

DEFINITION OF 'SPOUSE'; CHILD SUPPORT & SPOUSAL SUPPORT; PATERNITY TESTING

1. The definition of 'spouse' has been expanded to include 'common law' relationships

- There is no longer a definition for 'common law' in the PSA – this is now included in the definition of spouse
- Under the PSA, 'spouses' include two people who:
 - are married to each other, or
 - are in a Registered Domestic Partnership, or
 - are not married to each other and:
 - have lived in a marriage-like relationship continuously for *at least two years*, or
 - have lived in a marriage-like relationship and *have a child together*
 - the PSA uses the term 'conjugal' relationship. 'Marriage-like' relationship is used on the NS Family Law website as a plain language term.
- The NS Family Law website will continue to use the term 'common law' on some pages, as this is a well-understood term. These pages indicate that the definition of 'spouse' now includes what are typically described as 'common law' relationships.

2. Child Support & Spousal Support

- The term 'maintenance' is no longer used in the PSA. Generally, the only reference to 'maintenance' will now be in the name of the Maintenance Enforcement Program (MEP). The MEP name will not be changing.
- Under the PSA, the term 'parent' includes someone with a 'settled intention' to treat a child as their own. This means that a person who acted as a parent toward a child, or acted in place of a parent, may be ordered to pay child support for that child.
 - The situation could include a step-child, or the child of a 'spouse' or common law partner. Whether child support is ordered in these situations will depend on the circumstances of each case.
 - This, however, does not apply to foster parents under the Children and Family Services Act
- Under the PSA, applications for occupation of the family home no longer require a concurrent pleading of spousal support
 - Applications for occupation of the home can now be dealt with under the PSA as stand-alone applications, and no longer require Statements of Income or Expenses; however, the financial circumstances of the spouses may still be considered in these applications

3. Paternity Testing

- Paternity testing is no longer restricted to child support matters
 - Under the PSA, paternity testing can be ordered in any matter involving children, including custody, parenting time, contact time, interaction, and child support