

Child Support Payments to Parents of Adults on ODSP

This information is about situations where a person with a disability has a parent who is getting child support payments from the other parent. The person with a disability is an adult – that is, they are over the age of 18. In these instances, we call this person an “adult child”.

For many years, it has not been clear how these child support payments affect the adult child’s eligibility for ODSP.

ODSP mostly treated the child support payments as if they were part of the adult child’s income. As a result, some people in this situation were denied benefits altogether, or had the child support money deducted dollar for dollar from their ODSP benefits.

A recent court case called *Ansell v. ODSP* (2011) said two important things that affect people in this situation:

- Child support payments paid to a parent, and not to the adult child directly, should not be deducted from the adult child’s ODSP benefits.
- As a result, child support payments paid to a parent should not automatically result in the adult child being ineligible for ODSP. Eligibility depends on how the child support money is used.

This court case is a big victory for “adult children” on ODSP. An adult child in this situation can be eligible for ODSP and won’t automatically have their incomes reduced by the amount of the child support.

But it also means that it’s very important how the child support money is used by the parent who gets it, because it could have an impact on the adult child’s ODSP benefits.

That’s because adult children in this situation will now have to report to ODSP about how the child support money is being spent (see below).

If the parent who gets the child support money gives any of it directly to the adult child, or uses that money to pay for things for their benefit (for example, for clothing), that might be something that will be deducted from ODSP benefits.

What This Means For You: Reporting to ODSP

If you are an “adult child” on ODSP and one of your parents is getting child support from your other parent, you will now have to fill out a form to tell ODSP how that child support money is being spent.

This form is called a “Child Support Monthly Report”. You only have to fill out and submit this form to ODSP once per year. You must keep all the receipts for things that were bought with the child support money for one year.

Your parents are allowed to give you certain types of benefits or gifts without affecting your ODSP benefits. This means that these kinds of benefits or gifts are called “exempt” For example, your parents can give you:

- A total of \$6,000 in gifts and/or money over a 12 month period.
- Payment for any “disability-related expenses” – this means paying for things related to your disability. For example, this could be paying for your therapy. But your ODSP worker has to approve these expenses in advance. And these payments are only exempt if there is no other program that will pay these costs. Make sure you ask your worker for approval BEFORE your parent pays for these kinds of expenses for you.
- Contributions to a Registered Disability Savings Plan (RDSP).

There are also other kinds of contributions that your parents can make that are exempt – that is, they will not be deducted from your ODSP benefits. For a current list of exemptions, see ODSP Policy Directive 5.1:

http://www.mcass.gov.on.ca/en/mcass/programs/social/directives/directives/ODSPDirective/s/income_support/5_1_ODSP_ISDirectives.aspx

If your Child Support Monthly Report shows that the child support money was used for any of these “exempted” purposes, it will not be considered income and your ODSP benefits will not be affected.

If You Need Help With This

If you have questions about how child support payments can be spent so that your ODSP benefits are not affected, you should consult your local community legal clinic.

Or, if you think that ODSP has made incorrect child support deductions from your ODSP benefits, or has wrongly denied your application for ODSP, you should consult your local community legal clinic.

Use this website to find out where your local clinic is and how to get in touch with them: www.legalaid.on.ca/en/contact/contact.asp?type=cl.