

# The Canadian Encyclopedic Digest

## Introduction

The Canadian Encyclopedic Digest (CED) is a complete legal encyclopedia, published by Carswell, covering all areas of Canadian law. It consists of over 200 titles, each covering a specific legal topic, across multiple loose-leaf binders. An online version of the CED can be accessed through WestlawNext Canada. The CED is available in Ontario and Western Canadian editions. The handout will focus on the Western Canadian loose-leaf edition of the CED. The CED is composed of three parts: the Subject Titles, the Research Guide and Key, and the Index Key

## Subject Titles

The CED is made up of over 200 subject titles, arranged alphabetically, across 50 loose-leaf volumes. Each covers a distinct area of Canadian law and contains a table of classification, table of statutes, and an index. The table of classification, located at the front of each subject title, provides a permanent classification for each topic.

<b>I. Child Support</b> .....	\$1
1. Standing.....	\$1
(a) Who Is a Child.....	\$1
(i) General.....	\$1
(ii) Withdrawal From Charge.....	\$9
A. Alberta.....	\$9
B. British Columbia.....	\$12
C. Manitoba.....	\$13
D. Ontario.....	\$15
E. Saskatchewan.....	\$23
F. Federal.....	\$24

Each paragraph in the CED is assigned a paragraph number. Conveniently, the table of classification, table of cases, table of statutes, and index all refer to specific paragraph numbers. This makes it convenient to move quickly between these finding aids and the contents inside the subject title.

### Index to Children

(All references are to paragraph numbers.)

<b>actions by and against infants</b>	•• consent of litigation guardian, 700
• costs, 721-727	•• objective in requiring litigation guardian, 707
•• infant plaintiff or defendant, 726, 727	•• omission of litigation guardian irregularity only, 699
••• liability for costs, 726	•• Ontario, 697
••• liability of infant's solicitor, 727	

Each paragraph contains commentary on the law and is followed by references to case law and legislation in the footnotes. Some subject titles contain annual cumulative supplements that highlight new case law and legislative changes. It is important to check whether a particular subject title includes a supplement to determine if the content is up-to-date.

**§7** Under the *Divorce Act*, the term "child of the marriage" means a child of two spouses or former spouses who, at the material time,<sup>1</sup> is: under the age of majority<sup>2</sup> and who has not withdrawn from the charge of the spouses; or is the age of majority or over and under the spouses' charge but unable, by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessaries of life.<sup>3</sup>

1 *Chartier v. Chartier* (1999), 1999 CarswellMan 25 (S.C.C.) (existence of parental relationship determined as of time family functioned as unit; "material time" factor not affecting determination of parental relationship, but applying to age considerations that are precondition to determination of need); *H. (L.) v. H. (L.H.)* (1971), 1971 CarswellBC 101 (B.C. C.A.) (relevant time to determine whether child is child of marriage being time of divorce).

2 *Divorce Act*, R.S.C. 1985, c. 3 (2nd Supp.), s. 2(1) "age of majority" [en. 1997, c. 1, s. 1(3)] (age of majority determined by law of province where child ordinarily resides or, if child ordinarily resides outside

## Research Guide and Key

The Research Guide and Key contains a user guide describing how to use the CED. It also contains a Statutes Key and Regulations Key. For example, the Statute Key lists every section of every statute mentioned in the CED and highlights its location (volume, subject title, and paragraph) within the encyclopedia. This can be extremely helpful if you would like to research a particular statute section. If you were interested in section 6(4) of *The Children's Law Act*, SS 1997, c. C-8.2, the Statute Key indicates that you could consult Volume 10 - Subject Title 25 - Paragraph 1287.

### Children's Law Act, 1997 S.S. 1997, c. C-8.2

s. 2(1) "court".....	10-25§§759, 785, 1283
s. 2(1) "father".....	10-25§1172
s. 2(1) "legal custodian" ....	10-25§1298
s. 2(1) "mother".....	10-25§1172
s. 2(1) "parent".....	10-25§1172
s. 3(1).....	10-25§§1282, 1298
s. 3(2).....	10-25§1282
s. 3(3).....	10-25§§1282, 1302
s. 4(1)(a), (b).....	10-25§1308
s. 4(2).....	10-25§1308
s. 6(1).....	10-25§§816, 1172, 1283
s. 6(3).....	10-25§1286
s. 6(4).....	10-25§1287
s. 6(5)(a).....	10-25§1283

## Index Key

The Index Key features an alphabetical list of all subject titles in the CED. It also contains a topical index, with extensive cross references, that is easy to navigate. References in the index are made to the volume, subject title, and paragraph number. For example, Volume 10 – Subject Title 25 – Paragraph 23 discusses the definition of a child in Saskatchewan.

<b>I. Child Support</b> .....	10-25§1
1. Standing.....	10-25§1
(a) Who Is a Child .....	10-25§1
(i) General.....	10-25§1
(ii) Withdrawal From Charge .....	10-25§9
A. Alberta.....	10-25§9
B. British Columbia .....	10-25§12
C. Manitoba.....	10-25§13
D. Ontario.....	10-25§15
E. Saskatchewan .....	10-25§23

## Using the CED Effectively

If you are not sure which subject title your legal topic is located in, try consulting the Index Key. The Index Key is an extremely helpful tool when you are not sure where a particular topic might be located in the CED.

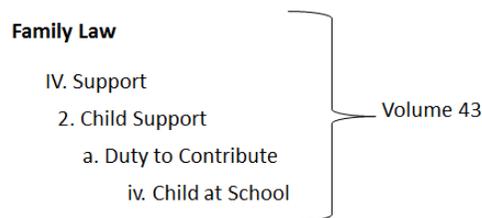
# The Canadian Abridgment Case Digests

## Introduction

The Canadian Abridgment Case Digests is a comprehensive collection of digests of Canadian court decisions published by Carswell. It contains digests, or brief summaries, of almost every reported Canadian case since the 1800s. Using the Abridgment will enable you to locate relevant case law on a particular topic very quickly. This handout will focus on the print version of the Abridgment. An online version of this resource is available through WestlawNext Canada.

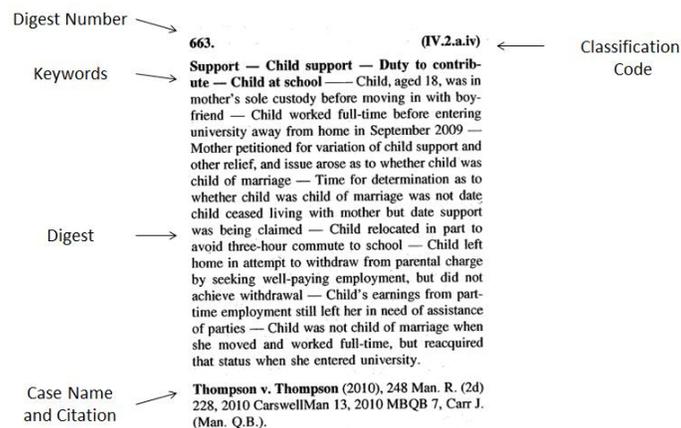
## Classification System

The Abridgment organizes case digests, across approximately fifty hardcover volumes, according to a legal topic classification system. Case digests on a point of law can be located by identifying where that topic lies within the classification system. For example, case digests on the parental duty to pay child support when children are attending school is located here in the classification:



## Case Digests

Using the Abridgment effectively involves consulting one of the hardcover volumes and then the softcover cumulative supplement located directly beside that hardcover volume. Every case digest features a digest number, classification code, keyword, and citation. Digests are numbered consecutively within each volume and contain a classification code indicating where the digest is located within the classification.



## Finding Tools

Three finding tools can help you to navigate the Abridgment and determine where legal topics are located in the classification:

- **Canadian Encyclopedic Digest (CED)** - Headings in the CED feature cross references to the Abridgment. For example, the CED's section on child support law and children over the age of majority directs readers to Volume FAM.IV.2.a.iii – Family law – Support – Child Support – Duty to Contribute – Age of Child to see case digests from this area of the law

**(c) — Child Over Age of Majority**

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

- **Key & Research Guide**

The Key & Research Guide contains the complete topical classification system by which the Abridgment organizes case digests. For example, it indicates that child support case digests are located in Volume 43 Reissue.

The following classifications appear in Volume 43 Reissue.

**2. Child support**

— for child support cases specific to provincial or Federal Child Support Guidelines, see IV.3; issues peculiar to children born outside marriage, see XIV; effect of domestic contracts, see V.3.c; award subject to review, see IV.2.e

a. Duty to contribute

— legal relationship of parent and child, see XI

- i. General principles
- ii. Who is a parent
- iii. Age of child

- iv. Child at school
- v. Child withdrawing from parental control
- vi. Means of parents
  - variation on change in means, see IV.2.
  - A. General principles
  - B. Imputed income
    1. Parent deliberately unemployed or underemployed
    2. Parent quitting job to return to school
    3. Miscellaneous
  - C. Social assistance

- **General Index**

Legal concepts arising out of the Abridgment's digests are alphabetically listed in the index. For example, digests on child support law and children at school are found at: FAM 43 Reis. 659-1079 (Family – Volume 43 Reissue – Digests 659-1079) and FAM 43Supp. 68-171 (Family – Volume 43 Supplement – Digests 68-171).

**Child support**

- Conflict of laws, *see* Conflict of laws
- Duty to contribute
- Age of child, **FAM 43Reis.497-658; FAM 43Supp.32-67**
- Child at school, **FAM 43Reis.659-1079; FAM 43Supp.68-171**
- Child withdrawing from parental control, **FAM 43Reis.1081-1306; FAM 43Supp.172-222**
- General principles, **FAM 43Reis.1-361; FAM 43Supp.1-16**
- Means of parents
- Disparity in income or lifestyle, **FAM 43Reis.1554-1574; FAM 43Supp.240**