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1. Supreme Court Refuses Leave in *LeVan*

The Supreme Court of Canada has dismissed [the application for leave to appeal](#) from the decision of the Ontario Court of Appeal in [LeVan v. LeVan](#), 2008 ONCA 388 (CanLII). The issue in that case, first reported in the June 2008 issue of this Update, was whether the marriage contract between the parties should be set aside under [s. 56\(4\) of the Ontario Family Law Act](#). The article [Hubby out \\$5.3 million as SCC passes on LeVan](#) by Robert Todd, published in the November 3, 2008 issue of [Law Times News](#) includes commentary on the decision from counsel for both parties.

2. Can't Pay Child Support and Claim the EDC: TCC

In [Calogeracos v. The Queen](#), 2008 TCC 389 (CanLII) the court confirms that a parent paying child support pursuant to the Federal [Child Support Guidelines](#) is not eligible to claim the eligible dependent tax credit (EDC). The court explicitly states that:

...it would seem that the amount that the Appellant was required to pay as child support under the Federal Child Support Guidelines was based on the fact that he would not be receiving a tax credit under paragraph 118(1)(b) of the Act and that his former spouse would be receiving such a credit. Therefore it is difficult to determine how he is prejudiced as a result of the provisions of subsection 118(5) of the Act since, presumably, as the Federal Child Support Guidelines are based on his ability to pay (taking into account the fact that as a payer he will not be entitled to claim a tax credit for his children) his child support payment is less than it would be if he were entitled to claim this credit.

3. Full Indemnity Costs for Contempt: ON C.A.

The Ontario Court of Appeal in [Hobbs v. Hobbs](#), 2008 ONCA 598 (CanLII) upheld the order of the Superior Court finding contempt for failure to make full financial disclosure as set out in two separate orders of the court and ordering costs against the contemnor on a full indemnity scale. The appellate court also awarded costs for the appeal on a substantial indemnity basis.

4. U.S. Intercountry Adoptions

Lawyers representing clients interested in pursuing intercountry adoptions need to know that since April 1, 2008, the 1993 Hague [*Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*](#) has been in force for the United States of America, according to a December 12, 2007 [news release](#) from the Hague Conference on Private International Law.

5. Pension Law CLE

Don't forget to register soon for the upcoming full-day professional development program, [*Pension Issues in Family Law: What You Need to Know*](#) presented jointly by The Law Society of Manitoba, Court of Queen's Bench Family Division Judges and the Manitoba Bar Association, Family Law Section. The program takes place at the Fort Garry Hotel on Friday, February 27, 2009. [Contact Legal Studies](#) for further information and to register.

6. Articles on Access

The following recent articles address issues related to the exercise of access rights:

- [*Parental alienation syndrome on the rise*](#) by Glenn Kauth, published in the November 10, 2008 issue of [*Law Times News*](#)
 - [*When access parents don't exercise access*](#) by Tammy MacKenzie, published in the November 7, 2008 issue of [*The Lawyers Weekly*](#)
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