

**A. Determination of Child Support for Payors with Incomes over \$150,000 per year.
Francis v. Baker [1999] 3 S.C.R. 250, 1999 CanLII 659 (S.C.C.) (1999-09-16)**

Francis v. Baker is the leading case on the calculation of child support for payors earning in excess of \$150,000.

The Child Support Guidelines state that Courts must apply the Guideline Table amounts when determining child support for incomes under \$150,000, but may deviate from the Table amounts for payors who earn in excess of \$150,000, if the Court finds that amount to be 'inappropriate'. In Francis v. Baker, the payor parent's Table amount of child support was over \$10,000 per month. The payor was ordered to pay this amount of child support at trial. On appeal, this amount was found to be too high, on the ground that it exceeded all reasonable expenses which could be incurred for the children each month. The Court of Appeal found that child support in excess of \$10,000 per month resulted in a wealth transfer and therefore was 'inappropriate'.

The Supreme Court of Canada reviewed the decisions of the lower Courts and upheld the calculation of child support based on the Table amount. The SCC interpreted the word 'inappropriate' to be unsuitable and found that the payments which resulted from the Table were not 'inappropriate'.

This case effectively creates a presumption in favour of applying the Child Support Guideline table amounts to determine child support for high income payors. Accordingly, the burden is on the payor to show why the Table amount of child support should not be ordered.