



# Family Law

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YOUR EX DOES!



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LAWYER

## Q

I had a child on a one night stand and the mother and I orally agreed that there would be no child support paid, as long as I didn't see the child. Now years later, I have been served Court documents demanding I pay child support back to the date of birth. Can she do that? Can I ignore these? We had a deal.

## A

The short answer is, yes she can; she can repudiate the oral deal you made, that in exchange for no involvement in the child's life, you would not have to pay support; and she can also claim that child support be paid dating back to the date of birth.

Child support is the right of the child, and a parent does not have the authority to give away this right. The child is entitled to a lifestyle which is representative of the combined incomes of both parents, from birth, whether the parents stay together after birth or not.

You did not say the child's age; sometimes these agreements last for many years, then the biological father is served with Court proceedings with respect to support, often in conjunction with the mother's application or review of a social assistance program.

The obligation to pay support is a separate issue from the right of the child to have maximum time with both parents. The obligation to pay support is not linked to access to the child;

many biological fathers find that their responsibility to pay child support continues whether they enjoy access to the child or not.

If the child has been formally adopted through a Court process, At that point the biological father is removed from all rights and responsibilities, and the adoptive father assumes responsibility for child support and rights of access.

You ignore these Court documents at your peril; I strongly urge you to make an appointment with a family lawyer as quickly as you can, to determine the probable amount of arrears owed, payment plans, your obligation for ongoing support, and finally, to explore the possibility that you may want to initiate a relationship with your child.

Your friends at Shank Law.



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