



# Family Law

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## Q

I and my ex-wife are divorced. Our 22-year-old completed his Bachelor's degree in Engineering and wants to obtain his Master's degree. My ex-wife demands that I support him through his Master's degree, both child support and tuition. Do I have to?

## A

The short answer is – it depends. The first place you need to look, is your Court Order or previous separation agreement: do either address the issue of child support stopping at a certain age, or upon the completion of a first degree? If the answer is yes, you can rely on this and politely decline further support.

If however, the answer is no, then the issue is more specific to your son's individual circumstances. Case law clearly provides that there is no automatic entitlement for second degrees and diplomas, however this is not uncommon. A key case to look at is *Haist v. Haist 2010 ONSC 1283 (CanLii)*.

The issue of whether an adult child should be entitled to support beyond a "first degree" depends on a number of factors. The key factor is proving dependency according to *Farden v Farden 1993 CanLii 2570 (BCSC)*:

1. whether the child is in a full-time program;
2. whether the child has applied or is eligible for student loans or other financial assistance;

3. the career plans of the child;
4. child contribution through part-time employment;
5. the age of the child;
6. the child's past academic performance and success;
7. what plans the parents made for their children's education when together;
8. whether a child over 18 has unilaterally terminated their relationship with that parent for whom they are seeking support.

Best advice is to negotiate reduced child support and some contribution to his Master's degree over and above his self-employment, student loans and scholarships.

Your Friends at Shank Law.

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