

When Payments are Missed

The amount of assistance you receive under the BC Employment and Assistance program depends on how much income you have in a month. If a maintenance payment is not made, the government may increase the amount of assistance you receive that month. You must report the missed payment to your employment and assistance worker by marking "0" (zero) on the family maintenance line of your BC Employment and Assistance cheque stub.

The Family Maintenance Enforcement program will take steps to collect missed or lowered payments.

Questions & Answers

Q. What happens if I do not assign my rights?

A. You are not eligible for BC Employment and Assistance. Assignment is required under BC Employment and Assistance regulations as a condition of eligibility and cannot be appealed.

Q. What if the other parent pays me on a regular basis without a legal order?

A. You will still need to assign your maintenance rights and declare these monies on your BC Employment and Assistance cheque stub. The family maintenance worker will work on your behalf to obtain a legal order as only a legal order can be enforced if the other parent refuses to pay.

Q. What if I already have a legal order?

A. The family maintenance worker will review the order to ensure it is the amount due to you according to the Child Support

Guidelines, and enroll the order with the Family Maintenance Enforcement program.

Q. What are the Child Support Guidelines?

A. These are federal and provincial laws introduced in 1997 that set the amount of child support that must be paid based on the paying parent's income.

Q. What if the other parent threatens me?

A. Let your family maintenance worker know right away. The family maintenance worker will talk to you about the choices that are available to ensure your safety.

Q. What if the other parent moves away from British Columbia?

A. British Columbia has agreements in place with all other Canadian provinces and territories, all American states and several other countries. These agreements mean that the Family Maintenance Enforcement program can take action to ensure you get the payments you are entitled to, even if the other parent moves away.

Q. When does the assignment end?

A. It ends when you are sent a Notice of Termination from the ministry. This will happen when your BC Employment and Assistance file closes.

Q. How will my assistance be affected if my child becomes an adult yet is still eligible for support from the other parent?

A. Family Maintenance is 100 percent exempt for a recipient who subsequently passes the maintenance on to an adult child (a person with disabilities or a person who is 19 years of age or older). Income that is passed through to the adult child will not affect the amount of your assistance for that month.

For More Information

For more information, call the BC Child Support InfoLine:

- Vancouver/Lower Mainland:
604 660-2192
- Elsewhere in British Columbia:
1 888 216-2211

Contact the Ministry of Employment and Income Assistance by calling:

- **1 866 866-0800**

Or visit the ministry web site at

- www.eia.gov.bc.ca

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Ministry of Employment
and Income Assistance

Family Maintenance Program

Your rights and responsibilities

BC Employment
and Assistance

Assistance | Opportunity | Independence



Ministry of Employment
and Income Assistance

Taking Responsibility

When families break up, the parents' responsibility to care for their children does not end. The parent who has custody of the child(ren) may be entitled to receive maintenance payments from the other parent. The Child Support Guidelines set out the amount of maintenance to be paid.

Often, maintenance payments are either late or absent and the family must turn to BC Employment and Assistance for assistance.

Government is taking steps to ensure that parents, not taxpayers, are responsible for the support of their children.

If you are a BC Employment and Assistance program client, the Ministry of Employment and Income Assistance's Family Maintenance program will assist you in getting the maintenance order you are entitled to receive under the Child Support Guidelines.

Assigning Your Maintenance Rights

When you apply for BC Employment and Assistance, you are required to assign your maintenance rights to government to be eligible for assistance. This applies to either child or spousal maintenance rights and means that government can obtain a court order and enforce these rights on your behalf.

Your employment and assistance worker will explain the Family Maintenance program to you and ask you to sign an Assignment of Maintenance Rights form.

What does this mean for you?

Assigning your maintenance rights means:

- You no longer have to collect maintenance payments on your own, or at your own expense;
- Family maintenance workers and lawyers are available to assist you in getting a legal order or agreement for the maintenance payments;
- Your order will be enrolled with the Attorney General's Family Maintenance Enforcement program, which has the authority to enforce it and collect money; and,
- The order or agreement will remain in place even after you leave BC Employment and Assistance and can assist you in your transition to work.

The Role of Your Family Maintenance Worker

Once you have assigned your maintenance rights to government, you will be referred to a family maintenance worker.

No action will be taken on the assignment until a family maintenance worker has a chance to discuss your individual situation with you.

Your family maintenance worker will ensure your maintenance order meets the terms of the Child Support Guidelines.

Family maintenance workers work with lawyers and the Family Maintenance Enforcement program, on your behalf, to obtain, change and enforce your maintenance order. If the other parent tries to have the amount of the order reduced or eliminated, a ministry lawyer will represent you. You do not have to worry about court costs, or pursuing and collecting maintenance on your own.

Your Family Maintenance Worker will . . .

- Refer you and your child(ren) to community agencies for counseling and support services;
- Work on your behalf to get a legal order without going to court, where possible (This is called a "consent order.");

- Apply to the court to get a legal order if a consent order cannot be reached with the other parent;
- Answer any questions you have about the court and how it works;
- Assist you in changing an order to meet Child Support Guidelines;
- Assist you if the other parent applies to court to change or cancel your maintenance payments; and,
- Enroll your maintenance order with the Ministry of Attorney General's Family Maintenance Enforcement program.

Receiving Your Payment

Your family maintenance worker will enroll your maintenance order with the Family Maintenance Enforcement program, administered through the Ministry of Attorney General. The Family Maintenance Enforcement program is a maintenance collection agency. It receives and records maintenance payments, and forwards them to you.

Once your order is enrolled with the Family Maintenance Enforcement program, the other parent must send all maintenance cheques to the Family Maintenance Enforcement program. Receiving payment directly from the other parent could affect your eligibility for BC Employment and Assistance. If you do get a cheque from the other parent, report it to the Family Maintenance Enforcement program as soon as possible and declare it on your BC Employment and Assistance cheque stub.