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Additional Pension for Children

Issuing Authority: Director General, Policy
Effective Date: 1 June 2017
Document ID: 1154

This policy replaces the following PPM policy: Article 34(3) - Additional Pension for Children.

Table of Contents

Purpose
Policy
Determination - Entitled to be Maintained
Parent-child Relationship
Foster Children
Child of common-law or married spouse
Children Receiving Surviving Children's Pension
Pensioner Pensioned at Single Rate at Time of Death
Child of Disability Pensioners Residing Together
Child of Disability Pensioners Not Residing Together
Additional Pension Concerning Prisoner of War Compensation
Application
Effective Date
References

Purpose

The purpose of this policy is to provide guidance on when additional pension can be paid to or in respect of a child.

Policy

Determination - Entitled to be Maintained

1. The responsibility of the pensioner for the maintenance of a child is not removed by the accrual to the child of a benefit from a source such as the Canada Pension Plan, superannuation payments, or provincial payments for foster care. Such benefits are personal to the child.
2. The Department should not be concerned about the amount of support being paid by the natural parent, in cases where the Veteran is the step-parent.

Parent-child Relationship

3. In cases where the child is the natural child of the pensioner, a parent-child relationship is assumed.

4. In circumstances where the child of a spouse or common-law partner is living with the pensioner at least 50% of the time, a parent-child relationship is assumed.
5. A child is considered to be a resident of a household if he/she lives there at least 50% of the time. This consideration would take into account family situations where the biological parents have joint custody, and the children spend their time equally between two households. If there is doubt about the residency, documents such as joint custody agreements and statements from the parents or dependent child could be considered. The amount of time spent with a parent would also include visitation.
6. In other circumstances, the following should be considered depending on the family situation to determine whether or not a parent-child relationship exists:
    a. the child must be living with the pensioner at least 50% of the time (except for the situations in subsections (b) and (c) below);
    b. if the pensioner and his/her spouse are forced to live apart for medical reasons, a parent-child relationship can be considered;
    c. a child who is away at university could still be considered to be living with the pensioner;
    d. the relationship should be of a permanent nature, e.g. a pensioner would not receive payment in respect of a grandchild visiting for the summer;
    e. the pensioner provides financially for the child, at least to the extent of the additional pension;
    f. the child participates in the extended family, in the same way as would a biological child;
    g. the pensioner publicly represents to the child, the family, the world, either explicitly or implicitly, that he or she is responsible as a parent to the child;
    h. in cases where a niece, nephew or unrelated child is living with the pensioner, the child's natural parents should not be living in the same household, and there should be a formal legal document, indicating legal guardianship;
    i. in cases where a grandchild is living with the pensioner, a parent- child relationship may be considered, if the child's natural parents are not living in the same household and are not maintaining the child.

Foster Children

7. Additional pension on behalf of a foster child shall normally be paid, when the relationship has been authorized by a court of law, i.e. legal guardianship, or has been established pursuant to an order of a Provincial Director of Child Welfare.
8. It should be noted that in the majority of cases in Canada, foster children are actually wards of the province and the provincial Director of Child Welfare is the official legal guardian.
9. Cases where the parent-child relationship with the foster child is of a temporary nature should be followed up on a regular basis, to ensure that the child is still living with the pensioner.
10. Cases where a pensioner is sponsoring a child through donations to charitable organizations, such as those assisting children in under-developed countries, do not qualify a pensioner to additional pension.

Child of common-law or married spouse

11. The earliest date that the pensioner is entitled to additional pension on behalf of the child of the common-law partner is the date following the one-year cohabitation.
12. The earliest date that the pensioner is entitled to additional pension on behalf of the child of a spouse is the date that the child becomes a resident of the pensioner's household, as long as this does not pre-date the date of the marriage.
13. The child should also be a resident of the pensioner's household. If the child leaves the household, and is no longer a resident, additional pension should cease, effective the day following the departure from the

household. An exception to this rule would occur in cases where the step-parent has been paying child support. In cases of this nature, additional pension may continue when the child leaves the household, as long as the child support is paid at least to the extent of the additional pension. A legal document, such as a court order, is needed in cases of this nature.

14. In the case of a spouse's or common-law partner's child who is between the ages of 18 and 25, and attending a course of instruction approved by the Minister, benefits may be paid on behalf of that child. This would apply to situations where, were it not for attending school, the child would have been ordinarily residing in the pensioner's household.
15. A child of a separated spouse, former spouse, or former common-law partner who continues to reside with the member or Veteran after the separation, divorce or cessation of cohabitation may be still considered a dependent child.

Children Receiving Surviving Children's Pension

16. In some cases, children receiving a surviving children's pension, with respect to the pension of a deceased parent, also become a member of the household of a living disability pensioner. The pension for a child may only be paid to or in relation to one member of the forces, as the parent of that child. In other words, there shall not be two payments awarded or payable in relation to the same household. The decision about whether to pay the child under Schedule I or Schedule II should be based on which payment is in the best interests of the child.

Pensioner Pensioned at Single Rate at Time of Death

17. When a common-law spouse with a child has come forward for survivor benefits after the death, the child may also be entitled to surviving children benefits, as long as all the other criteria are met (as a child of a common-law spouse), if the common-law spouse receives a favourable ruling on his/her application for survivor benefits.

Child of Disability Pensioners Residing Together

18. In cases where both pensioners are natural parents, the pensioner with the highest pension should be awarded the additional pension for children on behalf of the child.
19. In cases where only one pensioner is the natural parent, in most circumstances, the natural parent should be awarded the additional pension on behalf of the child. The natural parent has primary responsibility to support the child. Only one pension can be awarded on behalf of the child
20. Where the child is not living with the natural parent, the pensioner would have to show proof of support, at least to the degree of the additional pension.
21. If there are cases where the step-parent is receiving a much higher disability pension than the natural parent, then additional pension may be awarded to the step parent.

Child of Disability Pensioners Not Residing Together

22. In cases where the disability pensioner is not the custodial parent, additional pension may be awarded, as long as the pensioner is supporting the child, at least to the amount of the additional pension.
23. In cases where disability pensioners are not residing together in the same household, the Department may award additional pension to each disability pensioner when each disability pensioner demonstrates that they are supporting the child to the extent that, in the opinion of the Minister, is at least in the amount of the additional pension.

24. The Department will determine the amount of each additional pension awarded to each pensioner based on their own individual disability assessment rate.

Additional Pension Concerning Prisoner of War Compensation

25. In accordance with subsections 71.2(2) and 71.2(4) of the *Pension Act*, all provisions of this policy concerning additional pension for dependent children of disability pensioners also apply to dependent children of former Prisoners of War.

Application

26. Subject to proof of qualification, an application for a disability pension under subsection 21(1)(a) and subsection 21(2) of the *Pension Act* is deemed to include an application for additional pension according to the family status of the applicant.
27. The following notifications, which are the duty of the pensioner to notify the Minister, constitute an application for additional pension:
    a. the birth of a child;
    b. a child entering the home and is being maintained by the pensioner; and/or
    c. the pensioner making maintenance payments for a child at least equal to the amount of additional pension.

Effective Date

28. The effective date of entitlement to additional pension on behalf of a child is governed by subsection 39(1) of the *Pension Act.*

References

Pension Act, sections 34 and 43; subsections 71.2(2) and 71.2(4); paragraphs 21(1)(a), 21(2)(a) and 21(7)(c)

Pension Review Board Interpretation I-29, 27 March 1984