

When Payments are Missed

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

The Family Maintenance Enforcement Program will take steps to collect missed payments or payments that are not made in full.

Questions & Answers

Q. What happens if I do not assign my Maintenance Rights?

A. Assignment of maintenance rights is required under BC Employment and Assistance regulations as a condition of eligibility and cannot be appealed.

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

A. As noted above, an Assignment of Maintenance Rights is required to be eligible for assistance. A legal maintenance order ensures that maintenance can be enforced if the other parent refuses to pay.

Q. What if I already have a legal order or agreement?

A. The Family Maintenance Worker will review the order or agreement to ensure it is the amount due to you according to the Child Support Guidelines, and will enrol it with the Family Maintenance Enforcement Program.

Q. What are the Child Support Guidelines?

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

Q. What if the other parent threatens me?

A. Let your Family Maintenance Worker know right away. The Family Maintenance Worker will talk to you about the choices that are available to ensure your safety.

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

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

Q. When does the assignment end?

A. Assignment ends when you are no longer in receipt of assistance and you are sent a Notice of Termination of Assignment of Maintenance Rights from the ministry.

Q. What is the difference between the Family Maintenance Program and the Family Maintenance Enforcement Program?

A. The Family Maintenance Program is a service of the Ministry of Employment and Income Assistance and is responsible for obtaining, changing and defending maintenance orders for persons receiving income assistance. The Family Maintenance Enforcement Program is a service of the Ministry of Attorney General and is responsible for monitoring and enforcing maintenance orders and agreements that are filed with them. The Family Maintenance Enforcement Program is available to all British Columbians who have a maintenance order or agreement. The Family Maintenance Program is only

available to income assistance clients who have signed an Assignment of Maintenance Rights.

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

A. Family maintenance income does not affect assistance when the income is passed through to an adult child who is named in the maintenance order.

An adult child is a person who is now 19 years or older (or 18 years or older with disabilities) and who is not listed as a dependent on your income assistance file.

If you are receiving maintenance income that is to be passed through to an adult child, you must declare the amount received under “ALL OTHER INCOME” and describe it as “Adult Passthrough” on your BC Employment and Assistance Monthly Report.

Q. Is maintenance income taxable income?

A. Child support income is not taxable income. Spousal support income is taxable income.

For More Information

Contact the Ministry of Employment and Income Assistance by calling **1 866 866-0800** or visit the ministry website at: www.eia.gov.bc.ca

Call the BC Child Support InfoLine:

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

Family Maintenance Program

Your rights and responsibilities



Ministry of
Employment and
Income Assistance

Taking Responsibility

When families break up, the parents' responsibility to care for their children continues. The parent who has custody of the child(ren) may be entitled to receive maintenance payments from the other parent. The Child Support Guidelines set out the amount of maintenance to be paid.

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

Government is taking steps to ensure that parents meet their responsibilities and obligations for the support of their children.

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

Assigning Your Maintenance Rights

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

A ministry worker must explain the Assignment of Maintenance Rights and

the terms of the assignment to you before you sign an Assignment of Maintenance Rights form.

What Does this Mean for You?

Assigning your maintenance rights means:

- You no longer have to collect maintenance payments on your own, or at your own expense;
- Family Maintenance Workers and contracted ministry lawyers are available to assist you in getting a legal order or agreement for the maintenance payments;
- Your order will be enrolled with the Ministry of Attorney General's Family Maintenance Enforcement Program, which has the authority to enforce the order and collect money;
- Your child support order will be reviewed annually to ensure the child support amount reflects the other parent's ability to pay; and
- The order or agreement will remain in place even after you leave BC Employment and Assistance supporting your transition to work.

The Role of Your Family Maintenance Worker

Once you have assigned your maintenance rights to government, you will be referred to a Family Maintenance Worker.

No action will be taken on the assignment until a Family Maintenance Worker has a discussed your individual situation with you.

Your Family Maintenance Worker will ensure your maintenance order meets the terms of the Child Support Guidelines.

Family Maintenance Workers work with contracted ministry lawyers, the Family Maintenance Enforcement Program and the Child Support Recalculation Service on your behalf, to obtain, change and enforce your maintenance order. If the other parent tries to have the amount of the order reduced or cancelled, a ministry lawyer can defend your order. You do not have to worry about court costs, or pursuing and collecting maintenance on your own.

Your Family Maintenance Worker Will . . .

- Refer you and your child(ren) to community agencies for counseling and support services;
- Work on your behalf to get a legal maintenance order without going to court, where possible (this is called a "consent order");
- Apply to the court to get a legal maintenance order if a consent order cannot be reached with the other parent;
- Answer any questions you have about the court and how it works;
- Work with the Child Support Recalculation Service to ensure your child support is recalculated appropriately;
- Assist you in changing an order to reflect the other parent's ability to pay;

- Assist you to defend your order if the other parent applies to court to change or cancel your maintenance payments; and
- Enrol your maintenance order with the Ministry of Attorney General's Family Maintenance Enforcement Program.

Receiving Your Payment

Your Family Maintenance Worker will enrol your maintenance order with the Family Maintenance Enforcement program, administered through the Ministry of Attorney General. The Family Maintenance Enforcement program is a maintenance collection agency. Their services include receiving and recording maintenance payments and forwarding maintenance payments to you.

Once your order is enrolled with the Family Maintenance Enforcement Program, the other parent must send all maintenance payments to the Family Maintenance Enforcement Program. Your maintenance payments will be provided to you by the Family Maintenance Enforcement Program. Accepting payment directly from the other parent could affect your eligibility for BC Employment and Assistance. If you do receive a payment from the other parent, report it to the Family Maintenance Enforcement Program as soon as possible. All income, including maintenance payments, needs to be declared on your BC Employment and Assistance Monthly Report.