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Alan Kilpatrick, Reference Librarian Law Society of Saskatchewan Library (Regina)



of Saskatchewan Overview

- The Canadian Encyclopedic Digest (CED)
- The Canadian Abridgment Digests
- Source Products and Commentary



The Canadian Encyclopedic Digest (CED)



What is the CED?

- Comprehensive legal encyclopedia
- Excellent starting point for legal research
- Broad overview, leading cases, and current legislation
- Included in the federated search results

Search Tips

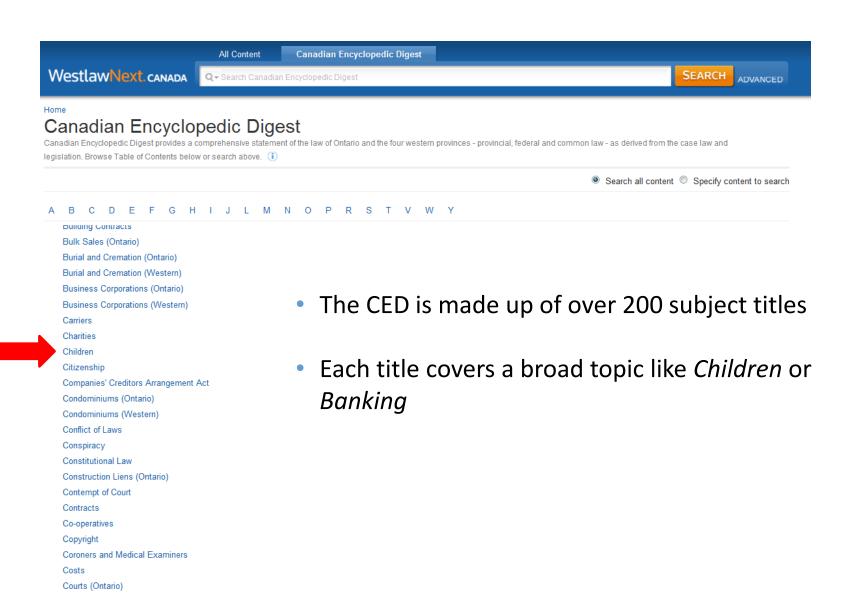
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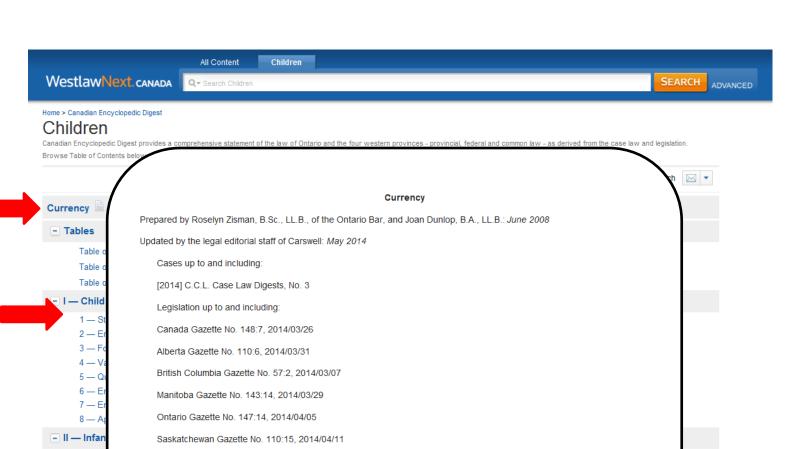
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1 — General

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7 — Gift.

- 2 Parent's Liability for Infant's Debts
- 3 Contracts of Infants Which are Binding



Home > Canadian Encyclopedic Digest > Children > I — Child Support

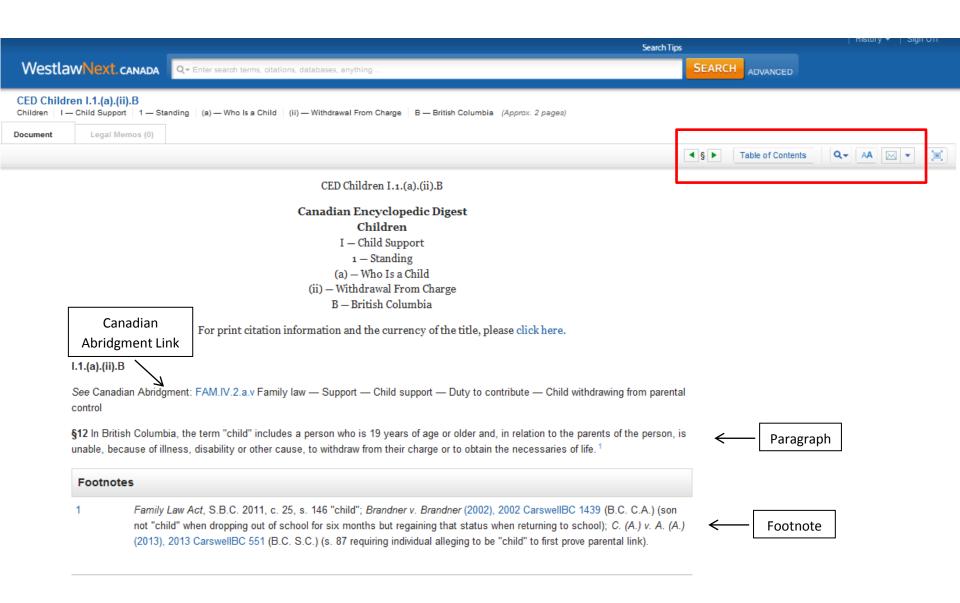
1 — Standing

Canadian Encyclopedic Digest provides a comprehensive statement of the law of Ontario and the four western provinces - provincial, federal and common law - as derived from the case law and legislation.

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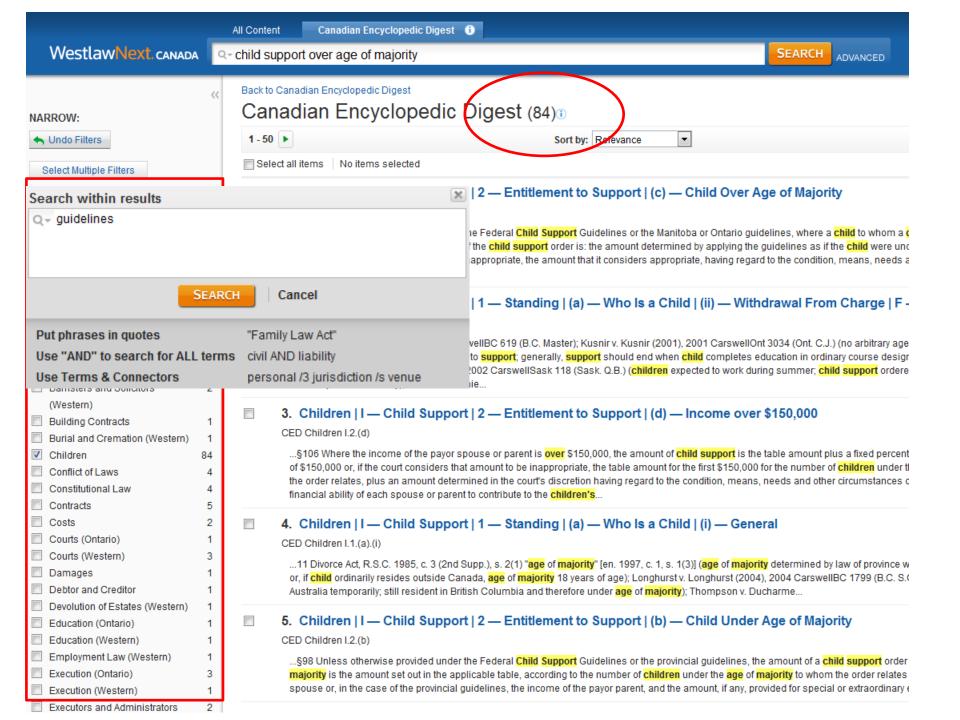
- (a) Who Is a Child
 - (i) General
 - (ii) Withdrawal From Charge
- (b) Who Is a "Payor": Obligation to Maintain
 - (i) Parent's Duty to Support Child General
 - (ii) Alberta
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 - (vii) Federal

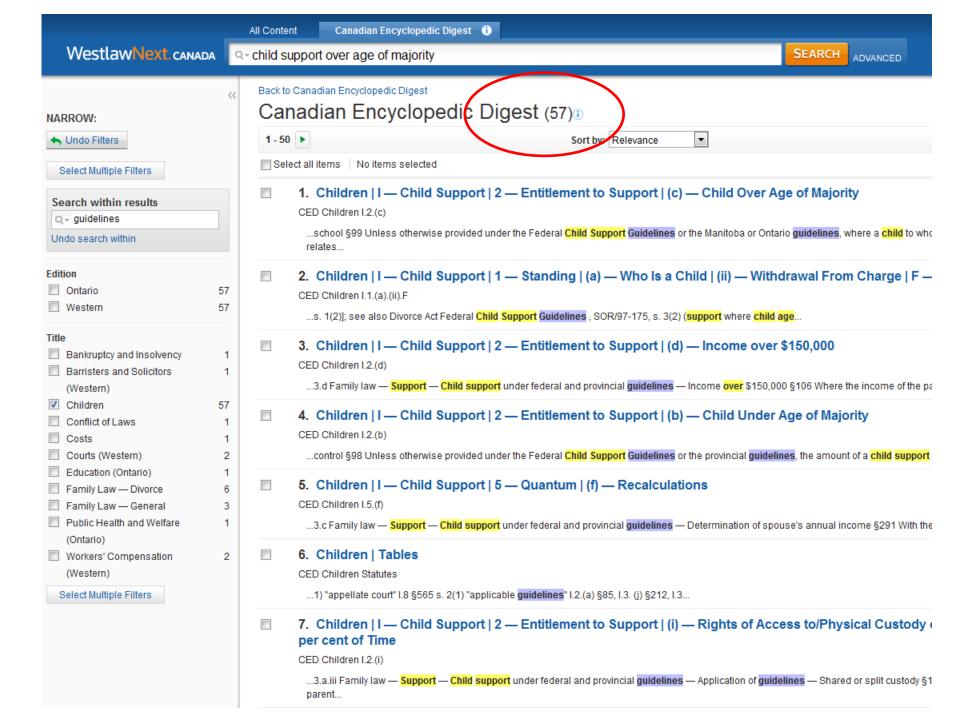




of Saskatchewan CED Strategies Library

- Three Strategies:
 - Browsing
 - Keyword Searching
 - Through Case Law







The Canadian Abridgment Digests



What is the Abridgment?

- Collection of case law digests
- Covers almost every reported decision since the 1800s
- Locate digests of every case dealing with a particular legal topic
- Not included in the federated search results



Abridgment Classification

- A topical classification system
- Digests are organized across fifty broad subject areas
- Locate digests on a point of law by identifying where the topic lies in the classification





1. Jalil v. Jalil

British Columbia Supreme Court | British Columbia | 2015 CarswellBC 956; 2015 BCSC 567; [2015] B.C.W.L.D. 3587; [2015] W.D.F.L. 2357; 253 A.C.W.S. (3d) 416; 60 R.F.L. (7th) 214

Parties had four children together, R, N, Z, and A — Parties separated in 1999 and divorced in 2004 — Children resided with mother after separation, and they had virtually no contact with father after 2004 — After all four children had turned 19, father sought declaration that each child was no longer "child of marriage" within meaning of Divorce Act — Father brought application for such declaration — Application granted — R, born in September 1987, was no longer child of marriage as of January 1, 2010 — Factors supporting this conclusion included that, until that date, R was enrolled largely in full-time course of studies, had student loans, and had career plan — N, born in October 1989, was child of marriage in 2007, 2008, 2010 and from September to December 2012; she was no longer child of marriage as of January 1, 2013 — Factors supporting this conclusion included N's periods of full-time school attendance, some evidence of past academic performance, and lack of evidence of school attendance in 2013 or 2014 — Fact that N had applied for college program in September 2015 did not make her child of marriage given that she had not yet been accepted and given that she was intentionally estranged from father — Z and A, born in August 1993 and July 1995, respectively, were no longer children of marriage as of January 1, 2014 and January 1, 2015, respectively — These dates reflected Z and A's pursuit of full-time studies in automotive repair, their reasonable career plan, and their success in their studies — In determining whether it was just for father to finance children's continuing educational pursuits, consideration was given to fact that children had unilaterally terminated their relationship with him — There was insufficient evidence of conduct by father which might justify children's neglect of their filial duties.

Jalil v. Jalil (2015), 2015 BCSC 567, 2015 CarswellBC 956, 60 R.F.L. (7th) 214, Burke J. (B.C. S.C.) [British Columbia]





Abridgment Strategies Library

- Three Strategies:
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CED Children I.2.(c)

Canadian Encyclopedic Digest Children

I — Child Support

2 — Entitlement to Support

(c) — Child Over Age of Majority

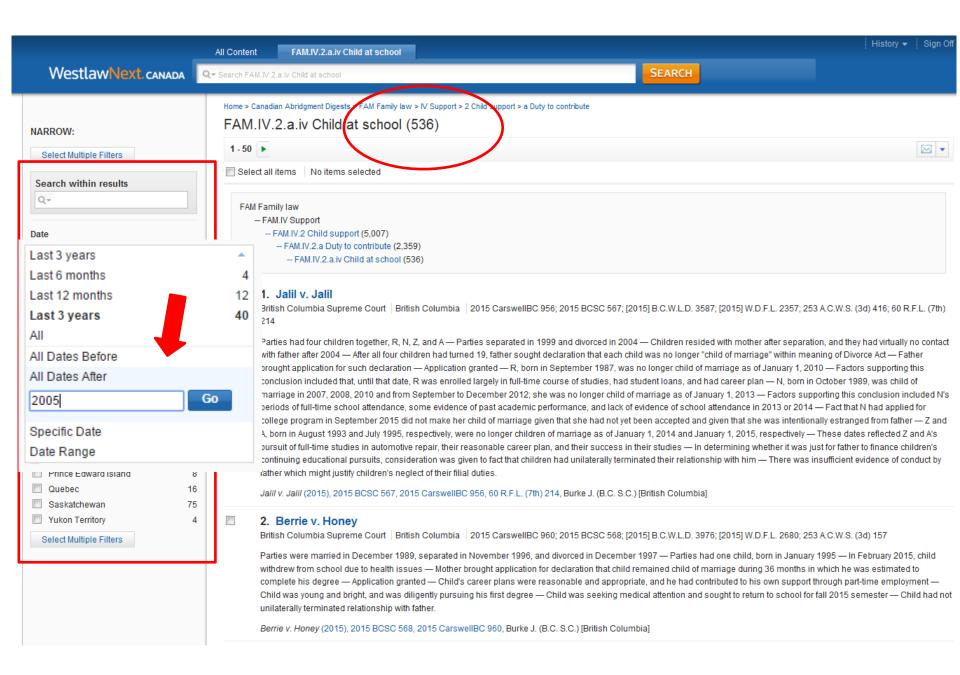
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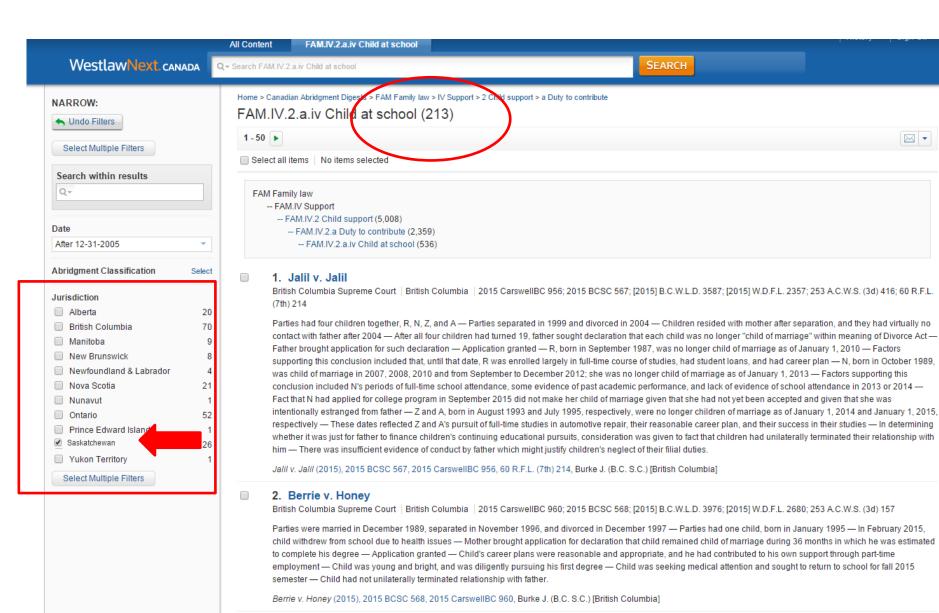
I.2.(c)

See Canadian Abridgment: FAM.IV.2.a.iii Family law — Support — Child support — Duty to contribute — Age of child; FAM.IV.2.a.iv Family law — Support — Child support — Duty to contribute — Child at school

§99 Unless otherwise provided under the *Federal Child Support Guidelines* or the Manitoba or Ontario guidelines, where a child to whom a child support order relates is the age of majority or over, the amount of the child support order is: the amount determined by applying the guidelines as if the child were under the age of majority; or, if the court considers that approach to be inappropriate, the amount that it considers appropriate, having regard to the condition, means, needs and other circumstances of the child and the financial ability of each spouse to contribute to the support of the child. ¹ Unless otherwise provided under the Alberta Guidelines, the amount of a child support order for a child who is at least 18 years of age but not older than 22 years of age and who is unable to withdraw from his or her parents' charge because he or she is a full-time student, is the amount determined by applying the guidelines as if the child to whom the order relates were under the age of majority or, if the court considers that approach to be inappropriate, the amount that the court considers appropriate, having regard to the condition, means, needs and other circumstances of the child and the financial ability of each parent to contribute to the support of the child.²

§100 The court must follow a two-step approach in dealing with the issue of support payable for a child who is over the age of majority. To begin with, the court must determine whether or not it is appropriate to apply the guidelines. If the guidelines are, in the court's view, applicable, then the guidelines are applied and that is the end of the matter. However, if on some objective criteria, the court considers the approach of applying the guidelines to be inappropriate, the court can embark on a more detailed exploration as to the conditions, means, needs and other circumstances of the child, and the financial ability of each spouse to contribute to the support of the child. In making the





3. M. (R.J.) v. M. (E.)

British Columbia Supreme Court | British Columbia | [2015] B.C.W.L.D. 4089; [2015] B.C.W.L.D. 4092; [2015] B.C.W.L.D. 4094; [2015] B.C.W.L.D. 4097; [2015] W.D.F.L. 2795; [2015] W.D.F.L. 2797; [2015] W.D.F.L. 2797; [2015] W.D.F.L. 2798; [2015] W.D.F.L. 2805; [2015] W.D.F.L. 2808; [2015] W.D.F.L. 2812; 253 A.C.W.S. (3d) 411; 2015 CarswellBC 691; 2015 BCSC 414;



WestlawNext, CANADA

Q - Search FAM.IV.2.a.iv Child at school

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Home > Canadian Abridgment Digests > FAM Family law > IV Support > 2 Child support > a Duty to contribute

FAM.IV.2.a.iv Child at school (26)

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FAM Family law

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- -- FAM.IV Support
- -- FAM.IV.2 Child support (5,008)
- FAM.IV.2.a Duty to contribute (2,359)
 - -- FAM.IV.2.a.iv Child at school (536)

■ C 1. Hamoline v. Hamoline

Saskatchewan Court of Queen's Bench | Saskatchewan | 2014 CarswellSask 669; 2014 SKQB 316; [2014] W.D.F.L. 4646; [2014] W.D.F.L. 4654; 246 A.C.W.S. (3d) 148; 50 R.F.L. (7th) 377

Parties married, and child of marriage was born in July 1995 — Parties separated, child began residing with mother, and father was ordered to pay child support pursuant to Federal Child Support Guidelines — Child became beneficiary of trust fund that would pay her lump sums when she reached ages of 25 and 30, with total payment being approximately \$76,000 — Child commenced four-year Bachelor of Nursing degree in September 2013, at which time father was paying \$720 in child support based on annual income of \$83,332 — Father brought application to vary child support — Application granted — Father was ordered to pay monthly child support in amount of \$500 for so long as child remained "child of marriage" and continued to reside with mother — Child was found to be "child of the marriage" within meaning of Divorce Act — Child had limited amount of annual funds from employment earnings — Child had not been able to access her trust funds — Evidence did not establish that even if child was to apply for student loans, that she would be successful — Further, there are different considerations when court considers student loans than those that apply to employment earnings — Where parents have financial ability to assist, adult child should not be required to take on significant debt.

Hamoline v. Hamoline (2014), 50 R.F.L. (7th) 377, 2014 CarswellSask 669, 2014 SKQB 316, D.L. Wilson J. (Sask. Q.B.) [Saskatchewan]

C 2. Walker v. Walker

Saskatchewan Court of Queen's Bench | Saskatchewan | 2014 CarswellSask 551; 2014 SKQB 270; [2014] W.D.F.L. 4141; [2014] W.D.F.L. 4196; [2014] W.D.F.L. 4199; 244 A.C.W.S. (3d) 915; 454 Sask. R. 10

Parties separated in May 2013, after being married for 19 years — Parties had two children, J, who was 18 years old, and B, who was 15 years old — J left home to attend post-secondary education — Wife brought application for interim spousal support and child support, among other relief — Application granted in part — No ongoing order for child support was made — J was no longer resident with either party — B lived with husband 95 per cent of time and he paid all her expenses.

Walker v. Walker (2014), 2014 SKQB 270, 2014 CarswellSask 551, D.H. Layh J. (Sask. Q.B.) [Saskatchewan]

C 3. Schaefer v. Schaefer

Saskatchewan Court of Queen's Bench | Saskatchewan | 2014 CarswellSask 40; 2014 SKQB 8; [2014] W.D.F.L. 1188; [2014] W.D.F.L. 1196; [2014] W.D.F.L. 1202; 237 A.C.W.S. (3d) 721; 436 Sask, R. 99

Parties married in May 1992, separated in December 2001 and were divorced in February 2007 — At time of decision at bar, parties' child was 18 years old and was in Grade 11 — Child initially remained with mother after separation, then lived with father from 2008 to May 2012, then began living with mother in Newfoundland — In April 2013, mother obtained provisional child support order from court in Newfoundland (provisional order) — Provisional order required father to pay monthly child support of \$774 based on



Abridgment Strategies Library

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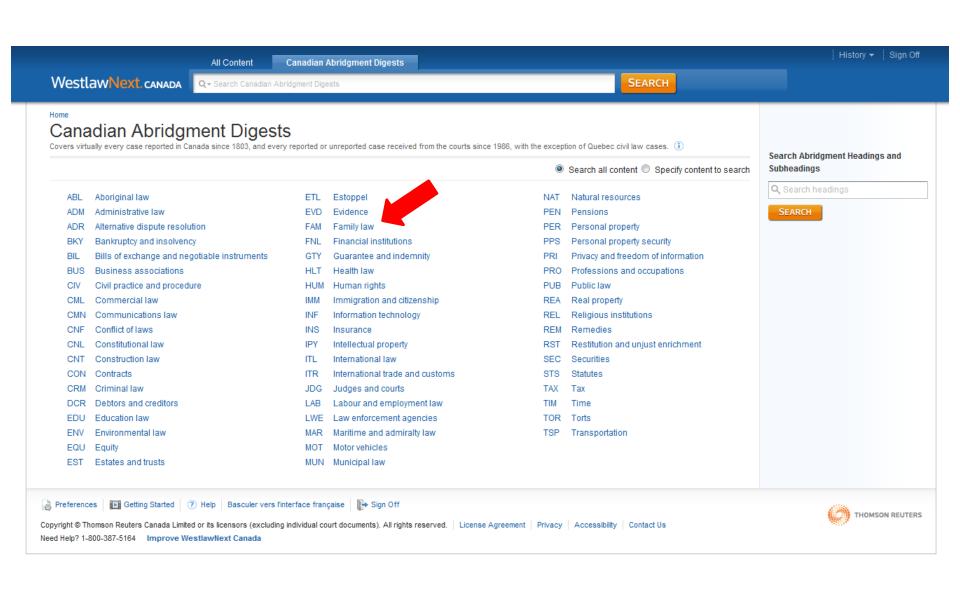
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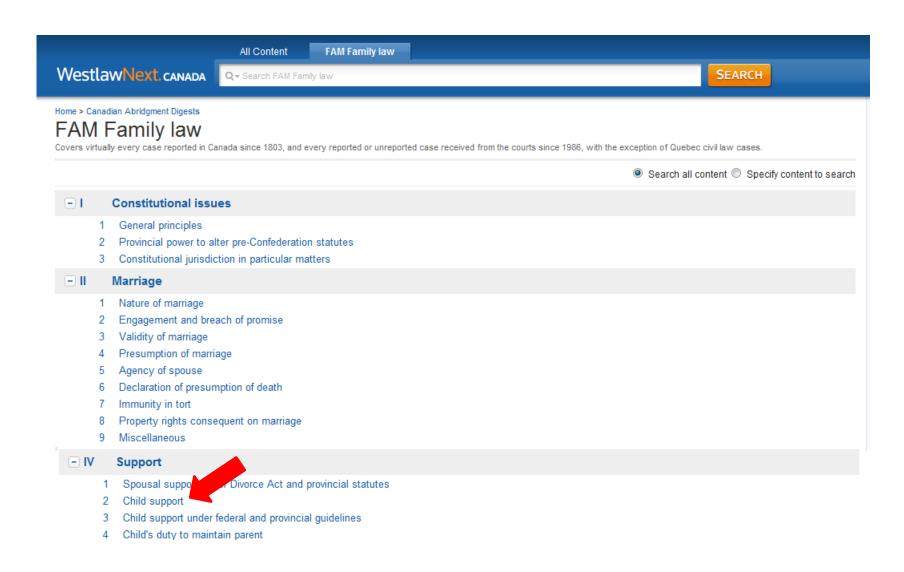
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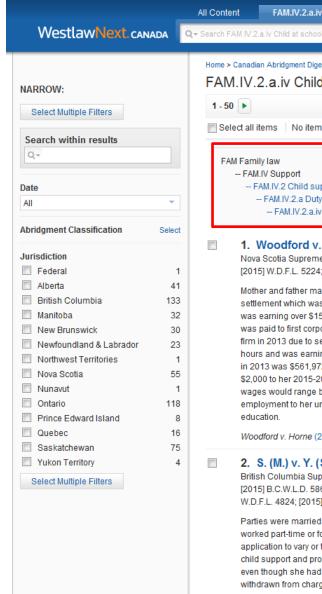
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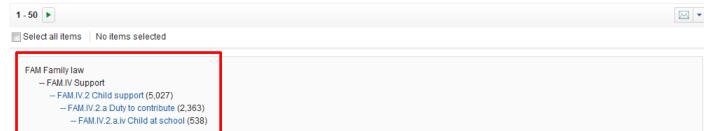
Miscellaneous



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FAM.IV.2.a.iv Child at school (538)

FAM.IV.2.a.iv Child at school



1. Woodford v. Horne

Nova Scotia Supreme Court | Nova Scotia | 2015 CarswellNS 638; 2015 NSSC 208; [2015] W.D.F.L. 5201; [2015] W.D.F.L. 5218; [2015] W.D.F.L. 5221; [2015] W.D.F.L. 5222; [2015] W.D.F.L. 5224; [2015] W.D.F.L. 5227; [2015] W.D.F.L. 5253; 257 A.C.W.S. (3d) 400; 63 R.F.L. (7th) 456

SEARCH

Mother and father married in 1989, had two children, separated in 2002 and divorced in 2004 after having reached comprehensive separation agreement and minutes of settlement which was incorporated into corollary relief order — Corollary relief order provided detailed method for calculation of father's income — At time of agreement, father was earning over \$150,000 — During marriage, mother was primary caregiver for children and father was partner in law firm — As of 2013, father's remuneration from law firm was paid to first corporation, which distributed funds to second corporation that paid salary and dividends — Father's first corporation was paid additional \$223,298 from law firm in 2013 due to settlement of class action — Father did not include this amount in his income for child support purposes — Mother was currently working less than full-time hours and was earning about \$43,000 per year — Mother brought application for variation of child support — Application granted — Father's income for child support purposes in 2013 was \$561.972 and for 2014 was \$446,022 — Issue arose as to whether older child was required to contribute to university expenses — Older child was to contribute \$2,000 to her 2015-2016 university expenses with net remainder to be proportionately shared by parents — Older child was working at coffee shop for summer and her total wages would range between \$3,800 and \$5,000 — Although older child should contribute to own education, it was not realistic to expect her to save every penny of summer employment to her university expenses — Given parties' incomes, it was not reasonable that older child would have to apply for loan and go into debt to finance her university education

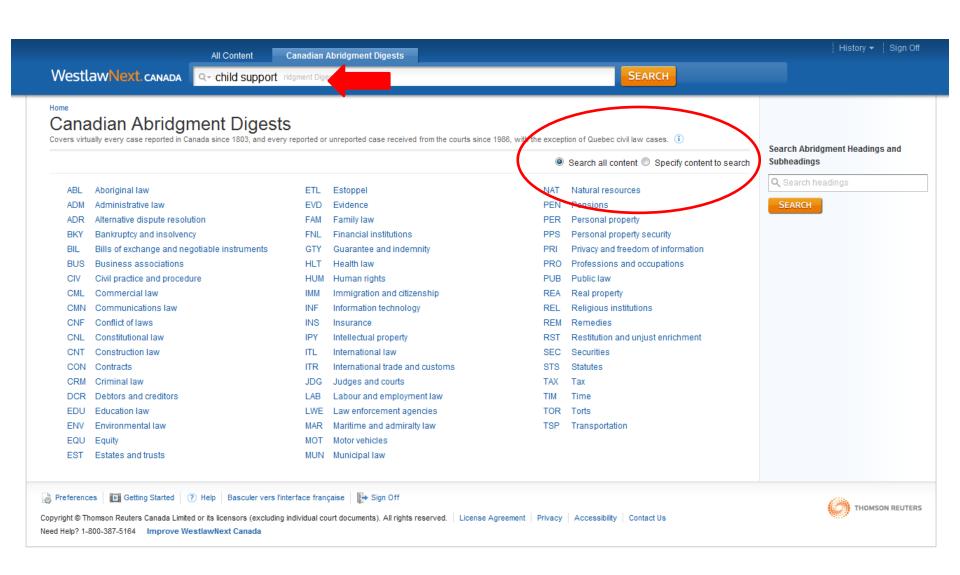
Woodford v. Horne (2015), 63 R.F.L. (7th) 456, 2015 NSSC 208, 2015 CarswellNS 638, Mona M. Lynch J. (N.S. S.C.) [Nova Scotia]

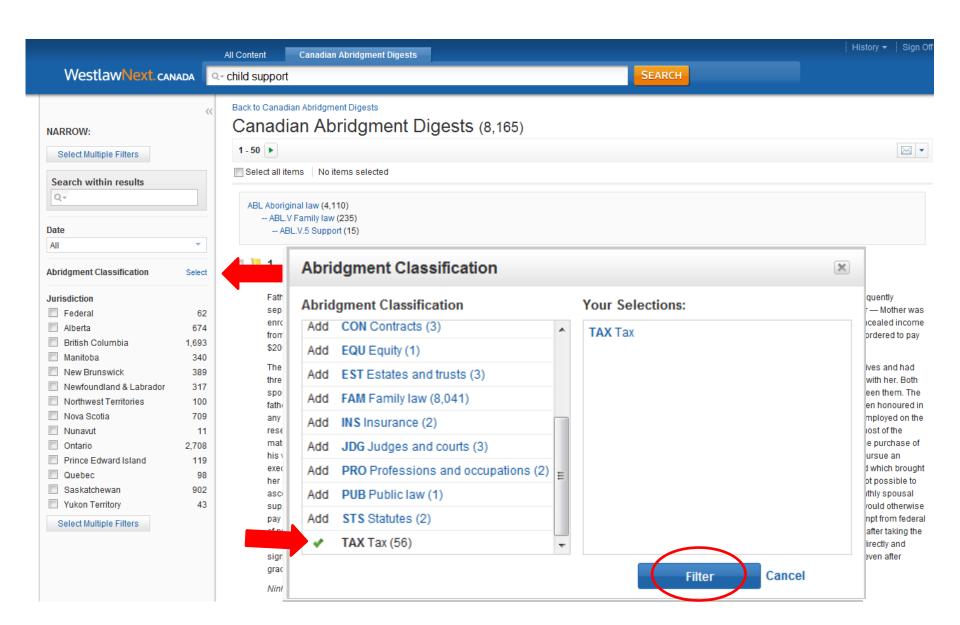
2. S. (M.) v. Y. (S.)

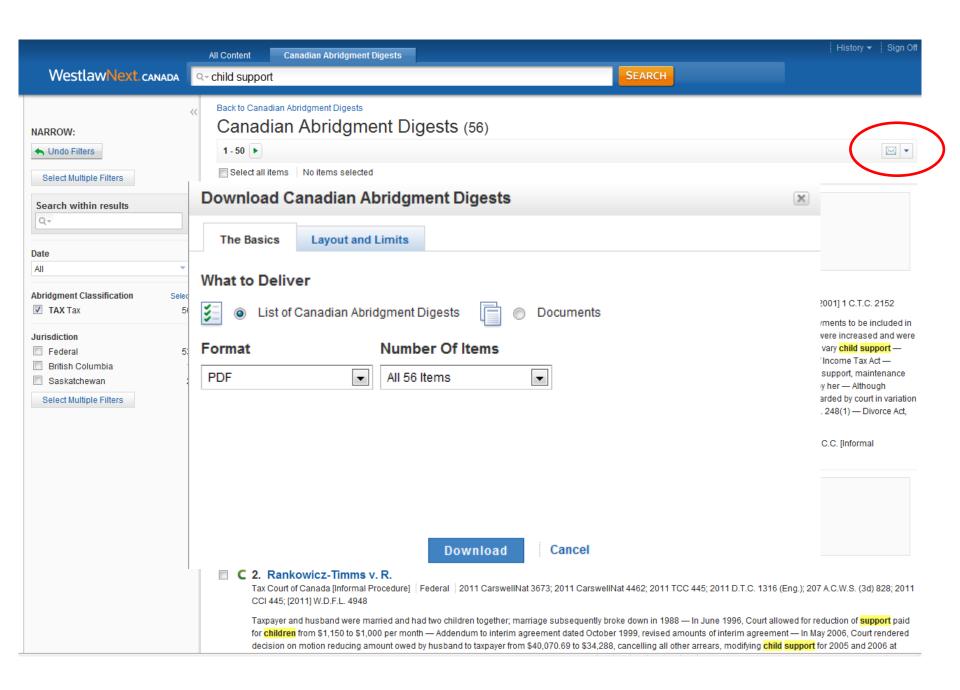
British Columbia Supreme Court | British Columbia | 2015 CarswellBC 1573; 2015 BCSC 966; [2015] B.C.W.L.D. 5857; [2015] B.C.W.L.D. 5859; [2015] B.C.W.L.D. 5863; [2015] B.C.W.L.D. 5868; [2015] B.C.W.L.D. 5870; [2015] B.C.W.L.D. 5876; [2015] B.C.W.L.D. 5876; [2015] B.C.W.L.D. 5878; [2015] B.C.W.L.D. 5886; [2015] W.D.F.L. 4815; [2015] W.D.F.L. 4817; [2015] W.D.F.L. 4824; [2015] W.D.F.L. 4846; [2015] W.D.F.L. 4849; [2015] W.D.F.L. 4863; [2015] W.D.F.L. 4866; [2015] W.D.F.L. 4886; 254 A.C.W.S. (3d) 889

Parties were married in 1992, had child T in 1993 and child D in 1995, and divorced in 1998 — Children were enrolled in post-secondary education courses — Both children worked part-time or for period of time to help pay for their education — Father and children had become estranged — Father did not pay child support — Father brought application to vary or terminate child support on basis that children were no longer children of marriage — Application granted in part on other grounds — Father was to pay child support and proportionate share of tuition and expenses for children's education — Both children continued to be children of marriage — T had consistent career path, even though she had to switch schools and work for period of time — Father had encouraged T to attend expensive school at first — There was no evidence that D had withdrawn from charge of her parents, even though she worked part-time — Father was responsible for unilaterally ending communications with children.

S. (M.) v. Y. (S.) (2015), 2015 CarswellBC 1573, 2015 BCSC 966, Steeves J. (B.C. S.C.) [British Columbia].









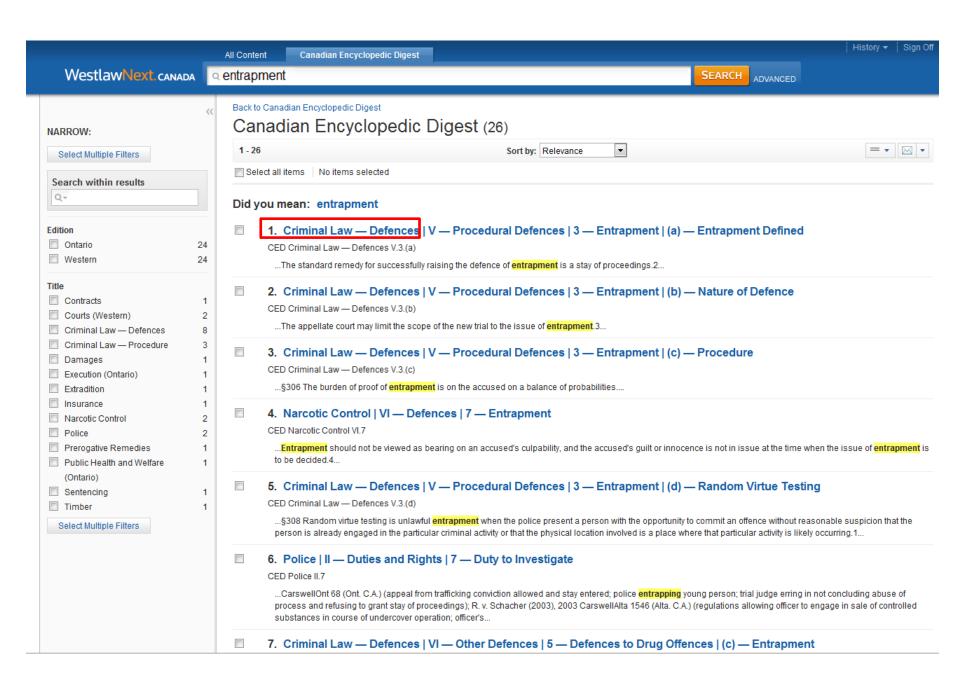
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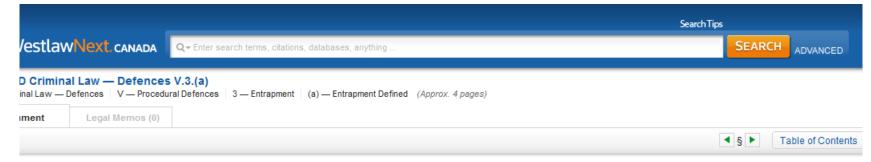
CED/Abridgment Search Scenario:

Two undercover police constables enter a bar where they believe drugs are being sold. They notice two young men (the accused and a friend) who look suspicious, approach them and ask to buy some cocaine. The accused them sells them a small amount of powder cocaine. The next day the constables arrest the accused and charge him with drug trafficking. Given that the police asked to buy drugs, is entrapment a viable defence?

Business Corporations (Ontario)
Business Corporations (Western)

Charitian





CED Criminal Law - Defences V.3.(a)

Canadian Encyclopedic Digest

Criminal Law — Defences

V — Procedural Defences 3 — Entrapment

(a) - Entrapment Defined

For print citation information and the currency of the title, please click here.

V.3.(a)

See Canadian Abridgment: CRM.V.10 Criminal law — Defences — Entrapment

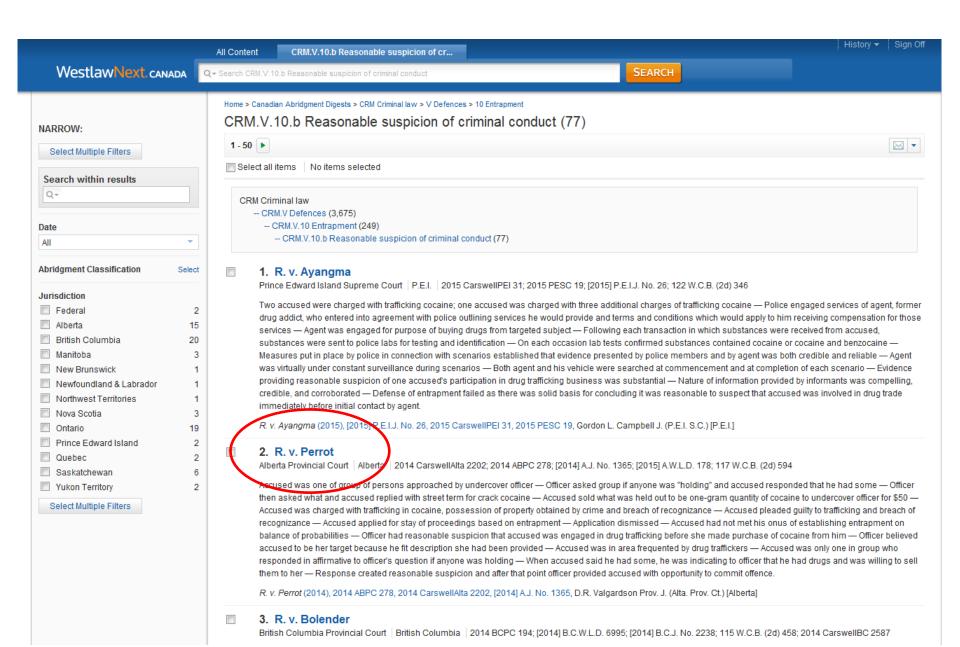
§301 Entrapment is the conception and planning of an offence by an officer, and his or her procurement of its commission by one who would not have perpetrated it except for the trickery, persuasion or fraud of the officer. The standard remedy for successfully raising the defence of entrapment is a stay of proceedings.²

§302 Entrapment may arise either when the authorities provide an opportunity to commit an offence without reasonable suspicion or in circumstances of bad faith, or when there is reasonable suspicion or good faith but the actions are beyond providing opportunities and induce the commission of the offence.³

Footnotes

- Sorrells v. United States (1932), 287 U.S. 435 (U.S. Sup. Ct.); R. v. Wijesinha (1994), 88 C.C.C. (3d) 116 (Ont. C.A.); affirmed (1995), 100 C.C.C. (3d) 410 (S.C.C.) (not entrapment for police to pretend to go along after accused proposing illicit activity); see also R. v. Jewitt (1985), [1985] 2 S.C.R. 128 (S.C.C.); R. v. Amato (1982), [1982] 2 S.C.R. 418 (S.C.C.); for a thorough analysis of the entrapment defence and related issues, see Stober, Entrapment in Canadian Criminal Law (1985); Stober, The Limits of Police Provocation in Canada (1991-1992), 34 Cr. L.Q. 290.
- 2 R. v. Imoro (2010), 263 C.C.C. (3d) 296 (S.C.C.).
- 3 R. v. S. (J.) (2001), 152 C.C.C. (3d) 317 (Ont. C.A.) (police importuning 14-year-old; defence available); R. v. Mack (1988), [1988] 2 S.C.R. 903 (S.C.C.); R. v. Cahill (1992), 13 C.R. (4th) 327 (B.C. C.A.) (reasonable suspicion more than





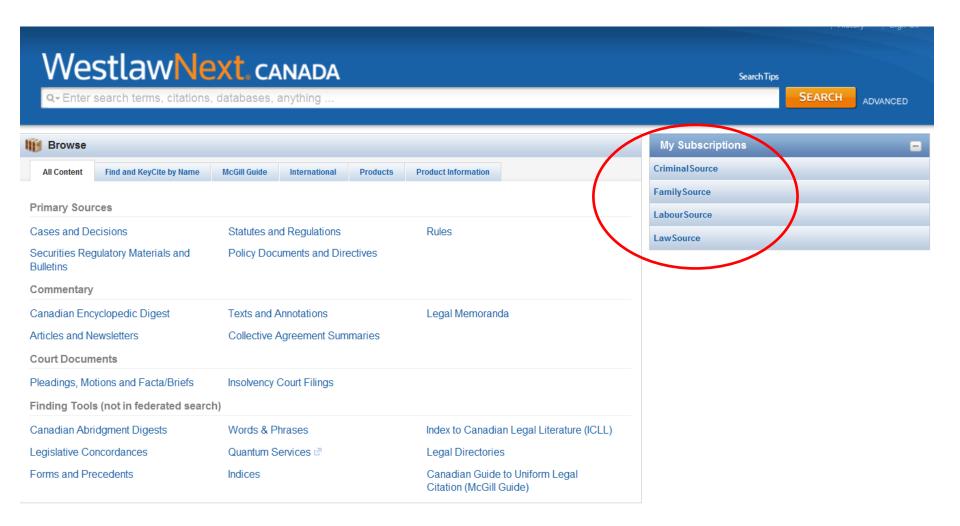


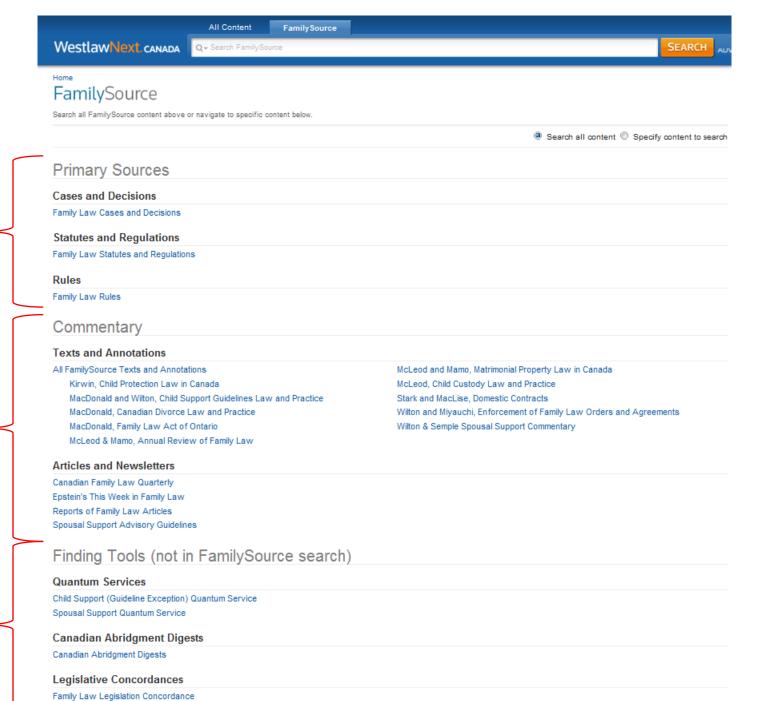
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Carswell's Criminal Law Digest

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Canada Evidence Act

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Bloomenfeld, Youth Criminal Justice Act Manual

Clewley, McDermott and Young, Sentencing: The Practitioner's Guide

Cournoyer, Code criminel annoté

Crankshaw's Criminal Code of Canada

Ewaschuk, Criminal Pleadings & Practice in Canada

For the Defence

Gibson, Canadian Criminal Code Offences

Gibson, Criminal Law Evidence: Practice and Procedure

Hill, Tanovich and Strezos, McWilliams' Canadian Criminal Evidence

MacFarlane, Frater, Michaelson, Drug Offences in Canada

Martin's Annual Criminal Code

Martin's Related Criminal Statutes

Nadin-Davis: Canadian Sentencing Digest

Salhany, Canadian Criminal Procedure

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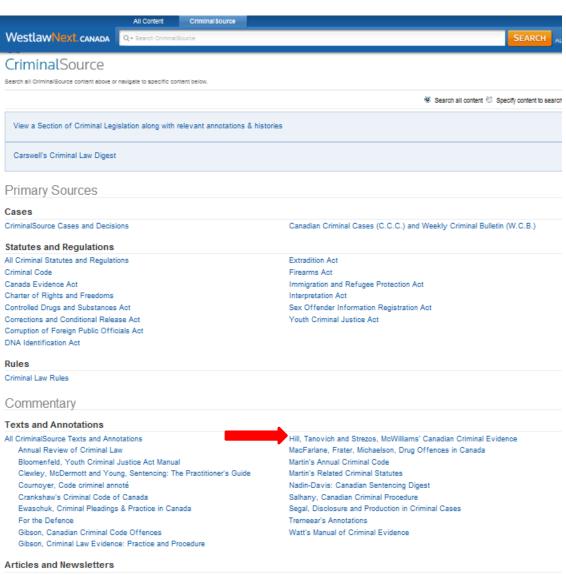
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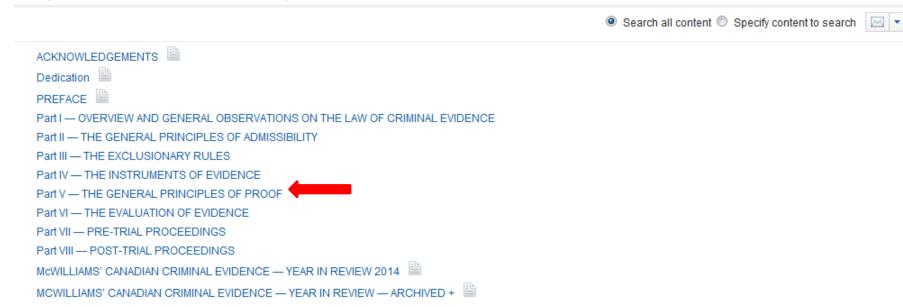


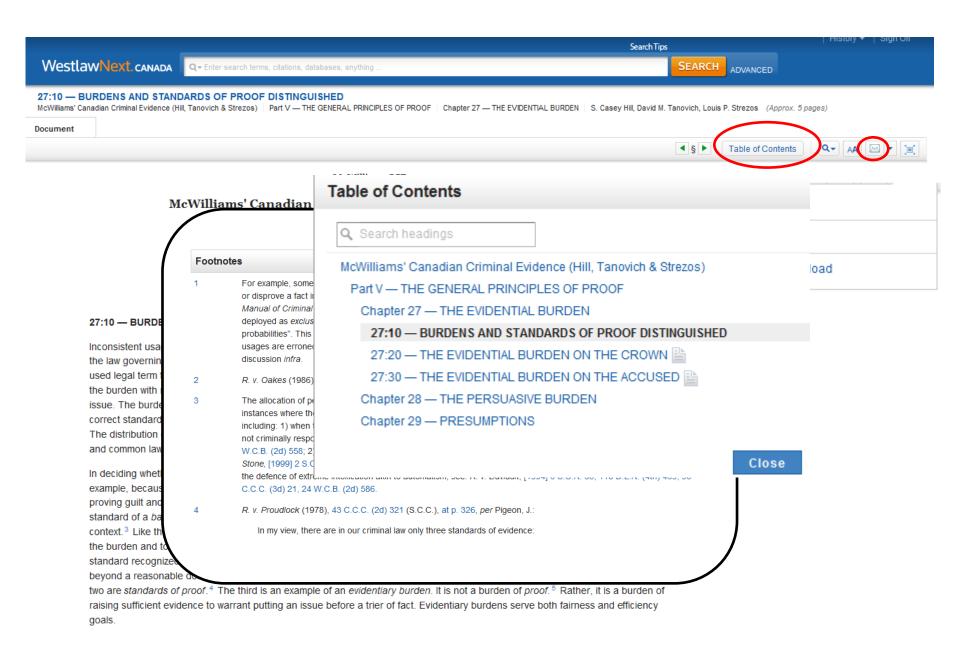


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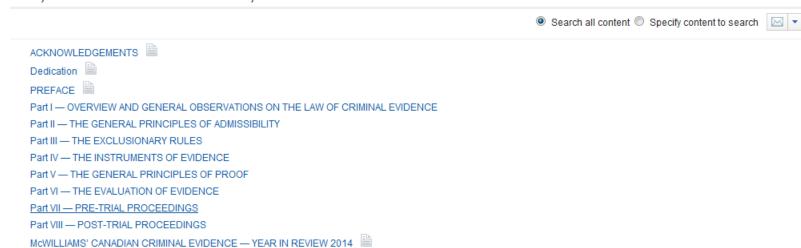


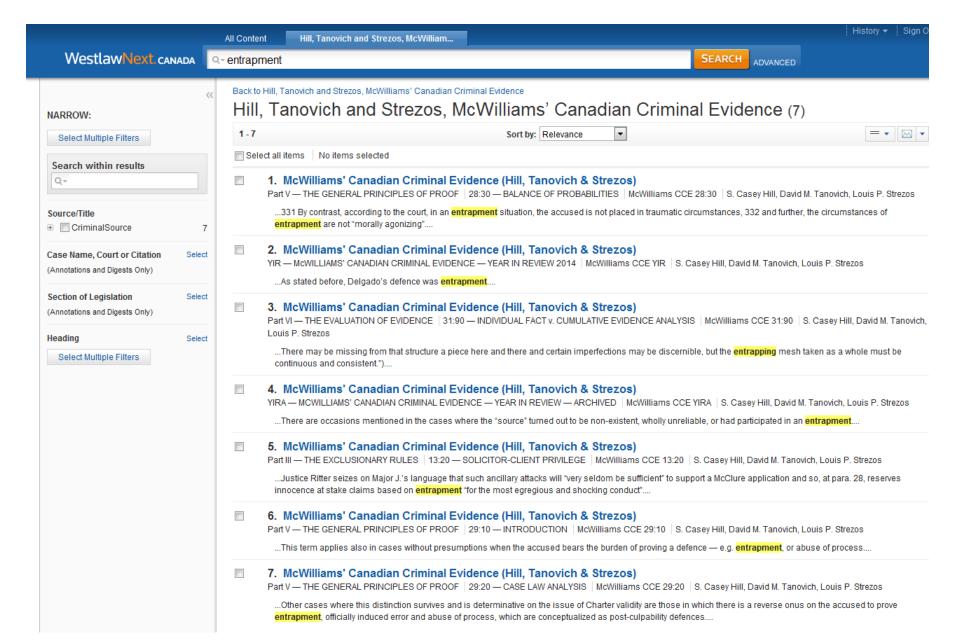


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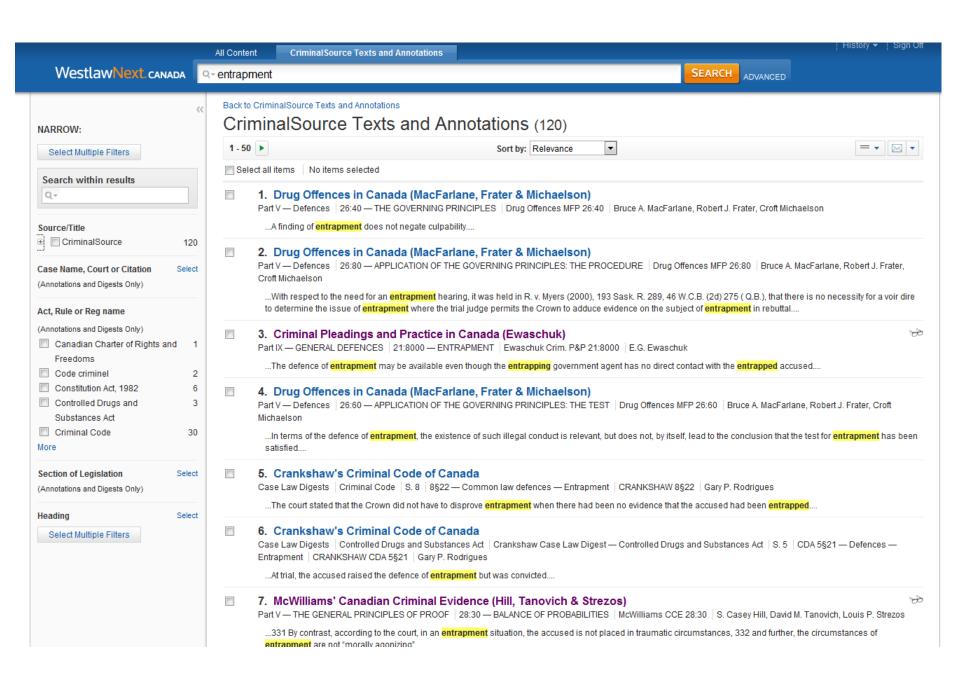
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POSTED ON NOVEMBER 13, 2015 UPDATED ON NOVEMBER 12, 2015

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