

# Summary of Canadian Maintenance Enforcement Program's Age of Majority Legislation and Enforcement Policies

as of April 2021

## 1. **Orders made under Canadian Divorce Act**

### Legislative Provision

Subsection 2(1) of the Divorce Act states that a child of the marriage means a child of two spouses or former spouses who, at the material time, (a) is under the age of majority and who has not withdrawn from their charge, or (b) is the age of majority or over and under their charge but unable, by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessaries of life.

### General Enforcement Policy

Provinces and territories use the same policies for enforcement of Divorce Act orders as they do for enforcement of provincial/territorial or foreign orders, with the following exceptions:

Saskatchewan: If a child discontinues the educational process - i.e., takes time off from school - enforcement is ended until a new Court Order is received. If an order under the Divorce Act states the Payor is to pay for the child when he/she is attending full-time, enforcement will only continue when the child is attending full-time. If the child attends part-time, enforcement will end. If the child attended full-time the next year, enforcement would be reinstated pursuant to the order (a new order is not required).

Ontario: Same policies as for provincial/territorial or foreign orders and support payments may be revived if they have stopped.

## 2. **Orders made under Canadian provincial or territorial legislation or an order from United States**

### General Enforcement Policy

Every provincial or territorial child support program will stop enforcing child support for a child after the child reaches the age of majority if:

- The recipient requests file closure.
- The dependent becomes deceased. **OR**
- As directed by a court order.

Note that enforcement of arrears of child support for that child will continue after enforcement of the ongoing child support has ceased.

## 3. **Procedures**

Continued enforcement of child support for a child over the age of majority generally requires information or proof that a child continues to be eligible for child support as outlined in the table below. Washington state caseworkers may receive a form that **the custodial parent must complete**. The province/territory may also require proof of continued enrollment in school or proof of continued disability. The forms and supporting documents should be returned within the time frame requested, as some provinces/territories may cease enforcement of the child support for that child in the absence of a response. Please note that the documents may be provided to the noncustodial parent, so if this creates a concern for the custodial parent, please advise the enforcing jurisdiction.

## Provincial / Territorial Enforcement Policies

Jurisdiction	Age of Majority	Legislative Provision	Post AOM Enforcement Policy
British Columbia	19	Support will continue if the child is in school or remains unable to withdraw from the parents' care for any reason (illness, disability).	Enforcement will stop if: <ul style="list-style-type: none"> <li>• The child is employed and earning a self-supporting income.</li> <li>• The child gets married.</li> <li>• The child is not enrolled in school (part-time or full-time) and does not intend to enroll in school (co-op is considered school, apprenticeship is considered working) and it is 6 months post AOM.</li> <li>• The child inherits an amount that allows him/her to be self-sufficient for a significant amount of time. OR</li> <li>• The child is living with the noncustodial parent.</li> </ul>
Alberta	18	Support will continue if the child is in full-time school or remains unable to withdraw from the parents' care for any reason (illness, disability).	Enforcement will stop if: <ul style="list-style-type: none"> <li>• Enforcement will stop if:</li> <li>• The child gets married.</li> <li>• The child is not in full-time school.</li> <li>• The child turns 22. OR</li> <li>• The child has obtained his/her first certificate, degree or diploma.</li> </ul>
Saskatchewan	18	Support will continue if the child is in school or remains unable to withdraw from the parents' care for any reason (illness, disability).	Enforcement will stop if: <ul style="list-style-type: none"> <li>• The child gets married. OR</li> <li>• The child does not attend school either part-time or full-time.</li> </ul>
Manitoba	18	Support will continue if the child remains unable to withdraw from the parents' care for any reason (illness, disability).	Enforcement will stop if: <ul style="list-style-type: none"> <li>• An order to terminate support is received.</li> <li>• The creditor withdraws.</li> <li>• The child gets married.</li> <li>• The order contains a terminating event. OR</li> <li>• No proof of part-time school is provided.</li> </ul>
Ontario	18	Support will continue if the child is enrolled in a full-time program of education or is unable, by reason of illness, disability or other cause, to withdraw from the charge of his or her parents.	Enforcement will stop if: <ul style="list-style-type: none"> <li>• The parties agree support stops.</li> <li>• Administrative closure under section 8.1 or 7 of the family responsibility and support arrears enforcement act, 1996 is deemed appropriate. OR</li> <li>• The parties agree that a terminating event listed in the court order has been triggered.</li> </ul>

<b>Jurisdiction</b>	<b>Age of Majority</b>	<b>Legislative Provision</b>	<b>Post AOM Enforcement Policy</b>
Quebec	18	Support will continue so long as the child is unable to ensure his/her own subsistence (as stated in art. 585, 3094, 3096 C.C.Q. and case law).	Enforcement will stop if: <ul style="list-style-type: none"> <li>• An order to terminate support is received.</li> </ul>
New Brunswick	19	Support will continue if the child is in school or remains unable to withdraw from the parents' care for any reason (illness, disability).	Enforcement will stop if: <ul style="list-style-type: none"> <li>• The child gets married. OR</li> <li>• An order to terminate support is received.</li> </ul>
Nova Scotia	19	Support will continue if the child is in full-time school or remains unable to withdraw from the parents' care for any reason (illness, disability).	Enforcement will stop if: <ul style="list-style-type: none"> <li>• An order to terminate support is received.</li> <li>• The child is not in full-time school. OR</li> <li>• One-year post AOM. AND</li> <li>• No proof of full-time school or illness, disability is provided within that year.</li> </ul>
Prince Edward Island	18	Support will continue for a child age 18 or older if the child is in full-time school, or if the child is unable to withdraw from the parents' care due of illness, disability or other cause.	Enforcement will stop if: <ul style="list-style-type: none"> <li>• The child is not enrolled in a full-time education program.</li> <li>• The child gets married.</li> <li>• The child turns 22.</li> <li>• An order to terminate support is received. OR</li> <li>• A terminating event specified in the order occurs.</li> </ul>
Newfoundland and Labrador	19	Support will continue if the child is in school or remains unable to withdraw from the parents' care for any reason (illness, disability).	Enforcement will stop if: <ul style="list-style-type: none"> <li>• The child gets married.</li> <li>• The child is not in full-time school.</li> <li>• The child is employed and earning a self-supporting income.</li> <li>• The child obtains a first degree or diploma. OR</li> <li>• The creditor does not respond to the AOM letter where there is only one child or one child remaining after step-downs activated on the other majority age siblings.</li> </ul>
Yukon	19	Support will continue if the child is in full-time school or remains unable to withdraw from the parent's care for reason of illness or disability.	Enforcement will stop if: <ul style="list-style-type: none"> <li>• The child gets married.</li> <li>• The child is not in full time school. OR</li> <li>• The child has obtained his/her first certificate, degree or diploma.</li> </ul>

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New Brunswick	19	Support will continue if the child is in school or remains unable to withdraw from the parents' care for any reason (illness, disability).	Enforcement will stop if: <ul style="list-style-type: none"> <li>• The child gets married. OR</li> <li>• The child is not in full- time or part-time school.</li> </ul>