

Dependent child



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A dependent child is biological or adopted, unmarried, and under 18 years of age or enrolled in an education program on a fulltime basis.

A foster child is not considered a dependent child and is not included in family size for the purposes of determining financial eligibility.

A person between 18 and 25 years of age who is enrolled in an education program on a full-time basis may be considered a dependent child for the purposes of determining the individual's financial eligibility.

For the purposes of determining financial eligibility, where an individual seeking legal aid services has a dependent child or children residing with them in their full-time care, or by way of a shared-parenting arrangement, their family size is increased accordingly, in addition to any partner or spouse, up to a family size of five or more.

Where an individual seeking legal aid services has primary care of a dependent child or children, the child or children is included in the individual's family unit for the purposes of determining financial eligibility. A dependent child is not included in an individual's family unit if they are not in the primary care and control of the individual under a shared parenting arrangement. Where an individual has a shared (50/50) parenting arrangement, the child or children will be included in their family unit. This may result in the same child being included in more than one family unit.

An individual's adult child who is in receipt of ODSP benefits is not considered a dependent child for the purposes of determining the individual's financial eligibility.

A dependent child's earnings are not considered income for the purposes of determining an individual's financial eligibility.

Where an individual is a youth criminally charged under the *Youth Criminal Justice Act*, and seeks legal aid services, they are considered a dependent child and their parents must complete a financial assessment for the purposes of determining the family unit's financial eligibility. A youth who has withdrawn from parental control will be assessed as an individual for the purposes of determining their financial eligibility.

A dependent child is deemed to have withdrawn from parental control where they are aged sixteen years or more and have self-declared that they have voluntarily and freely made the choice to become independent and assume the responsibility for their own financial situation, and they no longer reside in the home of their parent. In this case, the family unit is deemed to be severed and the responsibility of the parent to support the child has ceased.