

Focus FAMILY LAW

B.C. project helps divorced families with adult children

DONALEE MOULTON

The focus of family law is often on families with young children. Those children grow up, however, and continuing support may be required. A project from Mediate BC, which supports mediation across the province, is exploring the form and substance such support could take.

"Sometimes, parents and professionals forget that just because [children] are adults doesn't mean we can draw them into the conflict. Kids still feel caught in the middle," said Audra Bayer, a senior associate with the MacLean Family Law Group in West Kelowna.

The Child Support Eligibility Mediation Project both recognizes and addresses the often untenable spot adult children of divorce can find themselves in. It provides free mediation services to assist separated or divorced parents of a child who is at or over the age of majority (19).

The project, funded primarily by a grant from the Law Foundation of B.C., is the brainchild of Vancouver family law mediators Shelina Neallani and Yuki Matsuno. "[We were] expressing frustration at the limited choices available to parents many years post-separation to try to resolve their disputes outside of court, particularly

regarding their children, many of whom are young adults but still needing support," Neallani told *The Lawyers Weekly*.

"There was not really any help for parents trying to understand what their obligations were to their adult child and the adult child's responsibility to contribute, and no assistance in figuring out how to resolve these issues."

The mediation project, launched last year, is looking at two key issues: whether the adult child can withdraw from parental care and, if not, how that child should be supported. "The law is evolving in this area," said Bayer, a mediator/arbitrator who is currently being accredited in B.C. after working for more than a decade in Manitoba.

She points to the issue of support for an adult child in university. "Child support and matters related to children are always reviewable."

That reality is complemented, or compounded, by another newer fact of life which made the project opportune. "With more adult children remaining at home longer, it was very timely to focus attention on their need for support as they launch into adulthood," said Neallani.

The province's Family Maintenance Enforcement program, she added, "also noticed that they were not equipped to spend a lot of time trying to help disputing parents resolve issues regarding eligibility of children to continuing support after the age of majority."

Under the new program, the goal is for parents to reach an agreement for financial support that reflects the child's circumstances and future plans, and for the results of the mediation to be drafted into an order or agree-

Mediation ground rules

- Mediate BC's Child Support Eligibility Mediation Project looks at the needs, legal and otherwise, of adult children of divorced and separated parents. There are four key ground rules:
- Mediations are conducted in person, by telephone or by other distance technology following screening.
- A range of mediation techniques are employed to help the parties reach an agreement.
- Project mediators ensure that the voice of the adult child is heard in an appropriate way.
- Parties are required to participate in the project evaluation.

“

With more adult children remaining at home longer, it was very timely to focus attention on their need for support as they launch into adulthood.

Shelina Neallani
Family law mediator

ment and filed with the court. In the case of an adult child attending post-secondary school, for instance, a mediator can help the parents and the child come to an agreement on educational goals and budget as well as how the child and the parents should all contribute. The end result is the development of an education plan that "acts as a common basis for the productive conversations which have taken place in mediation," Neallani said.

The focus is on thinking today

about tomorrow, Bayer said. "This program encourages parents now to do some planning before there is a problem."

The Child Support Eligibility Mediation Project is also conducting research on mediation techniques. "[We're] trying to determine when the mediators use different approaches from interest-based to more evaluative," Neallani said.

The program is still in its infancy, but preliminary indications are positive. Agreements have been reached in 86 per cent of completed mediations. "As well, what we hear informally is that the parents have found the conversations they have had in the mediation sessions to be beneficial and productive to help their child launch into the next exciting phase of their life," Neallani said.

Mediators are key players in the program, providing information to parents and their adult children while helping each group clarify their concerns and understand their obligations. "The mediators adapt the process in the best way they can to help the parents come to an agreement with involvement by the child," Neallani said.

New!

Natural Resources Law Module* on LexisNexis® Quicklaw®

Legal Research Refined

- ▶ **Get the whole picture** – Examine exclusive commentary from legal experts in the fields of oil and gas, mining, utilities and environmental law.
- ▶ **Better meet your clients' needs** – Search comprehensive collections of natural resources materials, including case digests, board and tribunal decisions, journals, newsletters and trade publications.
- ▶ **Save time and improve efficiency** – Access content related to natural resources from a single point of access.

Learn more or register for your 15-day complimentary trial** today.

www.lexisnexis.ca/quicklaw-naturalresources

 LexisNexis®

* Requires a Quicklaw account and a separate subscription.
** Some restrictions may apply.
LexisNexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under licence.
Quicklaw is a registered trademark of LexisNexis Canada Inc. © 2013 LexisNexis Canada Inc. All rights reserved.

THE LAWYERS WEEKLY

NEXT WEEK IN FOCUS:

- Real Property
- Criminal Law

 LexisNexis®