

Maintenance Enforcement Office – Adult Child Dependant Policy

This policy updates and clarifies the Maintenance Enforcement Office's policy relating to adult children. This policy update came into effect on July 1, 2025.

This updates the Maintenance Enforcement Office's (MEO) policy when a support obligation will be enforced for a child, over the age of 18, who is still in school. In determining this update, the MEO follows the definition of "child" in both the *Divorce Act* and the *Family Maintenance Act*: the adult child continues to be a child for whom support is to be paid by reason of illness, disability¹, reasonable pursuit of education (which has been interpreted by the courts to include secondary or post-secondary education) or other reason.

When the child turns 18 during the Grade 12 school year, the MEO will always enforce support until the school year ends in June so long as there is confirmation that the adult child is still attending school. Confirmation of full-time attendance is required through a school transcript with the student's name and student number.

Prior to the child turning 18, the MEO will send out a Dependant Status Form to the recipient. Support will be ended if a completed Dependant Status Form is not returned to the MEO by the expected return date. The MEO may enforce past the expected graduation date if evidence is provided to the MEO to show why the adult child requires extra time to complete high school.

Where the MEO has received a Dependant Status Form indicating support should continue for an adult child who has completed high school, such enforcement will continue until one of the following takes place:

- 1) The adult child has completed one post-secondary certificate program or earned their first degree.
 - a) The MEO recognizes that this may take between 1 and 6 years.
 - b) Once the adult child has completed their first post-secondary certificate, diploma, or degree, MEO will cease enforcement. Enforcement will only continue if there is a clear court order or agreement stating that the child support obligation continues past the first degree/certificate/diploma or that the MEO shall continue enforcement beyond the first

¹ Note that there is an accompanying policy for situations where the adult child continues to be dependent on their parents due to illness or disability.

degree, diploma, or certificate. If the new order extends entitlement to support to a second degree/certificate/diploma but does not clearly extend entitlement beyond that, the MEO will require a further order if the adult child enrolls in a third program and is seeking enforcement.

- 2) The adult child is no longer attending the post-secondary program full-time.
 - a) The MEO relies on the specific post-secondary institutions definition of what constitutes “full-time attendance.”
 - b) If attendance drops below the full-time threshold, or if the education is terminated or suspended, then support enforcement will cease.
 - c) MEO may resume enforcement if there is a new, clear court order or agreement stating that child support shall continue, or the MEO receives a completed Medical report which verifies the adult child cannot attend school full time.
- 3) Either the payor or recipient provides evidence that the child has received adequate funding to cover tuition and books and living expenses for the year. Examples include full Band educational funding or scholarship/bursary or RESP which is intended to cover all of the child’s expenses. Funding for reasonable living expenses must truly be enough to cover reasonable living expenses. For example, funding of less than \$1500 per month for living expenses is not likely to be adequate or reasonable.
- 4) The recipient fails to complete an updated Dependant Status Form when required. This Form is sent out quarterly and is meant to ensure that the child is in full time attendance for every post-secondary semester. The recipient will be asked to return the completed Form within 3 weeks. If they fail to do so they will be sent a reminder and granted a 3-week extension. If the Form is not returned within 6 weeks of the initial request enforcement will cease.

This policy is intended to clarify who has the onus of applying to court to either extend enforcement or terminate enforcement in situations where the payor and recipient do not agree whether the adult child continues to remain a dependant.