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**1. Lump Sum Child Support: C.A.**

The Court of Appeal in [Chevalier v. Chevalier](#), 2007 MBCA 131 (CanLII) considered an appeal from an interim order for lump sum child support. In setting aside the order, the court stated that:

It is clear that the judge was frustrated and annoyed with the husband's lack of diligence, and maybe even candour, in responding to the 2005 disclosure order and that the order she made was an attempt to bring the matters to a head. Unfortunately, however, I must find that the remedy she attempted to bring to the situation was in error and that she should have dealt with the matter in a different fashion.

This court has previously and clearly stated that lump sum awards of child support should only be made in exceptional circumstances and I would add even more so when that award is made on an interim basis.

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**2. Support for the Spousal Support Guidelines: Q.B.**

In [Hykle v. Hykle](#), 2007 MBQB 243 (CanLII), the court considered an application to vary a s. 15.2 order for spousal support with reference to the [Spousal Support Advisory Guidelines](#). The Honourable Mr. Justice Yard comments that:

I have not been referred to and have been unable to find any cases where the Manitoba Court of Appeal has commented on the advisory guidelines or their use in this province. Nonetheless, in my view, there is ample and persuasive judicial authority elsewhere in the country supporting their efficacy, relevance and usefulness such as to warrant their consideration and application in this province and in this case in particular.

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**3. FMA and ISO Amendments**

[The Family Maintenance Amendment and Inter-Jurisdictional Support Orders Amendment Act](#), S.M. 2007, c.13, received Royal Assent and came into force on November 8, 2007. The amendments allow recalculated child support payments to take effect on a set date after the recalculation process starts so as to provide greater certainty and avoid delay when a parent does not provide the necessary financial disclosure in a timely manner. Other amendments enhance the ability to locate persons in child support recalculation, maintenance enforcement and inter-jurisdictional support cases, and the ability to obtain financial information needed to recalculate or enforce support. The Manitoba Court's jurisdiction to vary certain support orders in inter-jurisdictional cases is also clarified.

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#### 4. Protocol on Hague Convention Child Abduction Applications

The Court of Queen's Bench has issued a [Notice to the Profession](#) regarding the [procedural protocol](#) for the handling of return applications pursuant to the [Hague Convention on the Civil Aspects of International Child Abduction](#). The protocol also applies with necessary modifications to proceedings to enforce a custody order pursuant to [The Child Custody Enforcement Act](#), C.C.S.M. c.C360.

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