



## How Many University Degrees do Parents Have to Pay For? By Scott Abel

It is inevitable that the question will be asked at some point – “For how long do I have to keep paying child support?” Unfortunately, it is a question that is becoming more and more difficult to answer.

There is still a misconception that child support is only paid until the child is 18 years of age. It is not difficult to understand how that misconception can come about – after all, if a person is 18 years of age, they are no longer a child, so why should child support be paid.

However, the definition of “child” that is used in family law purposes includes a child who is over the age of majority, and is attending for post secondary education. Essentially, it can be an adult who is still financially dependent as a result of being in school. There is little doubt that if a child is attending university or college, child support will continue to be paid.

What is becoming more prevalent are the requests for child support continuing past the first post-secondary degree. If the child has obtained their Bachelor’s degree, and wishes to attend for post-graduate education, does child support continue?

At one time, the answer would have been no, as the Courts were reluctant to require child support to be paid past a first degree. Most courts seem to accept that it is reasonable for a child to get one degree with the support of a non-custodial parent. Now, they are starting to say it could be more than one degree.

This may be due in part to the reality that one degree is no longer a guarantee of success or financial independence as it once was. If it requires two or more degrees to be considered educated, should not the obligation of child support continue as well?

As noted in a recent Ontario decision, and as a general rule,

parents of a legitimate and genuine student will remain responsible to pay child support until the child has reached a level of education, commensurate with the abilities the child has demonstrated, which fit the child for entry-level employment in an appropriate field.

As noted by the Court, the Court cannot be blind to prevailing social and economic conditions: a Bachelor’s degree no longer assures self-sufficiency. It is that inability to be self-sufficient which is the key to an adult still being considered a child for child support purposes.

So, to return to the question as to how long does a non-custodial parent have to keep paying child support, certainly for one post-secondary degree, and if the child shows an aptitude and an ability, possibly for a second degree as well. The amount of child support may change and adjust depending on the level of

education, but the obligation may remain.

Each case is dependent on its own set of facts, and its own unique situation. Whether Courts in Manitoba will adopt the general rule set out in Ontario is still to be seen. However, it is probably safe to assume that our Courts cannot and will not ignore the prevailing social and economic conditions that suggest a second or even third degree is necessary to assure self-sufficiency. If that is the case, then child support will continue for several years.