

## Maintenance for Adult Children

Maintenance may be payable for a child even after they become an adult, depending on their circumstances and on the wording of the court order for their support. MEP relies on the parties to advise the Program when a change in child status has occurred that may impact the collection of maintenance.

Please note, the following information provided is not intended to be legal advice. Only the courts can decide if maintenance should be paid for a particular child at a particular time. MEP's role is to enforce court-ordered child support, including making an administrative determination of when it stops collecting maintenance on behalf of a child. This is not a legal decision and does not affect a creditor's right to collect maintenance through other means.

### Specific court orders

Some court orders give specific direction on when support ends. For example:

- The respondent shall pay maintenance until May 15, 2020.
- Support shall be paid as long as the child is in attendance at school.
- Maintenance shall be paid until the earlier of the following events occurs:
  - the child reaches age 19 and is no longer attending school;
  - the child marries;
  - the child reaches age 24.

When a court order is specific, MEP follows the direction of the court order and stops enforcing support according to what is stated in the order.

### Non-specific court orders

Some court orders do not give specific direction about when child support ends. For example:

- The respondent shall pay \$500 per month for child support until further court order.
- Child support shall continue for so long as the child remains a child of the marriage.
- The applicant shall pay \$500 per month for child support.

When a court order does not provide specific direction about when child support should end, and when no further information is received from the parties, MEP will investigate the child's status three months before their age of majority<sup>1</sup> to decide if support enforcement should stop or continue.

MEP will only continue to enforce beyond the child's age of majority if the child is financially dependent because they are a **full time student**. In this case, MEP stops enforcing maintenance when the child:

- Stops being a full time student (normal summer and vacation breaks don't count as stopping);
- Completes their first degree, diploma or certificate;
- Marries; or
- Turns 22.

MEP will **not** continue to enforce support past the age of majority for other reasons, such as the child has a medical condition, or is attending school on a part-time basis. To continue to enforce maintenance, MEP requires a new court order that clearly states child support should continue past the age of majority for these other reasons.

<sup>1</sup> The age of majority is the age at which a child is legally considered to be an adult. The age of majority may be different from jurisdiction to jurisdiction – for example, in Alberta it is 18, but in British Columbia it is 19.

### **Child support after the age of majority**

When MEP continues to collect support for the child after the age of majority, MEP will remind the parties once a year to advise MEP if the child's status has changed. If the creditor asks MEP to stop enforcing, MEP will stop enforcing effective the date indicated by the creditor. If the debtor asks MEP to stop enforcing, MEP will investigate the child's status to determine if support enforcement should continue. MEP will inform the debtor when it investigates a child's status. MEP will also inform both the creditor and the debtor of the results of the investigation. For information about child status investigations, see the Information Sheet [Child Status Reviews](#).

Where a court order is granted on or after the child's age of majority birthday, and does not specify when child support ends, MEP may enforce maintenance up to the child's 22<sup>nd</sup> birthday. Maintenance will end before age 22 if the child marries or a new court order is granted stopping support. If the child was a full-time student at the time the order was granted, MEP will stop enforcing maintenance before age 22 if the child is no longer a full-time student or completes their first degree, diploma or certificate.

Where the order was granted on or after the child's 22<sup>nd</sup> birthday, and does not specify when child support ends, MEP may enforce maintenance indefinitely. Maintenance will end if the child marries or a new court order is granted stopping support.

Once MEP stops collecting support for a child who is over the age of majority, MEP will not start collecting again without a new court order confirming the dependant is eligible for support. There may be exceptions, depending on the reasons that collection was terminated, and the wording of the court order. Re-registration involves a Creditor Registration Package and a new Child Status Report. A \$205 registration fee may apply.

### **Relevant legislation that deals with adult children and support**

The *Divorce Act*; the *Family Law Act*; the *Domestic Relations Act*; the *Parentage and Maintenance Act*; the *Interjurisdictional Support Orders Act*.

### **Do you have questions about the above legislation and child or spousal/partner support?**

Alberta's Resolution and Court Administration Services (RCAS) provides family law information, forms, court information and more through an easy-to-use online interactive information portal. In-person services may also be available. Visit [www.rcas.alberta.ca](http://www.rcas.alberta.ca) for more information.

- MEP has other Information Sheets, on a variety of helpful topics. To see them, visit MEP's website at [www.albertamep.gov.ab.ca](http://www.albertamep.gov.ab.ca).
- To contact MEP, phone 780-422-5555 or toll-free in Alberta at 310-0000.
- To view information about your MEP file, log in to *MEP Accounts Online* on MEP's website and select "Account login".