

KIDS FIRST



Yukon
Maintenance Enforcement Program
— a guide for people who pay or receive support —

This booklet tells you about the Yukon Maintenance Enforcement Program (MEP).

As you read through its pages, remember, family break-up does not mark the end of your responsibility as a parent to your children. Financial support is an important part of this responsibility.

You should also know about the Child Support Guidelines...

The Child Support Guidelines include rules for determining child support and a table for each territory and province that sets out the basic amount of child support. The guidelines are used by the courts to set the amount of child support to be paid. Parents negotiating an out of court agreement may also use the guidelines.

For details about the Child Support Guidelines, contact your lawyer or call the Yukon Public Legal Education Association (YPLEA) – also called the Law Line – at 867-668-5297 (1-866-667-4305 toll free).

The Yukon Department of Justice also has information about the federal and territorial Child Support Guidelines in the Family Justice Office in the Law Building on Second Avenue in Whitehorse. Contact the Family Justice Office at 867-667-3066 (1-800-0408 extension 3066 toll free).

This guide for people who pay or receive child support is published by the Yukon Department of Justice, Maintenance Enforcement Program (MEP) with financial support from the Department of Justice Canada, Child-centred Family Justice Fund. The MEP office is located in the Justice Building at 2130 Second Avenue in Whitehorse.

The mailing address is the Maintenance Enforcement Program, Box 2703 (J-3M), Whitehorse, Yukon Y1A 2C6.

Telephone: 867-667-5437 or 1-800-661-0408, local 5437 (toll free)

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MEP office hours are 9 a.m. to 4 p.m., Monday to Friday.

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What's in this guide

This guide explains the Yukon Maintenance Enforcement Program (MEP).

It answers questions that people often ask about the MEP.

Definitions at the end of this guide explain the terms that are used in the program.

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Yukon Maintenance Enforcement Program

—a guide for people who pay or receive support—

— what is the MEP?

The MEP is all about financial support for children of divorced or separated parents and support for spouses after a relationship breaks up. The program is for people who pay or receive support.

Our best results are achieved when we work in partnership with our clients.

If you register, the program works on the basis of your court order to collect support and pay it to the claimant. The MEP may be used to collect on-going support as well as arrears (money that is owing from the past).

The Maintenance Enforcement Program follows specific procedures that work in the best interests of all parties. Once a claimant or respondent registers with the MEP these procedures begin. This means that the MEP decides when and if enforcement action is appropriate. This decision is not made by clients. The MEP conducts the process to enforce maintenance orders on behalf of program clients.

— what is a court order?

Many divorced or separated people get a support order or agreement through the courts. Court orders can deal with child or spousal support. Court orders are binding legal contracts; they are not a favour. Both parties *must* live up to the terms and conditions of court orders.

— will the MEP help me get a court order?

No. The MEP will do what it can to collect support payments ordered by the court, but it is up to one of the parties to get the court order in the first place.

— why should I register?

Some people register because they are having trouble getting support payments and they need enforcement action. Others want to make paying support easier. Still others want to make sure that child support payments are available for their children, but they don't want to deal with a former spouse or partner over money matters.

— who may register?

You may register with the Yukon MEP if you live in the Yukon and have a *legal* support order or filed agreement from any court in Canada or some other countries. It doesn't matter if you are a claimant (the person owed the support) or a respondent (the person who pays the support) — you may register with the MEP.

— how do I register?

The MEP is an 'opt-in' program. Either the claimant or the respondent must take the steps to register. Your court order is *not* automatically registered with the MEP.

The MEP will do everything it can to get your support payments, but the program can't guarantee that a payment will be collected, the amount collected, or its regularity.

To register, get a copy of the registration package from the MEP office in the Justice Building at 2130 Second Avenue in Whitehorse, from any Territorial Agent or from your lawyer. Or, phone the MEP office at 867-667-5437 or 1-800-661-0408, local 5437 (toll free).

Fill in the Registration Form and send it or take it to the MEP office in Whitehorse. The MEP mailing address is Box 2703 (J-3M), Whitehorse, Yukon Y1A 2C6. If you want to discuss your registration with MEP staff, call the office to make an appointment.

— who is the MEP for?

The MEP is for people who receive or pay support.

if you receive support...

If you are entitled to *receive* support, the MEP can help you get your payments. When your court order or agreement is registered with the MEP, the respondent is given a chance to make payments voluntarily. If this does not happen, the MEP can enforce the order to try to get the money that is owed.

Please remember that when you register with the MEP, the more information you provide about the respondent, the more effective the program can be in collecting the support payments owed to you.

To do this, the MEP can garnish wages, intercept Employment Insurance or income tax returns, register liens against property, or seize property. Respondents can also be refused a driver's licence.

A Yukon support order can be enforced anywhere in Canada as well as in some other countries. The Yukon MEP can help to have the court order enforced where the respondent is living as long as a reciprocal agreement is in place with that jurisdiction.

if you pay support...

If you *pay* support, the MEP can help you make payments on time. You can have the MEP deduct payments automatically from your wages, or you can pay by cash, post-dated cheques, VISA, MasterCard or debit card. The MEP also keeps a record of your payments.

The MEP will work with you to find a payment method that suits you and allows you to meet your child or spousal support obligations.

— what does the MEP do?

The MEP is a Yukon government agency that receives court ordered support payments from respondents and sends the money to claimants. When you register your court order with the MEP, all support payments are made through the MEP office. *Respondents registered with the MEP should not make direct payments to the claimant.*

Some orders are difficult to enforce. Claimants must understand that the MEP does everything possible to get support payments, but the program cannot guarantee that it will be successful.

The Maintenance Enforcement Program:

- keeps track of payments and will send you an annual statement of your account if the payments have been received or paid through the Yukon MEP office;
- takes enforcement action to collect support payments — including on-going payments and arrears (money owing from the past); and
- works with you to help find solutions to problems that may arise from issues about child support (but both parents must understand that custody and access arrangements and support payments are separate issues — see page 6).

— what happens when I register with the MEP?

The MEP sends payments to claimants as soon as the money is paid. The MEP cannot give an advance on payments. If you need financial help urgently, contact the Yukon Department of Health and Social Services, Social Services Branch at 867-667-5674 or 1-800-661-0408 local 5674 (toll free).

The steps that the MEP follows when an order is registered depend on who registered it — the claimant (the person who *receives* the money), or the respondent (the person who *pays* the money).

- *When claimants register*, the MEP sends a Notification Letter to respondents telling them about their enrolment in the program. Respondents are asked to contact the MEP office to discuss paying support. When respondents don't respond immediately to the Notification Letter, or if they fail to make a voluntary payment, the MEP begins enforcement action.
- *When respondents register*, the MEP can set up ways for support payments to be made. Respondents may arrange for support payments to be deducted automatically from their wages, or they may pay by cash, post-dated cheques, VISA, MasterCard or with a debit card.

In any case, paying support is made easier and more reliable by registering with the MEP — respondents know payments are handled in a business-like manner.

When a respondent registers with the MEP, the office contacts the claimant who is then asked about arrears (see page 10 — definitions). The MEP also notifies the respondent that the registration is complete.

— what happens if respondents do not make support payments?

Respondents are responsible for making full and regular support payments. If they don't, the MEP starts enforcement action — no matter who registered the order.

When the Notification Letter is sent to respondents, they are given the chance to contact the MEP and begin making payments. When respondents are unwilling to pay the support, the MEP can begin enforcement action to try to collect the money owed to the claimant.

To enforce court ordered support payments, the MEP can:

- garnish wages, workers' compensation benefits, bank accounts (including joint accounts with new partners or spouses), pensions, rental income, and other financial assets which could include those held by corporations or business partnerships if the MEP's court application is successful;
- intercept federal government money owed to respondents including income tax refunds, training income supplements, interest on unmaturing Canada Savings Bonds, GST rebates, federal pensions and employment insurance payments;

-
- use liens and seizures to collect money owed by registering a support order against a respondent's property so that the property cannot be sold or mortgaged until something is done about unpaid support (Vehicles and other property can be seized and sold to pay a support debt.);
 - withhold, suspend or cancel drivers' licences and motor vehicle registrations (including recreational vehicles) as an enforcement mechanism against those who do not make support payments; or
 - initiate proceedings for a default hearing. In this case, respondents can be summoned to appear in court for not making on-going support payments or arrears payments. The MEP will schedule a default hearing so that a judge can review the respondent's financial position. One of the judge's options is to send the respondent to jail. Time served is a penalty; it does not reduce the amount of support owed. Changes to the order must be done through an Application to Vary (see below).

— what happens if I cannot afford to make support payments?

A judge makes the decision, in court, about a respondent's ability to pay support.

If you are having trouble making support payments, you are still responsible for taking some sort of action. The MEP is always willing to try to resolve difficulties that could affect payments, but the program cannot change the terms of your court order. If your financial circumstances change after your court order is made, you may file an Application to Vary with the court.

Call the Law Line or your lawyer to discuss your options. Then, call the MEP office (867-667-5437 or toll free 1-800-661-0408 local 5437) so that we can note your situation on your file.

— what is an Application to Vary

This term is explained fully in the definitions on page 10 of this guide, but, in short, an Application to Vary is an application to a court for a change in your support order. Either the respondent or claimant can file an Application to Vary.

The MEP does *not* represent either party in an Application to Vary proceeding.

— why should I pay support if I never see my children?

You are in 'contempt of court' if you do not follow the terms of a court order.

The court considers child support and access to be separate issues.

If you are the respondent who pays child support and you are not happy with custody or access arrangements, the law says that you must still make your payments. If you think that by not making payments that you can “get even” with your former partner, think again — it’s really the children that are hurt. If you don’t make payments called for in your court order, you are ‘in contempt of court’.

The best thing for you to do if you are denied court ordered access to your children is to go back to court.

If you are the claimant and you are having problems getting the support payments owed, you do not have the right to deny the paying parent access to the children if it is allowed by your court order. If you do, except for reasons concerning the safety of the children, you are in ‘contempt of court’.

Everyone is expected to follow the terms of a court order, as long as that order is in force. If you want to change the order, you must return to court and file an Application to Vary (see definitions at the end of this guide).

— does the MEP keep payment records?

Notify the MEP immediately if you don't understand something about your record of payments or if you believe the MEP record is wrong.

Yes. You may find out about your payment record by calling the MEP office at 867-667-5437 or 1-800-661-0408 local 5437 (toll free).

If you believe that the MEP records are incorrect, notify the office immediately and be prepared to explain why you think the records are wrong. The MEP cannot adjust accounts without proof. It’s up to you to get the proof (such as receipts of other payments made, cancelled cheques, a copy of a new support order or any other relevant document) to the MEP office. If you don’t, we must assume that our record of your account is correct.

— what if I have a complaint about how the MEP handles my file?

If you have a complaint about the MEP, please write to the Director of Court Services, Yukon Department of Justice, Box 2703 (J-3), Whitehorse, Yukon Y1A 2C6.

— what if I start another family?

No matter what your family status, the terms of a support order stay the same until they are legally changed.

If you are a respondent and you have other children, you are still responsible for your children named in the court order. If your circumstances change in a way that affects your ability to pay support, you must go back to court and file an Application to Vary (see definitions at the end of this booklet).

If you are a claimant, the terms of the support order are not affected by your new relationship. The respondent must still make the support payments according to the court order.

If you marry and change your name, you must give proof of this change to the MEP so that cheques are made out to you in your new name.

— what should I do if I move?

It doesn't matter if you move across the country or just around the corner, the MEP needs your full change of address so that support payments can be sent to you.

The Yukon MEP can arrange to have an order enforced in another country only if there is a reciprocal agreement in place between that jurisdiction and the Yukon.

If you are the respondent, you are still responsible for making your payments no matter where you live. If you leave the Yukon, the MEP will transfer your file to the territory, province, or other country of your new home. You must continue to send your payments to the MEP in the Yukon until the people responsible for the maintenance program in your new area contact you.

If you are the claimant, be sure to give the MEP office your new address so that support payments will get to you.

If the MEP tries three times to deliver cheques or correspondence to you and there is no reply, your file is closed and the MEP will not take any more action on your behalf.

The Yukon MEP cannot enforce court orders outside of the Yukon, but if the respondent moves to another part of Canada or to other countries that have special arrangements with the Yukon, the MEP will transfer your file and arrange for its enforcement in that area.

Your payments are sent to the MEP here and they are forwarded to you. This can be a slow process, especially if we do not know the respondent's new address or employer. You can help by providing as much information as possible.

The MEP must have complete and accurate information about both the claimant and respondent. Tell us immediately if information changes.

Remember, make sure that the MEP knows your current address.

The MEP office is located in the Yukon Justice Building at 2130 Second Avenue in Whitehorse.

The mailing address is the Maintenance Enforcement Program, Box 2703 (J-3M), Whitehorse, Yukon Y1A 2C6.

Telephone: 867-667-5437 or 1-800-661-0408, local 5437 (toll free)

FAX: 867-393-6989

E-mail: justmep@gov.yk.ca

MEP office hours are 9 a.m. to 4 p.m., Monday to Friday.

— safety issues —

— what should I do if I am worried about the safety of my children when they are with the other parent?

If you are worried about the safety of your children when they are with their other parent, contact the Yukon Department of Health and Social Services, Family and Children’s Services Branch at 867-667-3002 or 1-800-661-0408, local 3002 (toll free).

— what should I do if I am worried about my own safety?

If you are worried about violence or abuse directed at you by your former partner, ask for help or advice from any one of several agencies.

If physical violence or other kinds of abuse have occurred in a relationship, people often fear that the violence will continue even after a relationship breaks up. In fact, separation can be a very high risk time for victims of abuse.

- The Family Violence Prevention Unit (867-667-3581 or 1-800-661-0408, local 3581 — toll free) has a Victim Services Program that provides counselling, advocacy and a Women’s Support Group for women who have been abused in relationships. The unit also has an Assaultive Husbands’ Program that provides counselling, assessments, and treatment groups for men who are concerned about their own abusive behaviour or who have been charged and convicted of a violent act.
- Victim Services (867-667-8500) helps ease the effects that crime has on victims. The program supports victims as their cases go through the criminal justice system.
- Transition homes provide immediate safety and shelter for women and children who are fleeing violence.
Whitehorse — 867-668-5733 (Kaushee’s Place)
Dawson City — 867-993-5086 (Dawson Women’s Shelter)
Watson Lake — 867-536-2711 (Help and Hope for Families)
Carmacks — 867-863-5918 (Carmacks Safe House)
- The RCMP Domestic Violence Team (667-5514 — in communities outside Whitehorse, call the RCMP detachment 5555 number in your community) responds if a threat or assault has already occurred.

— what about Peace Bonds and Restraining Orders?

You may also include a *Restraining Order* as part of a separation agreement. Discuss this option with a lawyer.

Peace Bonds also supply a measure of safety. As part of the Criminal Code of Canada, a Peace Bond is a notice that instructs a person to “keep the peace.” The bond can outline the details of the protection needed. Speak to the RCMP about Peace Bonds, or call a transition home or the Family Violence Prevention Unit for information.

— definitions —

application to vary: an application by a respondent or claimant to a court to change a support order when financial circumstances or other relevant details have changed since the original order was made; both the respondent and claimant have the right to oppose the other's Application to Vary (call the Law Line for information at 867-668-5297 in Whitehorse or 1-866-667-4305 (toll free))

arrears: the amount of money that a court order requires a respondent to pay, but that has not yet been paid (the amount of arrears grows larger each time a payment is missed; if a respondent dies, arrears may be claimed against the estate)

business name: the name chosen by a person for his or her business — also called 'trade name'

child support: see support

claimant: a person who may register a court order for support with the MEP; a person who receives support; also called a recipient or creditor

contempt of court: a charge that can occur when a person does not follow the terms of a court order; a charge that can lead to arrest or jail

creditor: see claimant

custodial parent: the parent who has legal custody of the children

debtor: see respondent

default hearing: a hearing held in court when a respondent fails to make payments required under a support order

default order: a court order that sets out the amount of unpaid support and the monthly payment required to pay the debt

director: the senior government official who provides direction to the MEP

garnishment: the process of taking money that is held by respondents or that is owed to them for their services to employers or other parties

interception: a garnishment issued on money owed to the respondent by the federal government (such as income tax rebates or employment insurance)

maintenance enforcement legislation: the legal authority to collect support payments

maintenance order: an order of the court that sets out the amount of support that a respondent must pay

maintenance payment: usually refers to the amount of money respondents are legally obliged to pay to claimants for the financial support of their children; also called support payment

MEP: Maintenance Enforcement Program

paying parent: see respondent

recipient: see claimant

respondent: a person who may register a court order for support with the MEP; a person ordered by the court to pay support; also called paying parent or debtor

spousal support: see support

support: money paid by a respondent to a claimant as child or spousal support

vary: to change or alter an order — in the case of MEP, a support order

writ: a court order that directs the sheriff or other person to carry out its terms (e.g. to seize property or money)

— other services —

Family Violence Prevention Unit (Yukon government) provides counselling, advocacy and support groups for women and the Assaultive Husbands' Program for men — 301 Jarvis St., Whitehorse, Y1A 2H3 (867-667-3581 or 1-800-661-0408 local 3581 toll free)

Law Line (Yukon Public Legal Education Association) provides free legal information by phone at 668-5297 or 1-866-667-4305 (toll free)

Lawyer Referral Service refers callers to lawyers who provide a 30-minute consultation for a flat fee of \$30 — Yukon Law Society, 202 - 302 Steele St., Whitehorse Y1A 2C5 (867-668-4231 — accepts collect calls)

Legal Aid provides legal services to Yukon residents who cannot afford a lawyer — based on eligibility (867-667-5210)

Mediation Yukon Society refers callers to trained mediators who help people work out differences (867-667-7910)

transition homes provide immediate safety and shelter for women and children (*Whitehorse* — 867-668-5733
Dawson City — 867-993-5086
Watson Lake — 867-536-2711
Carmacks — 867-863-5918)

Victim Services (Yukon government) provides services for women including counselling and referrals — 301 Jarvis St., Whitehorse, Y1A 2H3 (867-667-8500 or 1-800-661-0408 local 8500 toll free)

Victoria Faulkner Women's Centre offers support services to women — 503 Hanson St., Whitehorse (867-667-2693)

YPLEA see Law Line

Yukon Family Services Association is a non-profit, private group that offers individual and family counselling, education and information on many issues — 4071 - 4th Ave., Whitehorse (867-667-2970)

Social Services Branch (Yukon government) is the contact for information about social assistance and for people who receive social assistance who need help with legal issues — 3168 Third Ave., Whitehorse (867-667-5674 or 1-800-661-0408 local 5674 toll free)

Yukon
Justice