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# Child and Spousal Support: Maintenance Enforcement Survey Statistics, 2001/2002



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# Child and Spousal Support: Maintenance Enforcement Survey Statistics, 2001/2002

by Mary Bess Kelly

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- .. not available for a specific reference period
- ... not applicable
- P preliminary
- r revised
- x suppressed to meet the confidentiality requirements of the Statistics Act
- E use with caution
- F too unreliable to be published

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## Highlights

- During the 1980s and 1990s, maintenance enforcement programs (MEPs) were created in each province and territory to assist recipients in the collection and enforcement of child and spousal support payments. This is the second release of information from the Maintenance Enforcement Survey (MES), which collects data on child and spousal support from the maintenance enforcement programs. Since the first release, one additional province, Alberta, has implemented the survey, joining Prince Edward Island, Quebec, Ontario, Saskatchewan and British Columbia. These six participating provinces represent about 90% of Canada's population.<sup>1</sup>
- Estimates indicate that less than one-half of all support cases are registered with a maintenance enforcement program (MEP).<sup>2</sup> Consequently, information from the MES is not representative of all support orders in Canada. In some provinces, including four that provide data to the MES, registration is voluntary.<sup>3</sup> For this reason, MEPs tend to handle the more difficult cases – ones coming into the program with arrears already in existence, or where there has been some difficulty in securing payments. Readers are therefore cautioned against using the survey data to evaluate specific enforcement programs or generalize the results to all support orders in Canada.
- Survey data indicate that maintenance enforcement programs are operating primarily for the benefit of children. Of the cases registered with the programs on March 31, 2002, the large majority included a support amount for children. This included 97% of the caseload for British Columbia, 90% for Prince Edward Island and Saskatchewan, 81% for Alberta and 75% for Ontario.<sup>4</sup>
- Maintenance enforcement program caseload has been increasing in most jurisdictions. Compared with April 2000, the caseload in March 2002 was up 19% in Prince Edward Island, 7% in Alberta and 6% in British Columbia. Quebec's caseload was up 18% from May 2000. In Ontario, cases enrolled was up slightly (1%), while in Saskatchewan, enrolment declined slightly (2%).
- As of March 31, 2002, in each of the six reporting provinces, the majority of cases (52% to 69%) involved a regular monthly payment of \$1 to \$400.<sup>5</sup> Few cases (1% to 5%) required a monthly payment greater than \$1,000.
- For the month of March 2002, the most recent month of data available, the majority of cases were in compliance with their regular monthly payment due, ranging from 53% of cases in Prince Edward Island to 78% of cases in Quebec.
- During 2001/2002, reporting provinces collected the majority of the money that was due in the form of regular monthly payments. Of the three provinces that provide these annual data, Prince Edward Island collected 69% of the approximately \$7 million due for that year, British Columbia collected 71% of the approximately \$150 million due<sup>6</sup>, and Saskatchewan collected 79% of the approximately \$30 million due.

<sup>1</sup> This report presents fiscal year 1999/2000, 2000/2001 and 2001/2002 child and spousal support data for Prince Edward Island, Saskatchewan and British Columbia. Some annual 2001/2002 data for Quebec and Alberta are available for the first time. Monthly snapshot data for these same provinces plus Ontario are also presented. Please consult Appendix A for a glossary of terms used throughout this report.

<sup>2</sup> See *Canadian Facts, Survey of Parents' Views of the Federal Child Support Guidelines, 2000*.

<sup>3</sup> Registration is voluntary or "opt-in" in Prince Edward Island, Saskatchewan, Alberta and British Columbia. In Quebec and Ontario, registration in a MEP is "opt-out" or mandatory.

<sup>4</sup> Quebec is unable to provide data on type of recipient.

<sup>5</sup> Regular monthly payment refers to money that is scheduled to be paid as a result of an order/agreement; it does not include other payments that may be due, such as arrears.

<sup>6</sup> British Columbia maintains a policy of allowing direct payments to be made and received by its clientele throughout the case duration, and since most of these direct payments are not reported until after the CCJS data are collected, a substantial number of payors are reported as not having paid, even though they actually have.

- On March 31, 2002, of those cases enrolled in the MEPs in the three provinces reporting these annual data, about two-thirds of payors had first entered the program with arrears.<sup>7</sup> Of these, almost one-quarter (24%) had paid off their arrears and another 21% saw their arrears decrease. Just over one-half (53%) saw their arrears increase. In about 2% of cases, arrears remained constant.
- During 2001/2002, MEPs utilized mainly administrative enforcement actions, as opposed to court actions, to

secure payments. In British Columbia, trying to find the payor or “tracing” was the most often performed administrative enforcement activity (40% of all administrative enforcement activities) whereas in Saskatchewan, demand for information (26%) and jurisdictional garnishment and attachment (24%) were the most frequently used actions.

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<sup>7</sup> *At entry into a MEP, arrears status may be unknown until an accurate balance is produced. Therefore, some payors can actually be in arrears but be recorded as having no arrears. Conversely, some payors may be recorded as having arrears, when none exist.*

# 1.0 Introduction

## 1.1 Background

During the 1980s and 1990s, maintenance enforcement programs (MEPs) were created in each province and territory in Canada. At the recommendation of the federal, provincial and territorial Family Law Committee (FLC), these programs were implemented to assist recipients in the collection and enforcement of child and spousal support payments. Their role is to provide the necessary administrative support to payors and recipients and to improve compliance with support obligations.

The programs were given a number of administrative enforcement powers to secure payments before resorting to the courts for the more difficult cases. For example, the federal government set up the Family Law Assistance Services Section in the Department of Justice Canada to assist these programs by providing trace and locate information using federal databases. The interception or garnishment of federal funds (e.g. income tax refunds) and federal employee's salaries or pensions is also provided for through two federal statutes, the *Family Orders and Agreements Enforcement Assistance Act (1987)*, and the *Garnishment, Attachment and Pension Diversion Act (1983)*.

Results from the Maintenance Enforcement Survey (MES) show that MEPs have experienced increases in their caseloads (see Section 4.1). However, a recent survey of separated and divorced parents confirms that not all support orders or written agreements in Canada are registered with a MEP. The survey estimated that MEPs handle 40-50% of all support orders and agreements in Canada.<sup>8</sup> Given that the primary purpose of the MEPs is to assist recipients in collecting their payments, it is expected that their cases often have issues related to securing payment or regularity of payment.

The MEPs across Canada differ in a number of important aspects because of different local needs and policies, and these have important implications for understanding the data collected by the Maintenance Enforcement Survey.<sup>9</sup> These differences include client profile, enforcement powers in legislation, enforcement practices, the enrolment

process, how payments are handled and registered, the responsibilities of clients, and how cases are closed (see Section 3 for more information on jurisdictional differences).

One element that is constant among MEPs is the need to develop, implement and upgrade automated information systems to efficiently handle their caseload. The 1990s saw considerable growth in the sophistication of their systems and this greatly expanded their capabilities to process and report information, and to communicate with each other and with federal enforcement services.

At the same time, organized and standardized case information on separating or divorcing parents was seriously lacking even as family law policies and issues came to the forefront. Erosion of the value of court-ordered support amounts, inconsistent methods for determining award amounts, and the taxation of support, were issues occupying the Family Law Committee.

In 1995, to address these issues, the members of the FLC recommended to their respective governments the implementation of the Child Support Guidelines and changes to the tax treatment of child support. The federal government responded by bringing in legislative reforms to the *Divorce Act*, thus enacting the Federal Child Support Guidelines for divorce cases and legislating additional enforcement measures to assist the MEPs. The federal government also provided funding to the provinces and territories to implement child support guidelines in their own legislation and to assist them with the workload that might be created in family courts as a result of these changes. To oversee these immense changes in family law, the federal government, in partnership with the provinces and territories, created the Child Support Initiative.

<sup>8</sup> See *Canadian Facts*, Survey of Parents' Views of the Federal Child Support Guidelines, 2000.

<sup>9</sup> See *Maintenance Enforcement Programs in Canada: Description of Operations 1999/2000 for more information on the operation of MEPs across Canada*.



The lack of national data on family law had already been identified as an issue requiring further study and was being considered by the Canadian Centre for Justice Statistics (CCJS) at Statistics Canada. Because the collection of national family law information is an important part of the CCJS mandate, it received funding to develop and implement a survey that would collect pertinent case information from the MEPs.

In 1995, discussions took place between the CCJS and various MEP representatives to establish the data requirements and collection strategy that would meet the needs of a wide range of family law data users. A set of survey specifications for the Maintenance Enforcement Survey (MES) was approved and this became the blueprint for current data collection efforts by the CCJS. The survey is still being phased in to account for local priorities (e.g. new legislation, upgrading information systems, etc.) and external issues.

The first public release of this collaborative work took place in August 2002 and presented fiscal year 1999/2000 provincial child and spousal support data for Prince Edward Island, Saskatchewan and British Columbia and snapshot data for September 2000 for Prince Edward Island, Quebec, Ontario, Saskatchewan and British Columbia. Since that time, one additional jurisdiction, Alberta, has implemented the MES.

## 1.2 This Report

This report presents fiscal year 1999/2000, 2000/2001 and 2001/2002 provincial child and spousal support data for Prince Edward Island, Saskatchewan and British

Columbia. In addition, some annual data for Quebec and Alberta are available for the first time. Monthly snapshot data for these same provinces plus Ontario are also presented. This is the first release of MES data for Alberta.

The report provides an analysis of the characteristics of cases that are registered with the maintenance enforcement programs in these six provinces and highlights changes that have occurred over the three years that data are available.

Following this introduction, the report is organized into three additional sections:

Section 2 explains the parameters, scope and limitations of the survey. It describes the survey methodology, coverage and limitations, as well as provisions surrounding confidentiality of the data.

Section 3 provides a brief description of terminology used by the MEPs, and main functions and processes, especially those that have a bearing on the interpretation of the data.

Section 4 displays a number of data tables derived from those data tables collected by the survey. It includes an analysis of the data available from the six participating provinces on caseload, case characteristics, financial flows and payment patterns, arrears, and finally, number and type of enforcement actions and case closures.

This report also includes a glossary of standard definitions in Appendix A.

## 2.0 Overview of the Maintenance Enforcement Survey

### 2.1 Survey methodology

The Maintenance Enforcement Survey (MES) is an administrative survey that collects data from the operational information systems maintained by provincial and territorial maintenance enforcement programs (MEPs). The information systems were initially built to address an operational purpose, which is to assist the MEPs in monitoring and enforcing their registered caseload. As a result, some of the data may not fully address all statistical needs, but they do otherwise provide a valuable source of information.

The MES is an aggregate survey, meaning that there is no information on individual cases, and data are collected and reported for pre-defined categories. As a result, opportunities for further manipulation of the data to produce or derive new measures are quite limited. The data collection tables were constructed during the identification of the survey specifications in 1995.

Data are extracted from each MEP's automated information system according to the survey specifications. Computer interfaces map survey concepts to local system information and the data are then electronically extracted from the system in aggregate form. These data files are forwarded to the Canadian Centre for Justice Statistics (CCJS) electronically according to a reporting schedule.

### 2.2 Coverage

Currently, the MES has been implemented in six provinces, which together account for about 90% of Canada's population. The survey is intended to be implemented nationally, and will eventually cover all cases for which the MEPs have responsibility to monitor and enforce. The provinces currently reporting data to the survey are not representative of the non-reporting provinces and territories. Moreover, it is estimated that MEPs handle less than one-half (40-50%) of all support orders and agreements in Canada.<sup>10</sup> Many individuals prefer to remain outside of a MEP, perhaps because they have made private arrangements for the payment of child or spousal support, or they may not have a written agreement in place. These people may be receiving their support payments voluntarily, or pursuing private enforcement using their own

counsel, if that option is open to them in their province or territory. Because these cases exist outside the MEP system, survey findings cannot be used to say anything about them.

### 2.3 Units of count

"Cases" are registered with the MEPs and are thus the most logical unit of count. People associated with those cases (i.e., a payor, a recipient, the children), as well as court orders and domestic contracts giving rise to support obligations, are all components of cases registered.

The survey also collects dollar amounts of money that are due and paid. Dollar figures according to type of payment or arrears are included in some of the tables.

### 2.4 Content

The survey gathers information on maintenance enforcement cases, and on some of the key characteristics associated with those cases. Case flow and changes in the volume of cases can be measured over time. In addition, survey data provide information on financial matters, the processing of payments, and the tracing and enforcement actions taken by MEPs.

The type of information collected by the survey includes:

- Caseload information: includes the number of cases of various categories, the sex and median age of payors and recipients, the number and median age of children affected, legislation under which the order for support was made;
- Information on financial matters: includes support amounts, compliance rates, information on arrears, frequency and amount of payments;
- Enforcement/case closure information: describes the types of actions that the programs initiate in order to enforce cases, and the closing of cases.

<sup>10</sup> See *Canadian Facts*, Survey of Parents' Views of the Federal Child Support Guidelines, 2000.

## 2.5 Reported timeframes

Data are collected from the MEPs on both a monthly and yearly basis.

- **Annual tables:** Fiscal year tables cover the period April 1 to March 31 and provide data that summarize the nature and extent of work done through the year. Information such as median age of payors and recipients, median child support obligation, and number of clients registered in a maintenance enforcement program is not prone to monthly fluctuations and is collected on a yearly basis. Other information measured on an annual basis includes dollar amounts processed and the number of enforcement actions taken.
- **Monthly tables:** As support payments are often paid monthly, the MES collects data on monthly payments due and received. Different times of the year may show different payment behaviour and with more data, seasonal or other patterns may begin to emerge which can be monitored and analysed.

Many of the data tables in the survey are “snapshot” tables, which means they provide counts of the various data measures at the end of the month or the end of the fiscal year. This measure is a reflection of the database at that point in time. Information that corrects or adjusts cases past month-end or year-end are not reflected in these end-of-period data counts. This means that the survey collects the best information available at the time of the snapshot. It will not capture new information coming to light, such as the payor having made a direct payment, or a cheque-based payment being returned for non-sufficient funds.

## 2.6 Data limitations

The survey data are collected from the operational information systems of the MEPs. As such, not all the data required for the survey will necessarily be available from these systems. There is also an ongoing challenge of ensuring that any policy or procedural change in the jurisdictions is reflected in how the survey data are analysed, interpreted and reported.

The CCJS has implemented a mapping of concepts using a Field Interpretation Document, which guides all data reporting and subsequent changes. This mapping considers how to collect and report the data identified in the survey specifications, identifying any limitations or deviations from standard survey definitions. Keeping this document up-to-date is an important part of survey maintenance, and relies on provincial/territorial counterparts to keep the survey current.

Readers are cautioned against using the survey to assess the effectiveness of jurisdictional MEPs or make comparisons between them. There are a variety of differences in the way these programs operate, from how they receive cases, to how they are able to enforce. There may be local practice rules to guide the application of various enforcement activities. Garnishments and attachments, for example, may be restricted by a provincial law that limits the percentage of a paycheque that can be attached. In some provinces, this is at a 50% maximum, while in others it may be 40%. There may also be situations where a program is unable to enforce a support obligation at a certain time, for example, by court order staying or suspending enforcement. All of these variations must be considered when assessing the information compiled in this report.<sup>11</sup>

It is important to remember as well, that not all cases in a province or territory will be registered in a MEP. Provinces or territories where the case is automatically enrolled from court are likely to include more “good” and “paid up” case accounts. Quebec and Ontario are provinces where all support orders are forwarded to the MEP by the issuing court. In other jurisdictions such as Prince Edward Island, Saskatchewan, Alberta and British Columbia, where registration is optional in the first instance, the ratio of “good” versus “problem” cases will be very different. This will likely have an impact on the proportion of the MEP cases that are in compliance and the proportion that have arrears.

National definitions enable some comparisons between jurisdictions but always within the context of their local administration. With greater participation in the survey and with more MEPs supplying data, a more complete picture of the national context will emerge. Ongoing releases of the survey will also provide an opportunity to look at an individual MEP’s data, such as trends and changes over time. Not all jurisdictions were able to meet all the survey requirements, as survey definitions do not always reflect individual, local operational definitions.

## 2.7 Confidentiality

Maintenance Enforcement Survey data have been subjected to a confidentiality procedure known as “random rounding” to prevent the possibility of associating the data with any identifiable individual. The technique of random rounding provides strong protection against disclosure,

<sup>11</sup> See *Maintenance Enforcement Programs in Canada: Description of Operations 1999/2000 for more information on the operation of MEPs across Canada.*

but does not add any significant distortion to the data. In this particular case, all MES data involving counts of individuals or cases are randomly rounded either up or down to the nearest multiple of 3. Thus, a case count of 32 would become either 30 or 33 when rounded.

It should be noted that for the second release of the MES data, the rounding methodology has been improved. Unlike the previous release, totals are now calculated from their randomly rounded components, rather than being

rounded independently. Thus the variation that existed between totals and the sum of their rounded components has been eliminated. This greatly improves consistency within tables. Comparability between tables is similar to the first release; some small differences can be expected in corresponding values among various MES tables.

As a result of the change to the rounding methodology, there have been slight revisions to data that were previously released.

## 3.0 A Description of Maintenance Enforcement Services

The task of processing and ensuring that child and spousal support is paid is essentially the same for all maintenance enforcement programs (MEPs) across Canada. Maintenance enforcement programs register cases, process payments and monitor and enforce cases. Eventually, a case no longer needs to be in a program and is closed. Each jurisdiction has developed its own maintenance enforcement policies and procedures to address its local needs. The following provides an overview of the jurisdictional differences that have an impact on data collection and interpretation.

### 3.1 Registration

All potential support recipients with an enforceable court order or agreement<sup>12</sup> can avail themselves of the services of a maintenance enforcement program. However, not all cases of child and spousal support that exist in a province or territory are administered by maintenance enforcement programs. Recipients and payors may amicably deal with support payments and never use the services of a MEP.

About half of the jurisdictions have adopted an opt-out registration system.<sup>13</sup> In jurisdictions with an opt-out program, maintenance orders are automatically filed with a maintenance enforcement program at the time of the order. To be removed from the caseload of a MEP, a recipient must ask to be withdrawn from the program.<sup>14</sup> In most jurisdictions, the payor has to agree to the withdrawal. This request can be denied if the recipient is collecting social assistance.<sup>15</sup> The information provided by the parties (usually the recipient) at registration is important for operational and enforcement purposes.

Some jurisdictions have a voluntary “opt-in” program. Either or both the recipient and the payor can register with the MEP. Usually, the only exceptions are cases where the recipient is entitled to social assistance, in which case enrolment is mandatory.

There are administrative requirements to be met in order for a case to be registered; personal information on both parties, employment, legal and financial information are required to set up the case and payment information.

Letters are generated notifying clients of their responsibilities, and/or identifying that enforcement action may follow. Review of cases and the determination of appropriate enforcement measures are in addition to these activities, and may differ widely for each case. Tracing may be initiated if information as to location of either the payor or recipient is missing, and to determine if the case must be sent elsewhere under interjurisdictional support orders legislation (refer to Box 1, section 4.1). This may change a few times if the payor and/or the recipient move residences or change employment.

### 3.2 Payment processing

The payment of support is processed and handled by a variety of methods. MEPs may receive payments for cases from a number of sources, which may or may not be a result of enforcement actions on their part. Most MEPs offer a number of different methods of paying a support obligation: by cheque, post-dated or otherwise, money order, credit card and most recently, by pre-authorized payment plans from bank accounts. Where a third party is involved, payments may come directly from an attachment of wages, a garnishment and attachment of assets (e.g. bank account), or a federal interception of federal monies owed to the payor, such as an income tax refund.

Much of the visible activity of MEPs involves the processing of payments and disbursement of payments to recipients. There are three models in use in Canada. There is a “pay-to” system, where the payor makes his/her payment payable to the MEP, which functions as a clearinghouse

<sup>12</sup> Domestic contracts that meet jurisdictional requirements for enforcement include paternity agreements and separation agreements filed in court.

<sup>13</sup> In 2001/2002, Newfoundland and Labrador, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba and the Northwest Territories used an opt-out procedure. Prince Edward Island, Saskatchewan, Alberta, British Columbia, Yukon and Nunavut used an opt-in procedure.

<sup>14</sup> Data on the number of individuals who opt out of programs is not available.

<sup>15</sup> Provinces and territories treat child support as income and deduct it dollar for dollar from social assistance benefits received by recipients.



for the payment before disbursing it to the recipient. Newfoundland, Prince Edward Island, New Brunswick, Quebec, Ontario, Alberta, the Northwest Territories and Nunavut use this kind of system. Payments may be made by way of certified cheque, money order, cash, debit card, credit card and company cheques. All monies received by the program are deposited into a trust account and then a government cheque is issued to the recipient.

There is a “pay-through” system, where payors make their payments via the MEP, which acts simply as the go-between for the parties involved. Once the payment is entered into the system by the MEP program, the payment is forwarded to the recipient. The increasing use of direct deposit as a standard way of sending recipients their money means that those MEPs that employ a pay-through system will gradually become more of a pay-to system.

Finally, there is a third model that is a combination of “pay-to” and “pay-through”. Nova Scotia, Manitoba, Saskatchewan, British Columbia and Yukon use this type of model. This means that payments may be made payable to either the recipient or to the MEP.

### 3.3 Enforcement

The MEPs are required by their legislation to monitor and enforce cases registered with them. They must enforce the terms and amount of the order or agreement, and have no discretion to change the terms in any way. Should circumstances change, the parties are encouraged to pursue a variation through the courts to reflect the current situation.

The MEPs resort to enforcement activities when they are unable to secure support payments. There are a number of enforcement mechanisms that can be used in helping to collect support payments. They can be seen as a graduated mechanism that intensifies with the complexity of the case. Overall, there are two distinct areas of enforcement: administrative and court enforcement. In general, most MEPs will first attempt to obtain payment through administrative means, as they usually produce more timely results than court enforcement. MEPs aim at securing regular and ongoing payments, and sufficient amounts to satisfy the obligations.

Administrative enforcement can range from telephoning the payor and trying to informally negotiate a payment, to

a more formal enforcement process whereby the payor has the funds garnished from his or her wages. Court enforcement remedies range from a summons to appear, to a fine or jail.

The Family Law Assistance Services Section of the federal Department of Justice provides access to federal databases for searching, allows for interception of federal funds and denial of federally administered licenses (*Family Orders and Agreements Enforcement Assistance Act*). Under GAPDA (*Garnishment, Attachment and Pension Diversion Act*), federal employee salaries and pensions are deemed subject to garnishment.

### 3.4 Case closure

Withdrawal from a program varies by jurisdiction. Cases can be withdrawn by the recipient (opt-out) or by the program. Recipients can withdraw from the program for a variety of reasons including, for example, that they do not feel they need to have the order enforced. In some jurisdictions, the payor’s agreement is required in order for the recipient to withdraw from the program.

Rarely is the payor allowed to withdraw from the program, although this is allowed in Ontario and British Columbia (provided the recipient is in agreement) and Saskatchewan, Alberta and the Northwest Territories if the payor was the one who registered the order.<sup>16</sup> In Quebec, the payor and the recipient can jointly apply to the Court for an exemption from the MEP. In order for the Court to agree, the payor must provide the MEP with security (that is a sum of money, a letter of guarantee or a guarantee from a financial institution) covering payment of support for one month.

Generally, MEPs close, or a case is “terminated”, if the terms of the order have expired, or either party dies. There may be situations where a MEP will close a case because it may be impractical to enforce. For example, if a recipient moves and cannot be located, the MEP might close the case.

<sup>16</sup> It is sometimes considered advantageous by some payors to be registered, since the program handles all the payments to the recipient, and there is less contact between parties. Some payors prefer to have the program administer and independently monitor the payments made.

### 3.5 Provincial/territorial differences

Extracting data from operational systems will usually result in some anomalies, given that administrative data are designed in the first instance for purposes other than statistics. Operational requirements and limitations will have some impact on the nature of the data that result. The following paragraphs outline where these effects are known.

In Prince Edward Island, no data are available for the authority of order (*Divorce Act*, Provincial order, etc.), reason for case termination or withdrawal, and only partial data are available for payment history. Total payment amounts due do not include scheduled arrears.

Quebec's program requires that the payor set up a payment method at the outset, either through payroll deductions or a payment order. If by payment order, payors must remit support payments directly to the maintenance enforcement program and provide a security sufficient to guarantee one month of support payments. In certain cases, if the program is certain to recover the sum from the payor, the legislation allows for the MEP to provide an advance to the recipient to help ensure regularity of payments. Advances are considered to be support payments and must be repaid by the payor. As well, the legislation requires that payments go to the recipients on the 1<sup>st</sup> and 16<sup>th</sup> of every month. Quebec does not distinguish between types of recipients,<sup>17</sup> and therefore could not report this information to the survey.

In Quebec, there is a different selection method in producing data for the annual and monthly MES tables. Direct payment cases are included in the annual tables,

but not the monthly tables.<sup>18</sup> Therefore, case counts for the annual tables will be greater.

Alberta policy allows 40 days following the completion of registration for the payor to make the first support payment. Therefore, there will never be any cases less than 40 days old reported as in default.

Saskatchewan is unable to provide an accurate median age of children for whom there are support payments. This jurisdiction includes the ages of all children a couple has, regardless of whether they are covered by the agreement.

British Columbia legislation requires that all outstanding accounts be charged interest, and is the only jurisdiction to do so. Although the dollars due and received for interest are not collected by the MES, this practice may have an influence on the data. Another practice that influences the data is the acceptance of direct payments of support. If a payor directly pays the recipient, this will not be recorded by the program until notification is made, and as such, the case will be categorized as "in default" by the program since it would have no record of payment. As a result, the compliance rate will appear to be lower than it actually is.

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<sup>17</sup> *Type of recipient refers to orders for children only, spouses only or for both the children and spouse. Please consult the Glossary for further details.*

<sup>18</sup> *Direct payments are defined as payments made by the payor to the recipient which do not involve the maintenance enforcement program.*

## 4.0 What the MES shows

This section presents fiscal year 1999/2000, 2000/2001 and 2001/2002 provincial child and spousal support data for Prince Edward Island, Saskatchewan and British Columbia. In addition, some annual data for Quebec and Alberta are available for the first time. Monthly snapshot data for these same provinces plus Ontario are also presented.<sup>19</sup> This is the first release of MES data for Alberta. A number of selected tables derived from those data tables collected by the survey are provided at the end of the section. Some of the tables present the three years of data now available and a preliminary analysis over the time period has been included where applicable.

This section is broken down into three components:

1. Case characteristics, including interjurisdictional support order status, sex and age of payors and recipients, source of orders, type of recipient and assignment status;
2. Financial management of cases, examining amounts that are due, payments and collections made, compliance from the viewpoint of partial payments made and the timeliness of payments made, and arrears level; and
3. Enforcement actions and case closure, looking at actions taken by MEPs, and the closing of cases.

The reader should note that as a result of the rounding methodology, some small differences can be expected in corresponding values among various MES tables.<sup>20</sup> In addition, as a result of a change to the rounding methodology, there have been slight revisions to data that were previously released.

### 4.1 Caseloads and their characteristics

As described in Section 2, the unit of count for the MES is the “case”. For the purposes of the survey, a case is included in the counts if it is registered and there is a support obligation on the part of the payor, and the MEP is monitoring and enforcing the case.

In looking at the caseload of a MEP, an important consideration is whether or not the payor and recipient live in the same province or territory. In the past, this was referred to as REMO (reciprocal enforcement of

maintenance orders) or RESO (reciprocal enforcement of support orders) status, but with the introduction of new legislation (see Box 1), it is now being referred to as ISO (interjurisdictional support order) status of the case. Typically, non-ISO cases are those where the payor and recipient live in the same province/territory; ISO-in cases are cases where the payor lives within the jurisdiction of the MEP (and the recipient lives in another jurisdiction); and ISO-out cases are cases where the payor lives outside the jurisdiction of the MEP (and the recipient lives within the jurisdiction). The day-to-day caseload of a MEP consists of monitoring non-ISO and ISO-in cases and taking enforcement action when payments are not forthcoming. ISO-out cases are cases that have been sent to another jurisdiction for monitoring and enforcement because the payor lives and/or has assets there.

For the survey, ISO status is important because only cases for which a MEP has day-to-day enforcement responsibilities (non-ISO and ISO-in) are counted. For the majority of case counts, ISO-out cases are excluded to avoid double counting.

Table 1 presents maintenance enforcement cases by ISO status for the five provinces that report these annual data. Interjurisdictional support order cases (ISO-in and ISO-out) account for an important share of MEP caseload. In four provinces, these cases represented between 17% and 32% of the caseload in 2001/2002. MEP cases entailing day-to-day enforcement responsibilities (non-ISO and ISO-in cases) comprised the majority of cases, accounting for 99% of cases in Quebec, 95% in Prince Edward Island, 90% in Alberta, 86% in British Columbia and 81% in Saskatchewan. This is fairly consistent for all years of data.

<sup>19</sup> At the time of this release, fiscal year data for Ontario and some annual data for Quebec and Alberta, are unavailable. Tables based on monthly data will include all six reporting provinces. Monthly data for Quebec are not available prior to May 2000.

<sup>20</sup> Tables with corresponding values for the number of maintenance enforcement cases enrolled (excluding ISO-out cases) are: Tables 2, 3, 5, 6, 7, 11, 12 and 17. Tables with corresponding values for the number of maintenance enforcement cases with arrears are: Tables 12, 13 and 14.



**Box 1****The Interjurisdictional Support Orders (ISO) Act**

Family support orders and applications do not always involve a situation where both parties live within the same jurisdiction. Several decades ago, to deal with cases such as these, the provinces and territories enacted interjurisdictional reciprocal enforcement of support legislation, commonly referred to as REMO/RESO legislation.<sup>21</sup> The purpose of this legislation is to allow one or both of the parties to obtain a support order, to have an existing order recognized or varied, or to have an order enforced when in different jurisdictions. The importance of the legislation cannot be underestimated, particularly as the population has become more mobile. Considering just those cases enrolled in a maintenance enforcement program, in 2001/02, between 2% and 32% of cases involved instances where the payor and recipient lived in different provinces/territories or different countries (Table 1).

REMO/RESO legislation was developed uniformly across the country. Nevertheless, the process to obtain, recognize or vary support orders was very time consuming and complex. This included a requirement for two court hearings. A person would first apply for an order in the 'home' province. A court hearing would take place and a Provisional Order would be made. The Provisional Order was based on the evidence of that one person, and it had no effect until confirmed in the jurisdiction where the other person lived. The REMO/RESO laws were used to send the Provisional Order and evidence to the second province. There, a second hearing would happen, where the court would listen to the evidence of the second person, and could make a Confirmation Order, or refuse to make one, or ask for more evidence. The process was very slow.

In order to simplify the processes surrounding inter-jurisdictional support orders, a federal-provincial-territorial committee began to work towards a unified approach via the Interjurisdictional Support Orders (ISO) Act. With ISO, jurisdictions have, for the first time, developed a standard

set of forms and a standard process for obtaining, recognizing and varying interjurisdictional support orders. ISO (like REMO/RESO) will apply when the order has been, or will be, made under provincial/territorial law. It will not apply in cases where support is part of a divorce action under the federal Divorce Act.

Under ISO, the need for a court hearing in both jurisdictions is eliminated. The person who wants to obtain or change a support order (the claimant/applicant) starts the process by completing a set of detailed application forms and submitting them to the provincial/territorial reciprocal official in his or her home province/territory. Next, the forms package is sent to the counterpart authority in the respondent's home province or territory. There will then be a court hearing. The respondent will be summoned to court and asked to provide a matching set of forms. The forms include all the information that would normally be included in a court hearing. Thus, the Judge will have a full picture of the family situation and can make an order. The new procedures are intended to improve the timeliness of obtaining, recognizing, varying and enforcing family support orders. As well, the process should be less costly. Eliminating the need for a provisional hearing will free up court resources and the detailed application forms are designed so that the parties may not require lawyers, unless they so choose.

It is anticipated that the majority of provinces and territories will have implemented the ISO legislation into force before the end of 2003.

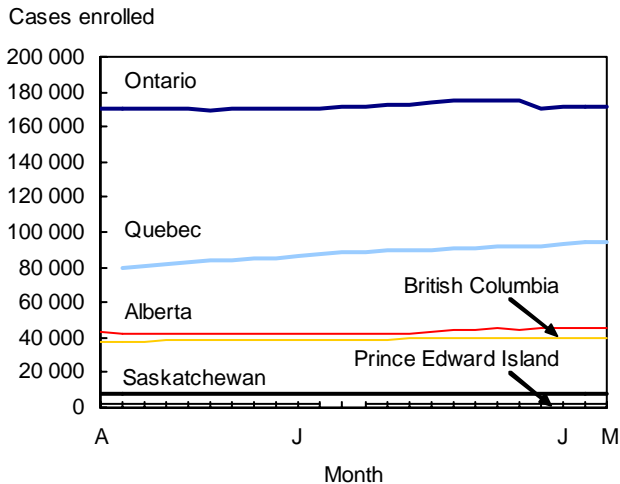
**Sources:** Department of Justice. *The Child Support and Custody and Access Newsletter*. Vol. 16, Fall 2002 <<http://www.canada.justice.gc.ca/en/ps/sup/news/112002/112002.html>> (February 3, 2003).  
Department of Justice. "Children Come First: A Report to Parliament Reviewing the Provisions and Operation of the Federal Child Support Guidelines". Vol. 2, p. 189. November 2002.

Figure 1 presents a picture of the MEP caseload (ISO-out cases are excluded) in each reporting province over a twenty-four month period, April 2000 to March 2002. The number of cases enrolled has been increasing in most jurisdictions. Compared with April 2000, the caseload in March 2002 was: 2,100 in Prince Edward Island, up 19%; 172,100 in Ontario, up 1%; 45,500 in Alberta, up 7%; and 40,100 in B.C., up 6% (Table 2). In Quebec there were

94,100 cases, up 18% from May 2000. In Saskatchewan, on the other hand, there were 7,900 cases, down 2% from April 2000.

<sup>21</sup> REMO means "reciprocal enforcement of maintenance orders" and RESO means "reciprocal enforcement of support orders".

**Figure 1**  
**Maintenance enforcement cases enrolled,**  
**April 2000 to March 2002<sup>1</sup>**



<sup>1</sup> ISO-out cases are excluded. Data are not available for Quebec for April 2000 and Prince Edward Island for March 2001.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

### Sex of payors and recipients

The recipient of support is most often the person who is living with, and has parental responsibility for, the children. This is often but not always the mother. There are instances where the recipient is the father, a grandparent or an extended family member.

Data for MEP cases show that on March 31, 2002, almost all cases (97%) for the three reporting provinces (Prince Edward Island, Saskatchewan and British Columbia) had a male payor with a female recipient (Table 3). This is consistent for all three years of data.

### Age of payors and recipients

Table 4 presents the median age for payors, recipients, and children. The median is the middle point of the age distribution, where one-half of the group is above the median and one-half below it. On March 31, 2002, the median age of payors and recipients was very consistent for all three provinces. The median age for payors was 40 years in Prince Edward Island and Saskatchewan and 41 years in British Columbia. For recipients, the median age was 38 years in all three provinces. The median age for children ranged from 12 to 14.

### Source of orders and type of recipient

Maintenance enforcement programs enforce both court-ordered support of divorcing or separating parents and support obligations arising from domestic contracts such as separation and paternity agreements. Orders for maintenance or support can result from federal legislation divorce proceedings (*Divorce Act*) or through provincial/territorial legislation that may ultimately become part of a divorce proceeding.

Most obligations are the result of federal or provincial authority and orders.<sup>22</sup> On March 31, 2002, 51% of support orders in Saskatchewan were under the federal *Divorce Act* and 34% were under provincial orders (Table 5). In British Columbia, on the other hand, only 27% of cases were under the federal *Divorce Act*, while considerably more cases (67%) were under a provincial order.

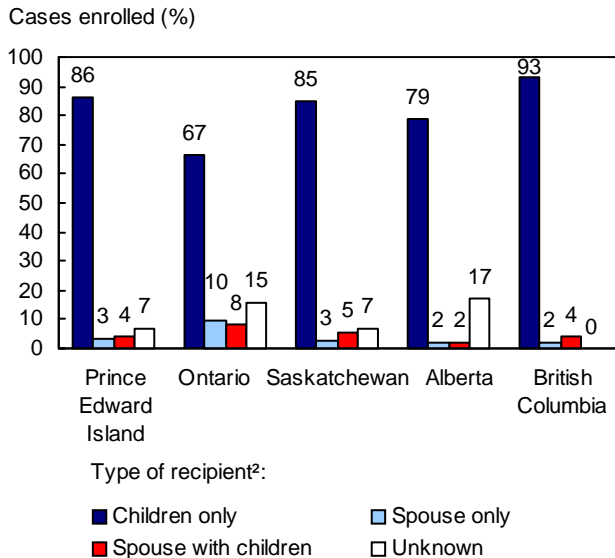
Survey data indicate that MEPs operate primarily for the benefit of children. Of the cases registered with the reporting provinces on March 31, 2002, the large majority included a support amount for children. This included 97% of the caseload for British Columbia, 90% for Prince Edward Island and Saskatchewan, 81% for Alberta and 75% for Ontario. As shown in Figure 2, the proportion of cases involving support for children only ranged from 67% in Ontario to 93% in British Columbia. Spouse with children cases ranged from 2% of cases in Alberta to 8% in Ontario and spouse only support cases accounted for 2% of cases in Alberta and British Columbia, the proportion rising to 10% in Ontario.

### Social assistance

Whether a recipient is in receipt of social assistance is an important characteristic from both an enforcement and policy perspective. All provinces and territories treat child support as income and deduct it dollar for dollar from social assistance benefits received by recipients. If a parent is entitled to receive child support and makes an application

<sup>22</sup> Provincial/territorial practice has a large impact here. Couples may separate and decide to formalize their arrangement in a separation agreement. Other couples may obtain a provincial/territorial order for support. In either situation, where a couple pursues a divorce, these arrangements may be incorporated into the final *Divorce Act* order, or they may be revisited. If couples do not pursue a divorce, their arrangements as set out in the separation agreement or provincial/territorial order will continue. Parents may have paternity agreements setting out child support obligations that are also enforced.

**Figure 2**  
**Maintenance enforcement cases enrolled, by type of recipient, at March 31, 2002<sup>1</sup>**



Figures may not total 100% due to rounding.

<sup>1</sup> ISO-out cases are excluded. Quebec is unable to provide data by type of recipient.

<sup>2</sup> The "Unknown" type of recipient category includes a very small proportion of "Other" type of recipient cases.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

for social assistance, the social benefits agency will require the parent to seek child support payments. The MES "assignment status" variable indicates whether a recipient is receiving social assistance and has assigned their entitlement to receive child or spousal support payments to the government, or there are monies owing from when they were previously on social assistance. A case can have money still owing to social services from the time it was an assigned case, but not be currently classified as an assigned case, since the recipient is no longer receiving income assistance benefits. It is also to be noted that not all persons receiving social assistance need to assign their cases.

The proportion of assigned MEP cases varies from province to province (Table 6). As of March 31, 2002, 26% of cases were assigned in Quebec and British Columbia. The other reporting provinces show smaller proportions, ranging from 6% in Saskatchewan to 15% in Prince Edward Island. In most reporting provinces, there has been a decline in the proportion of cases assigned since March 31, 2000.

## 4.2 Financial aspects of MEP caseload

There are a number of data tables in the MES that are designed to capture information illustrating the financial flows and payment patterns of cases. This section discusses key components of the process: the support order, types and amounts of payments, case compliance and arrears.

### Amounts due

The entire process of monitoring and enforcing by the MEPs stems from an order or agreement stipulating the payment of support. To register or enrol in a maintenance enforcement program, a recipient or payor must have an order or agreement that has been court-ordered or filed officially with the court. The order or agreement will have a stated support amount and the frequency with which it is to be paid. These amounts are called "amounts regularly due".

An order may contain other amounts that are also enforceable by the MEP. These are usually called "event-driven amounts". These can be characterized as payments that must be paid when they come due, perhaps when a receipt or an invoice is produced. Examples would be payment for visits to the dentist or for yearly sports enrolment fees. These are also sometimes called "lump-sum payments". Other payments that may be due in a month include scheduled arrears, fees, costs and penalties. For the purposes of the survey, these payments, plus payment amounts regularly due, are called "total payments due".

If an expected amount is received within the calendar month in which it became due, then the case is considered by the survey to be in compliance. If the amount paid is insufficient to meet the full amount, the case is considered to be in default.

Lastly, there are amounts called "arrears". These are amounts that have not been paid and can include the accumulation of any of the above types of payments. Arrears may accumulate either prior to registration with a MEP or after. Those arrears that accumulate prior to enrolment usually require proof before a MEP will enforce them. It is possible to be in compliance with an amount regularly due, but still have an arrears amount that accumulated from an earlier period of non-payment. Provided the arrears amount is being paid back according to a repayment schedule, the case will be considered in compliance.

Table 7 presents the distribution of cases by regular monthly payments due for March 2000, 2001 and 2002. As of March 31, 2002, in each of the six reporting provinces, the majority of cases (52% to 69%) involved a regular payment of \$1 to \$400. Only 1% to 4% of cases across the provinces involved a monthly payment of \$1,001 to \$2,000 and only 1% or less had a payment level above \$2,000. This pattern is consistent over the three years of available data.

The distribution of MEP cases by total payments due (rather than regular payments) was found to be quite similar. Most cases had total monthly payments of \$1 to \$400.

### Compliance

There are many ways of examining compliance, and consequently many definitions in use. However, timeliness and sufficiency of payment are the two key components of compliance. For the survey, compliance is measured on a monthly basis in relation to the amount of money expected to be paid in a given month. It is measured as of the last day of the month. This means that cases having an amount due early in the month, for example the 15<sup>th</sup>, can pay late, but still be considered by the survey to be in compliance if the money is received by the last day of the month. Conversely, if a payment is due on the 30<sup>th</sup> of the month and is received one day past month-end, the case is considered in default for that month. Compliance is also based on full payment. A partial payment, no matter how close to the amount due (e.g., 90%), would not satisfy the obligation, and so for the purposes of the survey would not be considered in compliance. Thus, the monthly figures are based on the number of cases in full compliance – having made the full payment on the amount due by month-end.

Compliance can be measured in terms of both regular and total monthly payments due. As shown in Table 8, the majority of cases were in compliance with their regular monthly payments due, ranging from 53% of cases in Prince Edward Island to 78% of cases in Quebec (as of March 31, 2002).

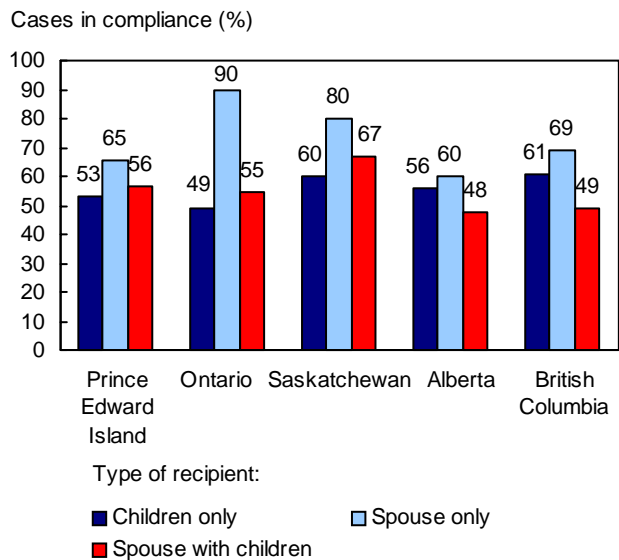
Table 8 also shows that compliance varies somewhat by the amount of regular payment due, with higher levels of compliance found in the “middle” payment categories, and lower levels at the two extremes. Over the three years shown, compliance figures seem to have declined slightly in most payment categories for Saskatchewan. Compliance in Quebec appears to have increased slightly across

all payment categories since March 31, 2001. However, changes in the overall compliance with regular payments were minimal among the reporting provinces.

A similar distribution was observed for MEP cases in compliance with total payments, which include regular payments due plus scheduled arrears, fees, costs, penalties and event-driven payments. However, compliance with total payments tends to be slightly lower than compliance with regular amounts due.

Figure 3 provides an additional element, presenting compliance with regular payments due by type of recipient. It shows that there is variation in compliance by type of recipient among the provinces. In each reporting province, compliance is highest for spouse only recipients, ranging from 60% in Alberta to 90% in Ontario. The reader should note that the spouse only and spouse with children proportions are based on much smaller case counts than the children only category.

**Figure 3**  
Maintenance enforcement cases enrolled in compliance with regular payments due, by type of recipient, at March 31, 2002<sup>1</sup>



<sup>1</sup> ISO-Out cases are excluded. Compliance in this instance indicates that the regular amount expected in the month was received. "Other" and "Unknown" type of recipient categories are excluded. Quebec is unable to provide data by type of recipient.

Source: Statistics Canada, Maintenance Enforcement Survey.



Another view of compliance shows the amount of dollars that were paid as a proportion of the amounts regularly due. During 2001/2002, MEPs in the three provinces reporting these annual data were successful in collecting most of the regular dollars due (Table 9). Saskatchewan collected 79% of the approximately \$30 million due for that year, Prince Edward Island collected 69% of the approximately \$7 million due, and British Columbia collected 71% of the approximately \$150 million due.<sup>23</sup> These proportions have remained consistent with those reported for the other two years. The reader should keep in mind that fiscal figures include cases that have closed during the past year, and will therefore not be based on the same group of cases used in the monthly counts.

A twenty-four month view of compliance is presented in Table 10. For each reporting province, fluctuations in the proportion of cases in compliance can be observed over the period April 2000 to March 2002. Although the proportion of cases in compliance appears to be consistent within the provinces, even small percentage point changes from month to month can mean that many cases are falling in and out of compliance regularly.

The monthly snapshot data give MES information users an indication of possible changes in payment behaviour over time due to, for example, policy changes, enforcement measures, and public awareness campaigns. This kind of information will help address questions concerning improvements in enforcement measures, and monthly payment patterns. Information as to how people are keeping up with what they owe, in relation to the size of the order or the number or type of dependants, will also help with future program and policy development efforts.

### **Arrears**

Arrears refer to money owing from earlier missed payments. If arrears payments are scheduled and the payments are adhered to, then further enforcement action is unlikely. However, if there is no payment schedule established, then the full amount of arrears is due and enforceable.

Maintenance enforcement programs can register cases with arrears already accumulated.<sup>24</sup> Arrears can also accrue during the time the MEP has management of the case, should payments not be made and enforcement fail to secure sufficient payment. Arrears are sometimes subject to court-ordered or negotiated scheduled payment plans. When these occur, the amount of arrears may be gradually repaid over a period of time, with the balance of the arrears amount fixed and not considered fully due until the end of the repayment schedule.

### **Arrears history and level of arrears**

Table 11 provides a view of the arrears history of MEP cases in three provinces, Prince Edward Island, Saskatchewan and British Columbia. Saskatchewan and British Columbia show a similar distribution of cases. The figures for Prince Edward Island are lower due to a large proportion of unknowns.

Data available from Saskatchewan and British Columbia indicate that over one-half of cases had a history of payment problems prior to entering a maintenance enforcement program. Of the cases enrolled on March 31, 2002, 58% of those in Saskatchewan and 67% of those in British Columbia entered the program with arrears.<sup>25</sup> About 54% of these cases in Saskatchewan and 44% in British Columbia improved their arrears status during the year. That is, their arrears either decreased or were paid off. Arrears remained constant in roughly 1% of cases in both provinces.

The remaining cases (43% in Saskatchewan and 32% in British Columbia) entered the MEP without arrears. Of these cases, about 53% in Saskatchewan and 58% in British Columbia remained arrears free. The remainder saw an increase in their arrears.

There has been relatively little change in these proportions in the three years that data are available.

Table 12 presents MEP case counts with arrears, as well as the dollars associated with those arrears. Readers are cautioned against calculating an average per case amount of arrears since there can be a great range of arrears amounts due on cases. As some cases may account for tens or hundreds of thousands of dollars in arrears, and others will have very modest amounts due, any such calculation is inappropriate.

<sup>23</sup> British Columbia maintains a policy of allowing direct payments to be made and received by its clientele throughout the case duration, and since most of these direct payments are not reported until after the CCJS data are collected, a substantial number of payors are reported as not having paid, even though they actually have.

<sup>24</sup> In some cases, the recorded arrears will be lower if information is received by the MEP that direct payments have been made between the parties. In other cases, the arrears may be higher but the recipient is unable to provide an affidavit establishing arrears.

<sup>25</sup> It should be noted that upon registration, some recipients are unable to reconstruct their payment history and so are unable to produce an affidavit establishing arrears. These cases have to be registered as not having any arrears, even though they are, in fact, non-compliant cases right from the start.

Between March 2000 and March 2002, the number of cases with arrears increased slightly in Prince Edward Island, Ontario, Alberta and British Columbia and the dollar amount of arrears increased as well. In Saskatchewan, the number of cases with arrears declined very slightly, while the amount of arrears due increased slightly. In Quebec, there was a slight decrease in both the number of cases with arrears and the amount of arrears due, between March 2001 and March 2002.

The survey collects information on the length of time elapsed since payment on cases with arrears. This is an important measure in terms of workload of MEPs. Cases that rarely or never make payments require more and stronger enforcement strategies. Unfortunately, the survey is unable to link any enforcement activity with a specific payment received, and there will be many cases that have had considerable attention, but the actions have not yet resulted in payment being made.

There can be many reasons why a payor may not have paid within the past month, or be up-to-date in making expected payments. For example, there are stays of enforcement that occur on some cases, or other impediments to enforcement such as prolonged periods of unemployment, disability, or incarceration.

The distribution of cases with arrears according to the elapsed time since the last payment was received is shown in Table 13. In all reporting provinces, as of March 31, 2002, a large proportion of cases had made a payment within one month. Within three months, the proportion of cases having made a payment ranges from 40% in Ontario to 64% in Quebec. However, there are more difficult arrears cases, those where a payment has not been made in over a year and those where no payment has ever been made. These cases, which account for 20% to 50% of the MEP caseload, might signal the loss of contact with the payor and therefore indicate that trace and locate activities will be necessary. These cases may also involve situations where there are limitations put on the enforcement actions possible, such as stays of enforcement or laws that limit the attachment and garnishment of wages. Within each reporting province, the distribution of cases with arrears according to the elapsed time since the last payment was received has remained stable over the three years.

Table 14 presents the distribution of cases with arrears by the percentage received of the total regular monthly amount due, for March 31, 2000, 2001 and 2002. The data indicate that cases fall within two extremes. In March 2002, most cases either received 100% or more of the

total regular monthly payment due (ranging from 39% in Prince Edward Island to 54% in Quebec) or they received none of the payment due (ranging from 34% in Quebec to 51% in Alberta). Over the three years of data, this pattern has remained consistent for each reporting province.

### 4.3 Enforcement/Case closure

#### *Enforcement actions available*

Maintenance enforcement programs can undertake a variety of actions to enforce current payments or existing arrears. Enforcement actions increase in intensity in response to more difficult cases and complex situations. As a matter of practice, administrative enforcement measures are exhausted early in the process, with the provincial/territorial avenues being taken first. In most jurisdictions, federal enforcement assistance, in the form of federal tracing, federal garnishment and federal license denial, are taken after most provincial/territorial avenues have been exhausted. If those mechanisms should fail to generate payment, MEPs then have court enforcement activities as an option, and these are generally taken as a last resort.

As Table 15 shows, in 2001/2002, the three reporting provinces enforced MEP cases using different types of enforcement actions. In British Columbia, trying to find the payor or "tracing" was the most often performed administrative enforcement activity (40% of all administrative enforcement activities) whereas in Saskatchewan, demand for information (26%) and jurisdictional garnishment and attachment (24%) were the most frequently used actions. The MEP in Prince Edward Island, on the other hand, frequently used actions under the "other" category. This category includes an action often used in this province called "notice of default hearing", meaning that defaulters are sent a notice of default hearing and are given the option of discussing their situation with the MEP director and the legal counsel for the MEP.

Data from the three reporting provinces indicate that very few court-based enforcement activities were undertaken. Court enforcement activities made up approximately 2% of all reported enforcement activities during 2001/2002 for Saskatchewan and British Columbia and about 4% for Prince Edward Island. Of the various kinds of court enforcement activities, default hearings were the most widely used in Prince Edward Island and Saskatchewan. Activities that fell under the "other" category, which include issuing a warrant for arrest, appointing a trustee in bankruptcy, and issuing writs for seizure and sale, were the ones most widely used in British Columbia.

### **Reasons for terminating a case**

There can be a number of reasons for the termination of a case within a maintenance enforcement program.<sup>26</sup> As shown in Table 16, there are provincial differences in the main reasons for case termination. In 2001/2002, expiration of the support order accounted for 68% of case terminations in Quebec and 50% in Alberta. In British Columbia, withdrawal by the program, withdrawal by either the recipient or payor, and expiration of the support order each accounted for about one-third of terminated cases.

### **Length of time enrolled in a MEP**

A case may be enrolled and withdrawn, in accordance with provincial/territorial policy, a number of times over the life of a support order. For MEPs and policy makers, the length of time a case resides in a MEP is important for operational, budget and resource planning.

Three of the four reporting provinces, Prince Edward Island, Saskatchewan and British Columbia, show a similar caseload distribution by length of enrolment. During the 2001/2002 fiscal year, about one-half of the cases enrolled in these provinces had been registered in the MEP for 5 years or less (Table 17).<sup>27</sup>

The proportions of older MEP cases in these provinces has grown since 1999/2000. In 2001/2002, cases enrolled for more than 10 years accounted for 10% in Saskatchewan (up from 5% in 1999/2000), 13% in Prince Edward Island (up from 8%) and 14% in British Columbia (up from 8%). These figures, in part, are a reflection of the length of time that the maintenance enforcement programs have been established in each province. The program in Saskatchewan has been in place since 1986, while in Prince Edward Island and British Columbia the date is 1988.

Survey results for Quebec indicate that the caseload is much younger compared with the other provinces because the MEP information system was not instituted until December 1995. Thus, in 2001/2002, 55% of the MEP cases in Quebec had been enrolled less than 3 years.

Information from the National Longitudinal Survey of Children and Youth indicates that children are experiencing family disruption at earlier and earlier ages.<sup>28</sup> This has implications for MEPs in that they may receive cases with younger and younger children involved in support orders. Given this trend, the potential is there for cases to reside in the MEPs for longer periods of time, compared to when the MEPs were first established.

## **4.4 Data Tables**

<sup>26</sup> The maintenance enforcement survey does not count the activity of opting in or out of maintenance enforcement programs. Terminations are only counted when they are the last event in the fiscal year. See Section 3.4 for a description of jurisdictional MEP withdrawal policy.

<sup>27</sup> In Saskatchewan there was a sharp increase in the percentage of cases in 2000 aged from 3 to 5 years compared to what was taking place in other provinces. During this period of time Saskatchewan's MEP increased office staff to handle more cases, the Family Law Division was created and more judges were utilized. These changes may have increased the number of cases that the program could process. British Columbia data for average length of time a case has been enrolled is skewed by the fact that persons on income assistance were not required to be in the maintenance enforcement program until September 1997. This resulted in a continuous large influx of new cases after this date, which has shortened the overall average time in the program.

<sup>28</sup> See Marcil-Gratton, N. *Growing up with mom and dad? The intricate family life courses of Canadian children*, 1998.

Table 1

Maintenance enforcement cases enrolled, by ISO (interjurisdictional support order) status, by fiscal year<sup>1</sup>

		Cases enrolled		Non-ISO	ISO-in	ISO-out
		No.	%			
Prince Edward Island	1999/2000	1,872	100	82	12	6
	2000/2001	..	..	..	..	..
	2001/2002	2,223	100	83	12	5
Quebec <sup>2</sup>	1999/2000	..	..	..	..	..
	2000/2001	..	..	..	..	..
	2001/2002	107,826	100	98	1	1
Saskatchewan	1999/2000	10,092	100	66	14	21
	2000/2001	10,065	100	67	14	19
	2001/2002	9,690	100	68	13	19
Alberta <sup>2</sup>	1999/2000	48,081	100	78	12	11
	2000/2001	47,412	100	75	14	11
	2001/2002	50,541	100	75	15	10
British Columbia	1999/2000	43,116	100	77	11	12
	2000/2001	45,069	100	77	10	13
	2001/2002	46,377	100	77	9	14

.. not available for a specific reference period

<sup>1</sup> ISO refers to interjurisdictional support orders. The provinces and territories have enacted legislation to ensure that orders/agreements can be enforced beyond their borders. Non-ISO cases are typically cases where both parties live in the same province/territory. ISO-in cases are cases that the province/territory has been asked by another jurisdiction to enforce because the payor lives and/or has assets inside their borders. ISO-out cases are cases that the province/territory has sent to another jurisdiction for enforcement because the payor lives outside their borders. ISO was formerly referred to as REMO status. These annual data are not available for Ontario.

<sup>2</sup> In Quebec and Alberta, cases enrolled include direct payment cases. Direct payments are defined as payments made by the payor to the recipient which do not involve the maintenance enforcement program.

Note: Percentages may not total 100% due to rounding.

Source: Statistics Canada, Maintenance Enforcement Survey.

Table 2

Maintenance enforcement cases enrolled, April 2000 to March 2002<sup>1</sup>

	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.
Prince Edward Island												
2000/2001	1,764	1,767	1,794	1,812	1,827	1,851	1,866	1,890	1,899	1,908	1,920	..
2001/2002	1,938	1,962	1,980	2,010	2,022	2,028	2,043	2,058	2,067	2,082	2,094	2,106
Quebec												
2000/2001	..	79,929	81,147	82,146	83,094	83,910	84,633	85,272	85,761	86,535	87,363	88,164
2001/2002	88,713	89,481	89,691	89,877	90,576	90,864	91,500	91,974	92,412	93,345	93,810	94,134
Ontario												
2000/2001	170,364	169,938	170,034	170,313	170,205	169,845	170,025	170,202	170,277	170,511	170,988	171,567
2001/2002	171,843	172,455	173,247	174,042	174,471	174,768	174,807	174,801	169,998	171,045	171,684	172,128
Saskatchewan												
2000/2001	8,028	8,028	8,019	8,058	8,142	8,133	8,115	8,124	8,133	8,130	8,094	8,124
2001/2002	8,070	8,058	8,085	8,061	7,992	8,004	7,953	7,917	7,905	7,887	7,836	7,854
Alberta												
2000/2001	42,624	42,465	42,483	42,018	41,823	41,667	41,628	41,553	41,592	41,688	42,129	42,300
2001/2002	42,264	42,327	42,597	43,008	44,088	44,643	44,892	44,880	44,964	45,270	45,294	45,507
British Columbia												
2000/2001	37,878	37,911	38,022	38,226	38,313	38,475	38,514	38,631	38,826	39,054	39,087	39,165
2001/2002	39,204	39,201	39,426	39,552	39,657	39,747	39,717	39,903	40,017	40,086	40,041	40,065

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded.

Source: Statistics Canada, Maintenance Enforcement Survey.



Table 3

Maintenance enforcement cases enrolled, by sex of payor and recipient, at March 31<sup>1</sup>

		Sex of payor and recipient				
		Cases enrolled	Total	Male payor	Female payor	Unknown <sup>2</sup>
				Female recipient	Male recipient	
No.	%	%				
Prince Edward Island	2000	1,749	100	96	0	4
	2001	..	..	..	..	..
	2002	2,106	100	95	0	5
Saskatchewan	2000	8,022	100	98	1	1
	2001	8,130	100	98	1	1
	2002	7,854	100	98	1	1
British Columbia	2000	37,818	100	97	2	1
	2001	39,162	100	97	2	1
	2002	40,065	100	97	2	1

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. These annual data are not available for Quebec, Ontario and Alberta.

<sup>2</sup> The "Unknown" category includes a small proportion of "Other" cases.

**Note:** Percentages may not total 100% due to rounding.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 4

Maintenance enforcement cases enrolled, by median age of payor, recipient and children, at March 31<sup>1</sup>

	Year	Payor	Recipient		Children
			median age (years)		
Prince Edward Island	2000	39	36		12
	2001	..	..		..
	2002	40	38		14
Saskatchewan <sup>2</sup>	2000	40	37		13
	2001	40	38		13
	2002	40	38		13
British Columbia	2000	40	38		12
	2001	41	38		12
	2002	41	38		12

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. These annual data are not available for Quebec, Ontario and Alberta.

<sup>2</sup> Median age for children for Saskatchewan includes all children associated on the order, including an unknown number who may not be covered by the agreement.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 5

Maintenance enforcement cases enrolled, by authority of order/agreement and type of recipient, at March 31, 2002<sup>1</sup>

Province and type of recipient:	Total		Authority of order/agreement							
			Divorce Act		Provincial order		Provincial agreement		Unknown	
	No.	%	No.	%	No.	%	No.	%	No.	%
<b>Saskatchewan</b>										
Children only	6,687	100	3,210	48	2,475	37	228	3	774	12
Spouse only	213	100	153	72	18	8	9	4	33	15
Spouse with children	399	100	327	82	45	11	6	2	21	5
Unknown	456	100	234	51	111	24	9	2	102	22
<b>Total</b>	<b>7,755</b>	<b>100</b>	<b>3,924</b>	<b>51</b>	<b>2,649</b>	<b>34</b>	<b>252</b>	<b>3</b>	<b>930</b>	<b>12</b>
<b>British Columbia</b>										
Children only	37,422	100	9,708	26	25,470	68	2,202	6	42	0
Spouse only	846	100	447	53	327	39	72	9	0	0
Spouse with children	1,665	100	663	40	912	55	87	5	3	0
Other	3	100	0	0	3	100	0	0	0	0
Unknown	129	100	48	37	66	51	9	7	6	5
<b>Total</b>	<b>40,065</b>	<b>100</b>	<b>10,866</b>	<b>27</b>	<b>26,778</b>	<b>67</b>	<b>2,370</b>	<b>6</b>	<b>51</b>	<b>0</b>

<sup>1</sup> ISO-out cases are excluded. Prince Edward Island is excluded, as they cannot provide data on the type of recipient or authority for order. These annual data are not available for Quebec, Ontario and Alberta.

**Note:** Percentages may not total 100% due to rounding.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 6

Maintenance enforcement cases enrolled, by assignment status, at March 31<sup>1</sup>

	Year	Cases enrolled		Cases assigned <sup>2</sup>	
		No.	%	No.	%
Prince Edward Island	2000	1,752		282	16
	2001	..		..	..
	2002	2,106		324	15
Quebec	2000	..		..	..
	2001	88,164		25,305	29
	2002	94,134		24,162	26
Ontario	2000	170,994		24,210	14
	2001	171,567		19,563	11
	2002	172,128		18,519	11
Saskatchewan	2000	8,022		594	7
	2001	8,124		543	7
	2002	7,854		480	6
Alberta <sup>3</sup>	2000	43,014		5,937	14
	2001	42,300		5,826	14
	2002	45,507		3,474	8
British Columbia	2000	37,821		10,584	28
	2001	39,165		10,638	27
	2002	40,065		10,524	26

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded.

<sup>2</sup> This indicates that the recipient is receiving social assistance and has assigned their entitlement to receive support payments to the government.

<sup>3</sup> In March 2002, a verification study between the Alberta MEP and Human Resources and Employment found that a large number of cases that the MEP had classified as assigned, actually no longer were. Subsequent data reconciliation accounts for the observed decrease in assigned cases between 2001 and 2002.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 7

Maintenance enforcement cases enrolled, by regular monthly payment due, at March 31<sup>1</sup>

	Year	Regular monthly payment due (\$)									
		Total		0 <sup>2</sup>	1-200	201-400	401-600	601-800	801-1,000	1,001-2,000	over 2,000
		No.	%	% of cases							
Prince Edward Island	2000	1,749	100	8	36	35	13	4	2	2	1
	2001	..	..	..	..	..	..	..	..	..	..
	2002	2,103	100	13	35	34	11	4	2	1	0
Quebec	2000	..	..	..	..	..	..	..	..	..	..
	2001	88,161	100	12	22	36	16	6	3	4	1
	2002	94,131	100	12	22	36	16	6	3	4	1
Ontario	2000	171,003	100	20	27	26	13	6	3	4	1
	2001	171,567	100	21	26	26	13	6	3	4	1
	2002	172,131	100	20	26	26	13	6	3	4	1
Saskatchewan	2000	8,022	100	12	36	31	12	5	2	2	0
	2001	8,121	100	12	35	31	13	5	2	2	0
	2002	7,857	100	12	35	32	13	5	2	2	0
Alberta	2000	42,996	100	22	30	26	12	5	3	2	0
	2001	42,312	100	20	30	27	12	5	3	3	0
	2002	45,504	100	25	27	26	12	5	3	3	0
British Columbia	2000	37,809	100	11	36	31	12	5	2	2	0
	2001	39,159	100	10	35	32	13	5	2	2	0
	2002	40,065	100	10	34	32	13	5	3	3	1

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. The amount due represents the regular monthly amount due for the entire case, not a per child amount. The payment due date can be any time during the month.

<sup>2</sup> Cases may have a \$0 amount due for several reasons including: they have no regular ongoing obligation, they only have arrears, or they have a different payment schedule, such as quarterly.

**Note:** Percentages may not total 100% due to rounding.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 8

**Maintenance enforcement cases enrolled, by regular monthly payment due and proportion in compliance, at March 31<sup>1</sup>**

	Year	Regular monthly payment due (\$)							
		Total	1-200	201-400	401-600	601-800	801-1,000	1,001-2,000	over 2,000
		% of cases in compliance							
Prince Edward Island	2000	52	44	52	47	59	38	45	50
	2001	..	..	..	..	..	..	..	..
	2002	53	39	50	48	56	75	60	67
Quebec <sup>2</sup>	2000	..	..	..	..	..	..	..	..
	2001	75	63	71	79	81	84	83	79
	2002	78	66	73	81	84	86	84	82
Ontario <sup>3</sup>	2000	60	42	52	58	60	59	58	49
	2001	63	44	54	59	61	61	59	51
	2002	60	41	51	56	58	59	56	45
Saskatchewan	2000	67	58	65	66	65	66	60	57
	2001	65	56	62	62	62	63	67	57
	2002	63	54	62	61	56	63	54	60
Alberta	2000	61	46	51	53	55	56	53	48
	2001	62	48	53	56	57	57	54	49
	2002	63	47	52	54	54	53	52	40
British Columbia <sup>4</sup>	2000	62	53	61	62	62	56	57	48
	2001	61	53	58	59	59	58	55	47
	2002	61	53	59	59	58	57	52	51

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. Regular payments are the ongoing amount ordered or agreed to. Compliance in this instance indicates that the regular amount expected in the month was received.

<sup>2</sup> In certain cases if the program is certain to recover the sum from the payor, Quebec legislation allows for the MEP to provide an advance to the recipient to help ensure regularity of payments. Advances are considered to be support payments and must be repaid by the payor.

<sup>3</sup> Ontario may have some cases that paid beyond month end and are included as having made a payment in the month.

<sup>4</sup> British Columbia maintains a policy of allowing direct payments to be made and received by its clientele throughout the case duration, and since most of these direct payments are not reported until after the CGJS data are collected, a substantial number of payors are reported as not having paid, even though they actually have.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 9

**Maintenance enforcement cases administered with a regular amount due, by amount due and received, by fiscal year<sup>1</sup>**

	Year	Cases administered with a regular amount due <sup>2</sup>	Regular amount due	Regular amount received	
		No.	millions \$	millions \$	
Prince Edward Island	1999/2000	1,641	6.0	4.2	70
	2000/2001	..	..	..	..
	2001/2002	1,953	7.0	4.8	69
Saskatchewan	1999/2000	8,460	29.0	23.3	80
	2000/2001	8,571	30.1	23.8	79
	2001/2002	8,265	30.0	23.6	79
British Columbia <sup>3</sup>	1999/2000	37,596	132.2	92.9	70
	2000/2001	39,561	143.5	101.8	71
	2001/2002	40,548	150.3	107.2	71

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. Cases administered include cases registered for at least part of the year, i.e. cases enrolled and cases terminated. The amount due represents the regular monthly amount due for the entire year. These annual data are not available for Quebec, Ontario and Alberta.

<sup>2</sup> Excludes those cases that only have other types of payments due (scheduled arrears, fees, costs and penalties and event-driven payments).

<sup>3</sup> British Columbia maintains a policy of allowing direct payments to be made and received by its clientele throughout the case duration, and since most of these direct payments are not reported until after the CCJS data are collected, a substantial number of payors are reported as not having paid, even though they actually have.

Source: Statistics Canada, Maintenance Enforcement Survey.

Table 10

**Maintenance enforcement cases enrolled, by compliance on regular monthly payments due, at month end<sup>1</sup>**

	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.
	% of cases in compliance											
Prince Edward Island												
2000/2001	53	57	54	56	51	52	53	53	50	51	53	..
2001/2002	51	54	54	52	51	53	53	54	50	52	48	53
Quebec <sup>2</sup>												
2000/2001	..	75	76	76	77	76	76	77	77	73	76	75
2001/2002	76	76	78	78	78	78	78	79	78	76	78	78
Ontario <sup>3</sup>												
2000/2001	57	61	62	60	60	59	62	62	58	61	61	63
2001/2002	62	63	63	62	62	61	63	61	59	60	59	60
Saskatchewan												
2000/2001	62	68	63	65	64	63	65	54	62	63	64	65
2001/2002	63	66	65	66	64	62	66	65	64	62	63	63
Alberta												
2000/2001	55	62	60	57	60	57	60	61	54	60	61	62
2001/2002	61	62	60	63	63	61	64	61	60	62	61	63
British Columbia <sup>4</sup>												
2000/2001	62	65	64	63	63	64	64	63	63	62	62	61
2001/2002	61	61	64	61	63	61	56	60	60	61	59	61

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. Regular payments are the ongoing amount ordered or agreed to. Compliance in this instance indicates that the regular amount expected in the month was received.

<sup>2</sup> In certain cases if the program is certain to recover the sum from the payor, Quebec legislation allows for the MEP to provide an advance to the recipient to help ensure regularity of payments. Advances are considered to be support payments and must be repaid by the payor.

<sup>3</sup> Ontario may have some cases that paid beyond month end that are included as having made a payment for the month.

<sup>4</sup> British Columbia maintains a policy of allowing direct payments to be made and received by its clientele throughout the case duration, and since most of these direct payments are not reported until after the CCJS data are collected, a substantial number of payors are reported as not having paid, even though they actually have.

Source: Statistics Canada, Maintenance Enforcement Survey.

Table 11

Maintenance enforcement cases enrolled, by arrears history and status, at March 31, 2002<sup>1</sup>

		Prince Edward Island <sup>2</sup>		Saskatchewan		British Columbia	
		No.	%	No.	%	No.	%
<b>Status at entry:</b>	<b>Status at March 31, 2002:</b>						
No arrears at entry	No current arrears	108	5	1,782	23	7,521	19
	Arrears have increased	111	5	1,554	20	5,391	13
Entered with arrears	Arrears have increased	681	32	2,007	26	14,559	36
	Arrears have decreased	138	7	1,104	14	5,649	14
	Arrears remained constant	24	1	63	1	582	1
	Arrears have been paid off	243	12	1,344	17	6,363	16
Unknown		801	38	0	0	0	0
<b>Total</b>		<b>2,106</b>	<b>100</b>	<b>7,854</b>	<b>100</b>	<b>40,065</b>	<b>100</b>

<sup>1</sup> ISO-out cases are excluded. At entry into a maintenance enforcement program, arrears status may be unknown until an accurate balance is produced. Therefore, some payors can actually be in arrears but be recorded as having no arrears. These annual data are not available for Quebec, Ontario and Alberta.

<sup>2</sup> Prince Edward Island has a high number of unknowns because of a change in its information system.

**Note:** Percentages may not total 100% due to rounding.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 12

Maintenance enforcement cases with arrears, by amount owing, at March 31<sup>1</sup>

	Year	Cases enrolled		Cases with arrears		Arrears due
		No.	%	No.	%	millions \$
Prince Edward Island	2000	1,749		1,239	71	7.0
	2001	..		..	..	..
	2002	2,103		1,479	70	9.2
Quebec	2000	..		..	..	..
	2001	88,161		46,272	52	300.9
	2002	94,131		45,963	49	294.0
Ontario	2000	171,003		126,111	74	1,062.6
	2001	171,567		123,744	72	1,047.6
	2002	172,131		129,693	75	1,129.9
Saskatchewan	2000	8,022		4,827	60	28.2
	2001	8,121		5,106	63	32.6
	2002	7,857		4,725	60	31.3
Alberta	2000	42,996		26,346	61	211.7
	2001	42,312		26,064	62	226.9
	2002	45,504		26,964	59	237.9
British Columbia <sup>2</sup>	2000	37,809		24,159	64	225.4
	2001	39,159		25,680	66	241.7
	2002	40,065		26,187	65	252.5

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. Includes cases with arrears that are still enrolled. Readers are cautioned against calculating an average per case amount of arrears. Some cases have thousands of dollars of arrears, while others have a very small amount. The average will be influenced by these cases at either end of the range.

<sup>2</sup> In British Columbia, dollars due and received for interest have not been included. British Columbia maintains a policy of allowing direct payments to be made and received by its clientele throughout the case duration, and since most of these direct payments are not reported until after the CCJS data are collected, a substantial number of payors are reported as not having paid, even though they actually have.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 13

Maintenance enforcement cases with arrears, by elapsed time since payment, at March 31<sup>1</sup>

		Total - cases with arrears		New cases in default	Time since payment received (months)				No payments ever made		Unknown
				≤ 30 days since enrolment	≤ 1	> 1 to 3	> 3 to 12	> 12	Cases ≤ 12 months old	Cases > 12 months old	
		No.	%		% of cases with arrears						
Prince Edward Island	2000	1,239	100	1	49	11	12	14	4	10	0
	2001	..	..	..	..	..	..	..	..	..	..
	2002	1,479	100	1	44	11	11	19	3	10	0
Quebec <sup>2</sup>	2000	..	..	..	..	..	..	..	..	..	..
	2001	46,272	100	2	45	13	16	8	5	11	0
	2002	45,963	100	1	47	17	14	9	2	9	0
Ontario	2000	126,111	100	1	31	8	11	35	3	10	0
	2001	123,744	100	1	29	8	10	40	3	9	0
	2002	129,693	100	0	30	10	10	37	4	9	0
Saskatchewan <sup>3</sup>	2000	4,827	100	0	5	4	11	11	4	3	62
	2001	5,106	100	..	..	..	..	..	..	..	..
	2002	4,725	100	0	44	19	16	13	4	3	0
Alberta <sup>4</sup>	2000	26,346	100	0	35	21	19	17	5	3	0
	2001	26,064	100	0	37	26	12	16	5	4	0
	2002	26,964	100	0	36	22	15	15	6	5	0
British Columbia <sup>5</sup>	2000	24,159	100	1	33	22	18	14	5	6	0
	2001	25,680	100	1	35	23	17	15	5	5	0
	2002	26,187	100	1	36	23	16	14	5	5	0

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. Includes cases with arrears that are still enrolled.

<sup>2</sup> In certain cases if the program is certain to recover the sum from the payor, Quebec legislation allows for the MEP to provide an advance to the recipient to help ensure regularity of payments. Advances are considered to be support payments and must be repaid by the payor.

<sup>3</sup> Saskatchewan's data for March 2000 counted cases that paid on the last day of the month as unknown, rather than being attributed to the 1-30 day elapsed time category. Subsequent data reporting has corrected this anomaly.

<sup>4</sup> Alberta policy allows 40 days following the completion of registration for the payor to make the first payment. Therefore, there will never be any cases less than 40 days old reported as in default.

<sup>5</sup> British Columbia maintains a policy of allowing direct payments to be made and received by its clientele throughout the case duration, and since most of these direct payments are not reported until after the CCJS data are collected, a substantial number of payors are reported as not having paid, even though they actually have.

Note: Percentages may not total 100% due to rounding.

Source: Statistics Canada, Maintenance Enforcement Survey.

Table 14

**Maintenance enforcement cases with arrears, by percentage received of regular monthly payment due, at March 31<sup>1</sup>**

		Percentage received of regular monthly payment due (%)							
		Total	0	1-25	26-50	51-75	76-99	100+	
		No.	%	% of cases with arrears					
Prince Edward Island	2000	1,233	100	46	0	5	4	7	38
	2001	..	..	..	..	..	..	..	..
	2002	1,476	100	48	1	4	3	6	39
Quebec <sup>2</sup>	2000	..	..	..	..	..	..	..	..
	2001	46,278	100	36	1	4	2	4	52
	2002	45,963	100	34	1	4	2	4	54
Ontario	2000	126,111	100	43	1	2	3	5	46
	2001	123,732	100	40	1	2	3	5	48
	2002	129,702	100	42	1	2	3	5	46
Saskatchewan	2000	4,821	100	41	1	2	2	2	52
	2001	5,106	..	..	..	..	..	..	..
	2002	4,725	100	46	1	3	3	2	44
Alberta	2000	26,346	100	54	1	2	2	2	39
	2001	26,073	100	51	1	2	2	2	42
	2002	26,964	100	51	1	2	2	2	41
British Columbia <sup>3</sup>	2000	24,150	100	48	2	3	3	3	41
	2001	25,668	100	48	2	3	3	4	40
	2002	26,181	100	48	2	4	3	4	40

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. Includes cases with arrears that are still enrolled.

<sup>2</sup> In certain cases if the program is certain to recover the sum from the payor, Quebec legislation allows for the MEP to provide an advance to the recipient to help ensure regularity of payments. Advances are considered to be support payments and must be repaid by the payor.

<sup>3</sup> British Columbia maintains a policy of allowing direct payments to be made and received by its clientele throughout the case duration, and since most of these direct payments are not reported until after the CCJS data are collected, a substantial number of payors are reported as not having paid, even though they actually have.

**Note:** Percentages may not total 100% due to rounding.

**Source:** Statistics Canada, Maintenance Enforcement Survey.



Table 15

Number and type of enforcement actions for maintenance enforcement cases administered, 2001/2002<sup>1</sup>

	Prince Edward Island		Saskatchewan		British Columbia	
	No.	%	No.	%	No.	%
<b>Administrative enforcement action:</b>						
Demand for payment	9	0	372	4	33,183	22
Demand for information	15	0	2,277	26	1,425	1
Maintenance enforcement plan trace	0	0	1,791	21	59,622	40
Jurisdictional garnishment and attachment	861	9	2,067	24	9,585	6
Voluntary payment arrangement	18	0	0	0	537	0
Credit Bureau reporting	0	0	0	0	10,017	7
Land registration	0	0	478	5	2,658	2
Personal property lien	0	0	0	0	2,082	1
Motor vehicle licence intervention	15	0	417	5	3,603	2
Writ of execution	30	0	48	1	0	0
Collection calls	0	0	0	0	0	0
Examination of payor	0	0	0	0	0	0
Interception of provincial funds	0	0	0	0	0	0
Order forfeiture of security	0	0	0	0	3	0
Other administrative enforcement actions <sup>2</sup>	7,638	78	0	0	17,004	11
<b>Subtotal</b>	<b>8,586</b>	<b>87</b>	<b>7,450</b>	<b>86</b>	<b>139,719</b>	<b>94</b>
<b>Administrative action under federal legislation:</b>						
Federal trace (FOAEA-Part I) <sup>3</sup>	3	0	0	0	3	0
Interception of federal funds (FOAEA-Part II) <sup>3</sup>	1,245	13	1,242	14	8,286	6
Federal licence suspension (FOAEA-Part III) <sup>3</sup>	0	0	0	0	1,290	1
Federal garnishment (GAPDA) <sup>3</sup>	15	0	9	0	60	0
<b>Total Administrative Actions</b>	<b>9,849</b>	<b>100</b>	<b>8,701</b>	<b>100</b>	<b>149,358</b>	<b>100</b>
<b>Court enforcement:</b>						
Default hearing	213	58	207	100	600	17
Committal hearing	6	2	0	0	141	4
Execution order	0	0	0	0	27	1
Register order against personal property	18	5	0	0	18	1
Appointment of receiver	0	0	0	0	9	0
Order to provide information	0	0	0	0	6	0
Other court enforcement activities <sup>4</sup>	130	35	0	0	2,723	77
<b>Total Court Enforcement Actions</b>	<b>367</b>	<b>100</b>	<b>207</b>	<b>100</b>	<b>3,524</b>	<b>100</b>

<sup>1</sup> ISO-out cases are excluded. Cases administered includes all cases registered for at least part of the year, i.e., cases enrolled and cases terminated. More than one action may be associated with the same case. These annual data are not available for Quebec, Ontario and Alberta.

<sup>2</sup> In Prince Edward Island, other administrative enforcement actions are quite high because this category includes "notice of default hearing". This action is frequently used in this province and means defaulters are sent a notice of default hearing and are given the option of discussing their situation with the MEP director and the legal counsel for the MEP.

<sup>3</sup> FOAEA refers to the Family Orders and Agreements Enforcement Assistance Act. GAPDA refers to the Garnishment, Attachment and Pension Diversion Act. See Glossary for more information.

<sup>4</sup> Other kinds of court activity include issuing a warrant for arrest, appointing a trustee in bankruptcy, and issuing writs for seizure and sale.

**Note:** Percentages may not total 100% due to rounding.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 16

**Maintenance enforcement cases terminated, by reason for termination, by fiscal year<sup>1</sup>**

		Reason for termination						
		Total		Withdrawal by recipient/payor	Order expired	Withdrawal by program	Death of either party	Other
		No.	%	% of terminated cases				
Quebec	1999/2000	..	..	..	..	..	..	..
	2000/2001	..	..	..	..	..	..	..
	2001/2002	5,757	100	23	68	2	3	3
Saskatchewan <sup>2</sup>	1999/2000	1,221	100	17	17	10	3	53
	2000/2001	1,287	100	17	19	14	3	47
	2001/2002	1,341	100	15	16	11	3	56
Alberta	1999/2000	3,768	100	30	46	19	4	1
	2000/2001	4,242	100	26	53	17	3	2
	2001/2002	4,581	100	26	50	17	3	5
British Columbia	1999/2000	4,554	100	39	30	29	2	0
	2000/2001	5,541	100	34	30	34	2	0
	2001/2002	5,934	100	32	31	35	2	0

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. Terminated cases include cases that were registered for at least part of the year. These annual data are not available for Ontario. Prince Edward Island is not able to provide data by reason for termination, however, in 2001/2002, a total of 13 terminated cases were reported.

<sup>2</sup> In Saskatchewan, the "other" category includes reasons for termination such as "transferred to other jurisdictions", "order replaced", "provisional order never confirmed" and "order successfully disputed".

**Notes:** Percentages may not total 100% due to rounding.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

Table 17

**Maintenance enforcement cases enrolled, by length of enrolment, by fiscal year<sup>1</sup>**

		Length of time enrolled (years)								
		Total		≤1	>1 to 3	>3 to 5	>5 to 7	>7 to 10	>10 to 15	15+
		No.	%	% of terminated cases						
Prince Edward Island	1999/2000	1,749	100	14	26	21	17	14	7	1
	2000/2001	..	..	..	..	..	..	..	..	..
	2001/2002	2,103	100	13	20	21	17	18	11	2
Quebec <sup>2</sup>	1999/2000	..	..	..	..	..	..	..	..	..
	2000/2001	..	..	..	..	..	..	..	..	..
	2001/2002	106,551	100	16	39	32	13	0	0	0
Saskatchewan <sup>3</sup>	1999/2000	8,016	100	12	19	34	17	13	5	0
	2000/2001	8,136	100	11	19	27	20	15	7	0
	2001/2002	7,860	100	10	18	16	27	19	9	1
British Columbia <sup>4</sup>	1999/2000	37,812	100	17	27	20	11	17	8	0
	2000/2001	39,156	100	15	27	20	13	15	11	0
	2001/2002	40,065	100	14	24	20	15	13	14	0

.. not available for a specific reference period

<sup>1</sup> ISO-out cases are excluded. These annual data are not available for Ontario and Alberta.

<sup>2</sup> In Quebec, length of time enrolled for MEP cases will not exceed six years because the MEP information system was instituted in December 1995. Cases enrolled include direct payment cases. Direct payments are defined as payments made by the payor to the recipient which do not involve the maintenance enforcement program.

<sup>3</sup> In Saskatchewan, an increase in staff, judges, and the 1997 Child Support Guidelines may have increased the number of cases processed in that year. In 2000, this corresponds with cases of 3 to 5 years duration with the maintenance enforcement program and, in 2002, corresponds with cases of 5 to 7 years duration.

<sup>4</sup> British Columbia data for average length of time a case has been enrolled is skewed by the fact that persons on income assistance were not required to be in the maintenance enforcement program until September 1997. This resulted in a continuous large influx of new cases after this date, which has shortened the overall average time in the program.

**Notes:** Percentages may not total 100% due to rounding.

**Source:** Statistics Canada, Maintenance Enforcement Survey.

## 5.0 Appendix A: Glossary of Terms

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### Action

This refers to the various options available to the enforcement officers for enforcement. Not all options will be available in every jurisdiction.

### Activity (enforcement activity)

Various methods can be employed by a MEP to enforce an outstanding payment. Activities taken on a case can be categorized according to who conducts the procedure. Administrative activities are those mechanisms employed by the MEP itself, and would include demands for information, Credit Bureau reporting, and license denial as examples. Quasi-judicial enforcement are activities undertaken by a Master or Court Administrator, and may involve conducting default hearings. Court-based enforcement is generally employed as a last resort, and involves court and judge time. These tend to be more serious enforcement actions, involving default hearings, issuing of warrants, and default orders, and may culminate in fines or jail.

### Administrative survey

An administrative survey uses data that were collected by another agency or group for their own purposes. While the data collected were designed to assist decision-making or monitoring for the original agency, data can be extracted for research purposes providing a source for this information without having to mount a separate survey.

### Appointment of receiver

This refers to action taken by a Master/Court Administrator or a judge where a receiver is appointed to examine the payor's financial situation.

### Arrears

Arrears refer to money owing from earlier missed payments. An amount of arrears may end up being subject to a schedule for the payment of this amount, either by a court order or voluntary payment arrangement. As long as the payment schedule is being adhered to, it is likely no additional enforcement action can be taken. Any non-

scheduled arrears are those arrears which are owed from an earlier time, and for which there is no payment schedule established. The full amount is due and enforceable.

It is possible for a case to have arrears and be in compliance with total expected payments at the same time. This would be the situation if the payor were making all the current payments due, and the scheduled arrears payment, including a voluntary payment arrangement.

### Assignment

This identifies whether the recipient is receiving social assistance and has had his or her case formally assigned to the Crown, or it may signify that arrears exist and that when collected, should be used to recover Social Assistance payments previously paid. Monies that are collected on behalf of the recipient on social assistance are either paid directly back to the provincial/territorial government or are reported and then deducted from the next assistance cheque.

### Authority

Support obligations enforced by the MEP programs are the product of a court order or an agreement between the recipient and the payor. Orders for support may be the result of consent between the parties or a contested court hearing, and may be granted either under the federal divorce legislation, or the applicable provincial/territorial maintenance legislation.

### Caseload

Includes cases enrolled during the reporting period in a program and excludes ISO-out cases.

### Cases administered (Cases enforced)

Includes both enrolled and terminated cases, but excludes ISO-out cases.

### Cases enrolled

Includes only those cases that the MEP is responsible to monitor and enforce.

## Collection calls

This refers to an enforcement activity that involves the phoning of payors to demand payment.

## Committal hearing

This refers to the hearing held when a payor defaults on an order where the penalty is jail.

## Compliance/Default

For purposes of the survey, compliance means that at least the amount expected in a month is received. Cases where there is nothing due in a month are counted as being in compliance. Excess payments or early payments are not considered separately. Cases not in compliance are in default.

Cases in compliance may also have arrears, either non-scheduled or scheduled. The determination of compliance is only made against the current amount due in a month.

## Credit Bureau reporting

Credit Bureau reporting occurs when a MEP advises the Credit Bureau of payors who are in arrears as per the MEP threshold. This lets other potential credit granters know of the debt so they will take this into consideration before allowing the payor to take on a new obligation that might be affected by the support obligation.

## Default hearing

This refers to a hearing to determine what action may be appropriate.

## Demand for information

This includes all demands (usually letters) sent where the maintenance enforcement program is asking for information. Letters can be sent to the recipient, the payor, or some other party, such as an employer.

## Demand for payment

This includes all demands (usually letters) sent where the maintenance enforcement program is asking for payment. The letter could be to the payor or some other party, such as an employer who has not sent in the money from a garnishment order, for example.

## Direct payments

Direct payments are defined as payments made by the payor to the recipient, as stipulated by order/agreement

which do not involve the maintenance enforcement program other than for adjustments to arrears, or for notification of failure to continue direct payment.

## Enrolment

This identifies cases according to their enrolment status for the year. A case is identified in terms of whether it is a brand new case during the year, a re-enrolment case during the year, a terminated/withdrawn case, or an existing case from the previous year.

## Event-driven payments

This refers to monies that are due because of some situation that has arisen if provided for in the order or agreement. For instance, an event-driven payment could be for tuition, dental work, lessons, etc.

## Examination of payor

This refers to any and all activity taken by the maintenance enforcement program to examine a payor with respect to assets, and liabilities. In some jurisdictions, this action can be undertaken by administrative staff, or Court Administrators.

## Execution order

This refers to the order made by a judge to liquidate assets.

## Family Orders and Agreements Enforcement Assistance Act (FOAEA)

Under the three parts of the federal *Family Orders and Agreements Enforcement Assistance Act (FOAEA)*, MEPs can access different services provided by the Family Law Assistance Service (FLAS) of the federal Department of Justice. Part I allows for requests to search various federal databanks to determine the location of the payor. Part II allows for the interception of federal money owing to a payor. This most frequently takes the form of intercepting an income tax refund. Part III allows the MEP to apply to the applicable federal department to have federally-administered licenses revoked or denied. This would most often entail a passport or a Transport license denial/revocation.

## Federal garnishment

This refers to garnishments made pursuant to the [Queen's Regulations](#), and the *Garnishment, Attachment and Pension Diversion Act (GAPDA)*.

## Federal licence suspension

This refers to the *Family Orders Assistance Enforcement Act* (Part 3) which allows the denial of passports, aviation licences, and marine certificates.

## Federal trace

This refers to the request for a federal trace under the *Family Orders Assistance Enforcement Act* (Part 1).

## Garnishment, Attachment, and Pension Diversion Act (GAPDA)

Under the *Garnishment, Attachment and Pension Diversion Act* (GAPDA), federal employee salaries and pensions are subject to garnishment.

## Garnishment and attachment

This refers to the legal redirection of money owed to a support payor by another person or a corporation. A garnishment is referred to as a wage attachment in some jurisdictions. Most MEPs are able to issue their own garnishments and attachments, without court involvement.

## Interception of federal funds

Under the *Family Orders Assistance Enforcement Act* (Part 2), the maintenance enforcement program can intercept federal funds.

## Interception of provincial funds

This refers to activity taken to obtain provincial moneys that may have been due.

## ISO status

Formerly referred to as REMO or RESO status, ISO (interjurisdictional support order) status indicates whether the payor and recipient live in the same province or territory. For cases that cross jurisdictional boundaries, the provinces and territories have introduced new legislation, the *ISO Act*. The purpose of this legislation, as with the REMO/RESO legislation that preceded it, is to allow one or both of the parties to obtain a support order, to have an existing order recognized or varied, or to have an order enforced (see also Box 1 for more information on the ISO legislation).

- **Non-ISO cases**

These are typically cases where both parties live within the jurisdiction where the case is registered. Additionally, where parties conduct business, bank, or have assets in a jurisdiction, they may be registered there without residing there.

- **ISO-in cases**

These are cases that the jurisdiction has been asked to enforce by another jurisdiction because the payor is known to reside in their jurisdiction and/or has assets in it.

- **ISO-out cases**

These are cases that have been sent to another jurisdiction, and are registered there for enforcement purposes because the payor lives and/or has assets there.

## Jurisdiction

Describes the province or territory.

## Jurisdictional garnishment

This refers to the formal process whereby an amount is deducted from a payor's salary or wages, or other source of income on a regular basis.

## Land registration

This refers to actions taken to encumber the sale of specific real estate. A support order may be registered in the Land Registry Office in the jurisdiction against the payor's land. Upon registration, both the ongoing support obligation and any arrears owing become a charge on the property. The charge may be enforced by sale of the land in the same manner as a sale to realize on a mortgage.

## Maintenance enforcement plan trace

This refers to all attempts to find the payor using jurisdictional information banks.

## Motor vehicle license intervention

A motor vehicle license intervention may be placed in order to prevent the renewal of licenses (and in some jurisdictions, motor vehicle-related services) and/or suspension of driving privileges prior to satisfying the support obligation. Often, enforcement action will be used concurrently, e.g. the MEP may initiate a driver's license suspension and report the payor to the Credit Bureau in order to elicit contact and payment.

**Order forfeiture of security**

This refers to action taken by a Master or Court Administrator where final authority is given to seize a security.

**Order to provide information**

This refers to an order to provide information, usually financial information.

**Payment history**

Describes the history of the payments for the case upon entry into a MEP.

**Payor**

The payor is the person in the order/agreement who provides the support.

**Personal property lien**

Support payments in arrears can be registered as a lien or charge against any personal property (e.g. motor vehicle) owned or held by the support payor in the jurisdiction. Registration affects the ability of the payor to sell or finance the encumbered personal property.

**Reason for termination**

Cases will terminate in a MEP for a variety of reasons. For example, orders expire as children age, the payor or recipient may die, or the recipient or payor may withdraw from the program. In some instances the program may close the case depending upon its policy. For example, a MEP might close a case if the recipient cannot be located or if the recipient is accepting direct payments contrary to the program's policy.

**Recipient**

The recipient is the person named in the order/agreement to receive the support and is generally the parent who has parental responsibility for the children. Sometimes the recipient is a grandparent or another person responsible for the children. The money the recipient receives could be for the benefit of the recipient, for dependent child(ren), or for both.

**Register order against personal property**

This refers to orders made to place registrations against assets of the payor.

**Regular payments**

This refers to the amount ordered or agreed to, expressed as a monthly payment due and includes the regular ongoing amount due in one month. Scheduled arrears are not included.

**REMO**

Means "reciprocal enforcement of maintenance orders". Now referred to as ISO (interjurisdictional support order) status.

**Total payments**

This refers to all monies for support, expressed as a monthly payment. This amount includes the regular amount expected for a given month plus scheduled arrears, fees, costs and penalties due, and event-driven payments.

**Voluntary payment arrangement**

This refers to the arrangement made by the maintenance enforcement program and agreed to by the payor where a voluntary payment schedule is established. The voluntary assignment of wages is included.

**Writ of execution**

This refers to the actions taken by the maintenance enforcement program that result in payment.

**Writ of seizure and sale**

A legal document by which a sheriff in a jurisdiction where the writ is filed can be authorized to seize either personal property (e.g. motor vehicle) or real property (e.g. land) of a support payor in default and to sell the property to satisfy the support debt. A writ of seizure and sale can also affect the ability of a payor to finance or sell the encumbered property.



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