

CHILD SUPPORT ENFORCEMENT ELIGIBILITY INFORMATION SHEET – ADULT CHILD
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Child Support Enforcement Eligibility – Adult Child

Prior to July 1, 2019, the Maintenance Enforcement Program (MEP) was required to administer the child support in a maintenance order for an adult child until further order of the court unless the order specified an end date. Changes to *The Family Maintenance Act* now allow the MEP to review the enforcement eligibility for an adult child and cease enforcement for that child unless it can be determined that the child is unable to live independently because of illness, disability or other reason such as attending secondary or post-secondary studies.

Creditor responsibilities and involvement

The changes to *The Family Maintenance Act* require creditors registered with the MEP to notify the MEP if they have reason to believe the child support is no longer eligible for enforcement for an adult child. A creditor can provide that information in writing identifying the date the adult child is/was no longer eligible for enforcement and include their file number along with signature and/or MEP Personal Identification Number (PIN). The Child Support Enforcement Eligibility Form can also be used to provide the information to the MEP.

The MEP will also conduct periodic reviews with a creditor to obtain information necessary to establish continued child support enforcement eligibility for an adult child.

Debtor responsibilities and involvement

A debtor that is paying child support for an adult child may make a request for an enforcement eligibility review if a review has not been performed within the previous 6 months. A request can be submitted by providing information and supporting documentation relating to whether the maintenance obligation for the adult child remains eligible for enforcement using the Child Support Enforcement Eligibility Review Request form.

How a MEP file is affected

If a creditor withdraws the requirement for support for a child or a determination is made that an adult child is no longer eligible for enforcement, the MEP will adjust the parties' file to remove enforcement for that child. If the file has multiple children of which some remain eligible for enforcement, the account will be adjusted based upon the Child Support Guidelines amount for the remaining children at the income level for the debtor identified in the maintenance order or agreement.

A file adjustment will not be completed if the creditor provides sufficient information that the adult child remains eligible for enforcement of child support.

Maintenance orders that were granted prior to 1996 cannot be adjusted if the child support payable does not specify an amount per child unless the creditor provides the amount of support to be enforced.

Child support payments assigned to Employment and Income Assistance prior to July 1, 2019 will not be adjusted for even if the child support was no longer eligible for enforcement prior to July 1, 2019.

Resumption of support payments for an adult child

If the MEP has ceased enforcement for an adult child and the creditor subsequently provides information that satisfies the MEP that the maintenance obligation for the adult child remains eligible for enforcement the MEP may resume enforcement. This is limited to enforcing payments due less than 60 days before the date the creditor provides that information.

To request a reinstatement of child support the creditor must provide the MEP with a completed Request to Reinstate Enforcement of Child Support, together with any supporting documents. When reviewing the request for reinstatement, the MEP will consider factors such as the adult child's particular living situation, including whether the child is unable to live independently because of illness, disability or other reason, for example, attending secondary or post-secondary studies.

Notification to the parties on the MEP file

The parties will receive written notification of the outcome of a review and information on any updated child support terms and/or the arrears balance.