



Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP

Answers to pressing questions on Family Law.

Is he Dependant, or not?

Question: My 19-year-old lives with his mother. He has been out of school since January and has been working part time. A few months ago, I stopped paying child support. She took me to court and was granted temporary support payment, which is still being enforced. She knowingly misinformed the court, claiming that he had applied and was accepted to attend college. On the next court date, instead of presenting the facts to the court, she shows up with his exam results stating he is short 3-1/2 credits and is reapplying to attend grade 11. The court asked her to present proof of this information. I understood that if a child is 18, not in school and mentally and physically stable, the access parent is not legally bound to support the child. This kid is over 19 and has not been in school since January. Why is the court ordering me to pay child support for this kid?

Answer: It could be that the court felt that the child was a dependant. If she will not file documentary proof within a specified time, then the court will likely halt the support payments. Bt so long as the child is reapplying to go back to grade 11, he is still a dependant. Also, if you are representing yourself, the court may not be as persuaded as you think it should be. Finally, if the child is truly lazy and refuses to sit in the classroom and is content working in a retail outlet rather than being in school, the you certainly do not have to support him. But if the child is failing in school or dropping out because of a learning disability, the court will be very sympathetic to that child and his mother.

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