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Support Matters

Category: Child Support

No one said the cost of raising children was cheap. As the father of two teenagers, one of whom attends university, I know this firsthand. To find out just how expensive it can be for separated or divorced parents, read on. The answers may surprise you.

I pay court ordered child support to my ex, but it looks like I'm going to be losing my job. Because I won't be earning any income, can I stop my child support payments?

Your first and best option if you lose your job, is to communicate this reality to your ex. Ideally, you could both agree to suspend your court ordered support payments, until such time as you found another job, and income. You could then have such agreed terms confirmed, by means of a legally binding consent order, or formal agreement.

But who are we kidding? If you and your ex were that agreeable, you'd still be together. So what's the reality? If a negotiated agreement is out of the question, or you have Family Maintenance Enforcement threatening enforcement of arrears, the preferred option, in my view, is the court route. You could, for example, file an application to seek a variation of your court ordered child support payments, and a cancellation of any arrears, triggered by a material change in your circumstances, namely, your unemployment.

But there are some things to keep in mind before you rush into court. Firstly, just because you've lost your job doesn't mean you have no income, and thus no child support obligations. You may have other income, such as EI payments, in which case such income will be used to calculate your child support.

Secondly, there is also a risk that a judge could "impute" an income to you, meaning that a judge could "give" you an income, the judge believes that you could, or should, be earning a certain income. If so, that "imputed income" will be used to calculate your child support payments.

Lastly, by the time your application is filed and heard, you may have already found comparable

employment, which essentially eliminates any prospect of a change in your child support payments, although you could still seek a reduction or elimination of any arrears.

So whether a court application is actually worth it, and if so when, will depend on your own personal circumstances, and good legal advice.

My daughter will soon be turning 19 years old. I've been told that I can stop my child support after she turns 19 years old. Is this true?

The answer is a definite maybe - here's why. Until a child reaches the age of majority, eg. 19 years old, they remain a "child of the marriage" and eligible to receive child support. But the rules change after the age of 19.

If your daughter decides to quit school, and join the work force, it's likely that she is no longer considered a "child of the marriage" and your obligation to pay child support ends. But if she decides to continue her post-secondary education, you may not only be obligated to pay child support, but also to contribute to her educational expenses, such as tuition, books, etc.

Just how much you may have to contribute will depend on a variety of factors, such as the ability of your daughter to contribute towards her own educational expenses, via student loans or scholarships, including any part time employment. How many years you may be expected to contribute to your daughter's education will also depend on such factors as whether her course of studies is reasonable, and whether her grades, and general progress, is satisfactory.

So before you begin adding up your new found savings, it's a good idea to first find out your daughter's post secondary educational plans.

Sure the price of education is expensive, but nowhere near the price of ignorance. And whatever happens, just don't forget to celebrate your daughter's birthday! 🎉