

## LEARN LAW: CHILD SUPPORT PAYMENTS NOW EXEMPT FROM SOCIAL ASSISTANCE

JANUARY 2017

Child support payments are no longer considered income and are not deducted “dollar for dollar” from Ontario Works (“OW”) or Ontario Disability Support Program (“ODSP”). This means parents receiving social assistance will be able to keep the full amount of any child support they receive. Prior to this change, social assistance programs counted child support as income to the parent who received child support.

Adult children with disabilities who receive ODSP in their own name and live with a parent will also benefit from the exemption of any child support paid on their behalf.

Any child support being paid by a parent for their child will be exempt, so long as it is paid by a person who has a legal obligation to support the child under the *Family Law Act*, *Divorce Act*, or similar legislation in another jurisdiction. A court order for child support is not required for recipients to benefit from the exemption.

Depending on whether the parent is receiving OW or ODSP, the changes come into force on different dates:

- Ontario Disability Support Program: January 1, 2017
- Ontario Works: February 1, 2017

There are no changes to the calculation of child support where either or both parents are in receipt of social assistance.

In the past, parents were required to pursue child support as a condition of receiving social assistance. This change will allow parents to avoid an adversarial court process and make their own decisions about how to reach financial settlements for child support.

In the past, every dollar that was paid to a social assistance recipient for child support was deducted dollar for dollar. In other words, the child was no better off. A paying parent had little incentive to pay when social assistance would simply retrieve that amount. The Ministry of Community and Social Services says that evidence from other jurisdictions shows parents may be more willing to pay child support if they know the money will go directly to their child.

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This shift in policy is part of the provincial government's position that social assistance needs to be "modernized" and make sense for people receiving assistance.

## Spousal Support

No changes are being made to spousal support and it will still be deducted dollar for dollar from social assistance benefits. People are still required to make reasonable efforts to pursue spousal support payments as a condition to receiving social assistance.

For more information about these changes to child support see <http://incomesecurity.org>.

(Direct Link: <http://incomesecurity.org/public-education/full-child-support-exemption-for-parents-on-ow-and-odsp-coming-this-month-exemption-complete-des-pensions-alimentaires-pour-enfants-des-ce-mois-ci/>)

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