



Family Law

CALL US - BEFORE
YOUR EX DOES!

A

I have good news for you; the Ontario government intends to amend the Ontario Family Law Act so that all adult children with disabilities, including those whose parents were never married, are eligible for child support.

The only provinces that don't currently include ill or disabled adult children under provincial child support laws are Ontario and Alberta.

While it is unclear whether the amendment will permit you to claim backwards in time to the date that he stopped paying child support, the legislation provides that on a going forward basis, should he continue to refuse to pay child support for your disabled daughter, you will be able to take him to Court and obtain an order forcing him to pay.

To answer your other question, if you are married and have a

disabled child, the provisions for child support fall under the Federal Divorce Act. This statute broadens access to child support to adult children "due to illness, disability or other cause". In other words, your child's father would not have been able to turn you down for child support for a disabled adult child if you had been married.

So this awaited legislation is good news for parents of disabled adult children, however it does not address situations where the disability is being challenged by the non-custodial parent or the needs of LGBTQ families and youth transitioning or coming out and unable to leave the care of a parent, while the Divorce Act does provide for claims for child support for "other cause."

Your friends at Shank Law.



Roxanne C. Shank
LAWYER

Q

My ex stopped paying child support when our daughter turned 18. She has a developmental disability and lives with me. He said he doesn't have to pay any more because we were never married. What does that have to do with child support?



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