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**1. Child Support in Shared Custody: CA**

The Manitoba Court of Appeal, in [Stewart v. Stewart](#), 2007 MBCA 66 (CanLII) considered the proper method to calculate child support in a shared custody arrangement. The court upheld the judgment of the lower court (2006 MBQB 118).

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**2. Constitutional Challenge to *Domestic Violence and Stalking Act***

In [Baril v. Obelnicki](#), 2007 MBCA 40 (CanLII), the court allowed the Attorney General's appeal and upheld the constitutional validity of [The Domestic Violence and Stalking Act](#), including ss. 12(2) and 12(3) that had been struck down in the lower court. However, the court provided direction on interpreting s. 12(2), which deals with applications to set aside *ex parte* protection orders and provides that the onus is on the respondent to demonstrate on a balance of probabilities that the order should be set aside:

...the most effective remedy in these circumstances would be to read s. 12(2) in a manner consistent with *Charter* values, and that can be accomplished by restricting the burden imposed by the section to an evidentiary burden only. Thus, the respondent must demonstrate, on a balance of probabilities, that it is just or equitable that the judge set aside the order.

The respondent's cross-appeal was dismissed.

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**3. Divorce Act Amendment**

An amendment to [s.17 of the Divorce Act](#) came into effect on May 31, 2007. The amendment, found in [S.C. 2007, c.14](#) adds s. 17(5.1) to the Act as follows:

(5.1) For the purposes of subsection (5), a former spouse's terminal illness or critical condition shall be considered a change of circumstances of the child of the marriage, and the court shall make a variation order in respect of access that is in the best interests of the child.

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**4. Marital Property on Reserves**

Indian and Northern Affairs Canada recently released the *Report of the Ministerial Representative Matrimonial Real Property Issues on Reserves*. Visit the [INAC website](#) to read or download a

copy of the report.

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## 5. Collaborative Law Conference

The International Academy of Collaborative Professionals (IACP) is holding its 7th annual networking conference in Toronto from October 25-28. The theme of this year's conference is *The Collaborative Mosaic: Growing Globally, Expanding Locally*. More information can be found on the [IACP website](#).

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