical reasons. If these benefits were excluded from the formula calculation, then other adjustments would have to be made, especially for lower income parents. The change in policy for Child Tax Benefits in shared custody cases is another example where the Child Tax Benefit can affect spousal support, if the Benefit is required to rotate on a six-month basis between the parents instead of the full Benefit accruing to the lower-income parent.

Should the spousal support amounts under the formula continue to take into account the Child Tax Benefit and other refundable credits?

**(6) Duration under the *With Child Support* Formula**

Under this formula, all orders are "indefinite in form", subject to review and variation. To clarify the effect of these orders, would it help to revise this term, to describe the orders as "reviewable" or "indefinite and reviewable"?

We did propose outside time limits for the duration of these orders, i.e. a generally-understood outside limit on the eventual duration of these "indefinite" orders. The *Draft Proposal* suggested two tests for these outside time limits: a longer-marriage test based upon length of marriage and a shorter-marriage test based upon the age of the last or youngest child.

The longer-marriage test could produce a total duration as long as the maximum under the *without child support* formula, i.e. the years of marriage, subject to any of the provisos for indefinite support. Is this a reasonable outside limit for these cases?

More controversial has been the outside limit for shorter marriages. In these cases the outside time limit in the *Draft Proposal* is the date that the last or youngest child completes high school, roughly 18 years of age, consistent with the "parental partnership" rationale for the *with child support* formula. Where the children are very young at the time of separation, this could mean a fairly long outside limit. Few cases would reach this outside limit, given the process of variation and review and the likely changes that take place over time.

Should the outside time limit in shorter marriages continue to be when the last or youngest child completes high school?

Or should it be shorter, such as when the child reaches age 16 or 15 or even less?

Or should the outside time limit be tied in some fashion to the length of the marriage, even if the recipient's child care responsibilities might continue past that date?

Or should the duration just be stated to be "indefinite", with no statement of any expectation of outside limits?

**(7) Self-Sufficiency Issues**

Self-sufficiency continues to pose problems for the law of spousal support and for the design of any set of guidelines. Self-sufficiency issues pop up throughout the Advisory Guidelines, but we wanted to organize them under one heading in making revisions.

Do the minimum and maximum time limits under the *without child support* formula serve to further self-sufficiency concerns, especially in medium-to-long marriages?

Where spousal support is indefinite under the *without child support* formula, is the process of review and variation sufficient to satisfy self-sufficiency concerns? What additional steps might be taken to encourage self-sufficiency?

Another way of addressing self-sufficiency concerns is the imputing of income to the recipient. Should there be any further direction in the Advisory Guidelines on the imputing of income?

All orders are indefinite in form under the *with child support* formula. Given the current state of the law on time limits, review and variation, can anything more be done to encourage self-sufficiency in cases involving dependent children?

**(8) Post-Separation Increases in the Payor's Income**

The *Draft Proposal* recognized this issue, but did not suggest a formulaic solution. The issue arises at the variation or review stage. We use the term "post-separation" as a form of shorthand, to describe income increases after the initial trial or settlement.

The *Draft Proposal* simply left the threshold "sharing" issue to be decided, namely whether the payor should be required to share none, some or all of this post-separation increase in income. The formulas can assist in identifying the ranges for amount that would flow from sharing none or all of the increase by way of spousal support.

Should there be some formula devised to address this issue? Or is such a formula even possible?

Under the *with child support* formula, since the payor must share his or her post-separation increase by way of child support anyway, should there be a presumption of full sharing of any income increase by way of spousal support too? Or should there be a difference in the treatment of child vs. spousal support?

A formula could be developed, based upon length of marriage and passage of time since separation, with greater sharing after a longer marriage and an increase closer to the date of separation. Would a formula based on such factors adequately capture the current loose notion of “connection” found in the case law?

**(9) The Remarriage or Repartnering of the Recipient**

At the time the *Draft Proposal* was released, it had not been possible to construct a formula that would address this fact situation, so it was left to case-by-case decision making. This situation arises frequently in practice, not just at the variation or review stages, but also at the point where spousal support is being determined initially. There have been many requests for some formulaic guide in these situations.

Is this a situation where a formula of some kind would be a good idea?

Any formula would involve some idea of “merger over time”, with an increasing proportion of the new partner’s income to be included in the income of the recipient spouse over time. It is not possible to build a formula around expense-sharing, so income-sharing must be the method.

Should it make any difference to this repartnering formula whether the spousal support order was made on compensatory or non-compensatory grounds?

**(10) Subsequent Children**

This is a more technical term to describe the “second family” issue. An exception provides for “prior support obligations”. What if the payor spouse has subsequent children? Is there any formulaic answer to these cases, which come up frequently? The *Federal Child Support Guidelines* address the balancing amongst children and child support obligations by way of “undue hardship”, but with no clear policy stated. Child support is given priority over spousal support generally, which means the payor’s duty to support a subsequent child could be given priority over spousal support for a prior spouse.

Should a formula be developed to consider the situation of subsequent children? Should the formula be restricted to the subsequent biological or adopted children of the payor, as opposed to “step-children”? Can a workable formula be developed?

Should the duty to support a subsequent child be given priority over spousal support for a prior spouse? Or should some balancing test be used?

**(11) Narrowing the Ranges**

The ranges for amount and duration under the *without child support* are fairly wide, especially for longer marriages and larger gross income differences. The ranges under the *with child support* formula are also quite wide. Some lawyers have suggested that a narrowing of these ranges would make settlements easier to obtain, while others worry about the loss of flexibility. There is also the problem of inter-provincial and intra-provincial variations in practice.

Should the ranges under either or both formulas be narrowed?

**(12) Provincial Guidelines?**

The formulas generate ranges on a national basis. It is clear that there are considerable variations in practice across provinces in spousal support, from “high” support areas to “low” support areas. Some have suggested that the solution might lie in “regional” or “provincial” guidelines, which might then permit some narrowing of the ranges. Others emphasize that the *Divorce Act* is a national statute and that the spousal support received in Markham, Ontario, should not differ significantly from that received in Moncton, New Brunswick. There is also the problem that the differences *within* some provinces, like Ontario or Alberta or Quebec, are greater than the differences *across* provinces.

Should there be provincial or regional guidelines developed, instead of national guidelines?

**4. The Next Steps in the Revision Process**

The next stage really begins in July 2006 at the National Family Law Program. We will present an update on the progress of the Advisory Guidelines to this national conference of lawyers and judges. There will be a consultation session on spousal support at the conference.

We will continue to issue regular updates on case law and other developments, as we have in the past year and a half. These updates are then posted on QuickLaw, WestlaweCARSWELL, the CBA National Family Law Section site, Judicom for judges

and the University of Toronto Faculty of Law [at [http://www.law.utoronto.ca/faculty\\_content.asp?itemPath=1/3/4/0/0&profile=48&cType=facMembers](http://www.law.utoronto.ca/faculty_content.asp?itemPath=1/3/4/0/0&profile=48&cType=facMembers)] The Issues Paper will also be posted on these sites.

Through the fall and winter, we will continue to criss-cross the country. We will continue to speak at conferences and listen to comments and suggestions from the lawyers, judges and mediators who attend. We will provide brief written questionnaires for those who attend conferences and for others who may be interested. We will also organize meetings with smaller groups of lawyers and judges, to obtain detailed feedback on actual experience with the Advisory Guidelines. Individuals and groups who read the Issues Paper outside of the context of conferences or organized feedback sessions may also send us their comments directly (see below).

We have received letters and emails from lawyers and mediators, as well as members of the public, and we appreciate this feedback. We will continue to accept written submissions **until April 30, 2007**. The postal box address is: Spousal Support Project, P.O. Box 2310, Station D, Ottawa, Ontario K1P 5W5.

The federal Advisory Working Group on Family Law will be meeting in November 2006, to provide its feedback on some of the more difficult issues of revision. Once we have drafted a revision of the Advisory Guidelines, the Working Group will have a final opportunity to review that last draft, in the summer of 2007.

It is our intention to release the revised version of the Spousal Support Advisory Guidelines in the early fall of 2007. We will provide three documents at that time. First, we will provide a completely-revised and self-contained version of the larger document, previously entitled "A Draft Proposal". Included in this document will be a revised Executive Summary. Second, we will provide a briefer report identifying the revisions made to the previous Draft Proposal, for those who are already fully familiar with that version. Third, we will prepare a mid-length document, less than 20 pages, which can serve as an "operating manual", a short-form version of the full revised document.

One last reminder: even this final revised version of the Spousal Support Advisory Guidelines will not be legislated. The Advisory Guidelines will continue to be used on an informal basis, as true "guidelines", to assist spouses, lawyers, mediators and judges in determining the appropriate amount and duration for spousal support across Canada.

August 1, 2006