

CHILD SUPPORT FOR CHILDREN OVER THE AGE OF MAJORITY

RECIPIENT FACT SHEET

Family Maintenance Enforcement Program

How long does the payor have to pay child support?

If your maintenance order or agreement includes a specific date for when child support will end – such as when the child reaches the age of majority or for as long as the child is going to school full-time – the answer to that question is simple: the payor (the person making maintenance payments) must continue to pay child support until the date specified in your order or agreement.

If your maintenance order or agreement does not include a specific end date, however, the answer is more complicated.

You can assume that the payor must pay child support at least until the child reaches the age

of majority, but he or she may have to continue paying child support for some time longer. How much longer depends on your child's particular living situation and circumstances.

Age of Majority:

In British Columbia, children reach the age of majority – when they are considered adults instead of minors – at age 19. In other parts of Canada, the age of majority is either age 18 or 19, while in the United States and elsewhere, it can be as high as age 21.

Who makes the decision then, about when the payor can stop paying child support?

As soon as a maintenance order or agreement is filed with the Family Maintenance Enforcement Program (FMEP), we are responsible under the *Family Maintenance Enforcement Act* for collecting, monitoring and enforcing that order or agreement.

That means we are required by law to make sure the payor makes his or her child support

payments, and to take enforcement action if the payor does not.

It also means that we must decide, if it is not specified in your maintenance order or agreement, when to stop collecting child support payments – that is, when the payor can stop sending child support payments to us, for us to send on to you (the recipient).

How will you decide whether the payor must continue sending child support payments to you?

If there is no date specified in your order or agreement for when child support is to end, we will expect the payor to send payments to us to the age of majority (unless you stop supporting the child before then).

Just before your child reaches majority, we will ask you to provide us with information about the child's current status – living at home or living independently, receiving support from you, going to school, working part-time, etc.

We will forward the information we receive from you to the payor, along with a letter to the payor (and a copy to you) stating what we have decided based on that information: that the payor must continue to send child support payments to us for this child, or that the payor can stop sending us child support payments for this child.

If we have decided the payor must continue child support payments, we will contact you regularly (at least once or twice a year) to check

whether the child's circumstances have changed. We will tell you when we decide the payor can stop sending us child support payments.

What if I disagree with your decision?

If we have decided that the payor can stop sending us child support payments, and you believe they should continue, you can choose either to apply to the court for an order that

says the payor must continue paying child support, or to opt out of the FMEP and try to collect the child support on your own.

What if the payor disagrees with your decision?

If we have decided that the payor must continue sending us child support payments, and the payor believes they should stop, the payor has two options:

- If the payor can provide us with information about the child's circumstances that is different from the information provided by you, he or she can ask us to review our decision. We will give you an opportunity

to respond to the payor's information, then let you both know what we decide.

- If the payor still disagrees with our decision – or cannot provide us with any new or different information – the payor can apply to the court to change the original maintenance order or agreement to add an end date.

Where can I get help to change my maintenance order or agreement?

There are number of resources offering legal help to parents:

- Family Justice Centres are staffed by Family Justice Counsellors who can assist with issues related to separation or divorce.
- Justice Access Centres provide information and services for early and affordable solutions to civil and family justice issues.

- Lawyer Referral Service offers a 30-minute consultation for \$25 (plus taxes) with a family law lawyer.
- Legal Services Society (familylaw.lss.bc.ca) offers step-by-step guides for various family law issues.

For more information about these and other resources, go to 'Where to Get Legal Help' on our website.

Where can I get more information?

For more information about your child support payments go to our website fmep.gov.bc.ca or call InfoLine:

Metro Vancouver: 604 775-0796
Greater Victoria: 250 356-5995
Elsewhere in BC: 1-800-668-3637

Lower Mainland Client Office
604 678-5670 or 1-800-663-9666

Victoria Client Office
250 220-4040 or 1-800-663-3455

Northern & Interior Client Office
250 434-6020 or 1-800-663-3933

For specific information about your case, sign into your web account on our website, or call an Enquiry Representative at one of our offices:

For information about family justice issues and services, visit the BC Government's Family Justice website.