



# Family Maintenance Enforcement Program

*What you  
need  
to know*

## RECIPIENTS

### This booklet

The court order or agreement that states you are to receive maintenance has been filed with the British Columbia Family Maintenance Enforcement Program (FMEP).

This booklet explains what the FMEP does, what our legal powers are and what we need from you as a person receiving maintenance.

It also provides you with information about what we can do to help you receive the payments required by your court order or agreement, what to do if you have concerns about the way your case is being handled, and the best ways to get in touch with us.

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## The Family Maintenance Enforcement Program

### WHO WE ARE/WHAT WE DO

The Family Maintenance Enforcement Program is a service of the British Columbia Ministry of Attorney General.

We are responsible under the *Family Maintenance Enforcement Act* for monitoring and enforcing all maintenance orders and agreements that are filed with us. That means we will:

- calculate, receive, record and forward payments to the person receiving maintenance (called the recipient), and
- take action, if and when necessary, to try to ensure the person who is supposed to pay maintenance (called the payor) makes his or her maintenance payments.

We recognize the importance of maintenance to families and children. At the same time, however, we do not work just for the recipient. Rather, we provide a service for both recipients and payors to help ensure the terms of their maintenance orders are fulfilled, and we strive for a good working relationship with all our clients.

**We will do our best to collect your maintenance payments. However, you should know that some payors make it very difficult for us to collect – even going to the extent of leaving the country to avoid paying maintenance. Others may have no income or assets, or may be receiving income assistance, which means it may take a long time to collect what is owed to you. But we will continue to pursue your payments as long as your maintenance order or agreement is enrolled with us.**

## The paperwork

### NOTICE OF FILING

Your Notice of Filing tells you that your case is now enrolled with the FMEP, and that we are now responsible for monitoring and enforcing your maintenance order or agreement.

At the top of the notice is your FMEP case number. This is the number we use to track your case; it will appear on all future correspondence we have with you and the payor.

Below your case number is your personal identification number. We will ask you for this number as well as your FMEP case number whenever you call us.

The Notice of Filing also outlines the payor's payment schedule. This tells you what the payor's regular maintenance payments are and when they are due (once or twice a month, for example).

If the payor fell behind in maintenance payments at some time in the past, and the court has ordered the payor to pay arrears, the schedule will also indicate how much the payor needs to make up in missed payments.

#### Important!

Your personal identification number is a private number, issued only to you. We use this number as a security measure to make sure that only you can gain access to information about your case. Please do not tell anyone else what your number is.

### RECEIVING YOUR PAYMENTS

Once your case is enrolled with the FMEP, the payor is required by law to send all payments to us. We will record the payments and deposit them directly to your bank account or forward a cheque to you.

If you receive a payment directly from the payor, you must report it to us **immediately**. If you do not, we cannot guarantee that your records are accurate and up-to-date, and we may not be able to continue working on your behalf. If you are receiving income assistance, not telling us about a direct payment may also affect your eligibility.

If the payor continues to send payments directly to you, please let us know. You are not required to accept direct payments, and we will ensure the payor makes the payments to us instead.

### KEEPING US INFORMED

Up-to-date information about your case is essential for us to keep your account accurate. You must contact us if:

- you move or change your telephone number
- you know that the payor has moved, changed telephone numbers or jobs, or has made any other significant change – such as buying or selling a major asset, such as a boat, car or house, or opening a new business
- you receive a payment directly from the payor
- you – or the payor – start any legal action that may result in a change to your current maintenance order or agreement
- there are any changes to child custody arrangements that may affect your maintenance payments, such as changing from a sole to shared custody arrangement, a child leaving home or becoming independent, or
- you think there is a mistake in our payment records.

In addition, if a cheque we forward to you comes back from the bank stamped NSF (for "insufficient funds"), you will need to send the stamped cheque back to us as soon as possible. We cannot take any action until we have the cheque.

#### For your safety ...

We need to know if the payor has ever been violent or threatening to you or your children in the past, and you must tell us immediately if he or she is ever violent or threatening while you are enrolled with us. We will treat your case with special care.

Always call the police if you feel you or your children are in danger, and remember that help is available.

To find a Crisis Centre in your area, see the inside front cover of your phone book, or call the toll-free Victims Information Line (1-800-563-0808). You might also want to talk to a Family Justice Counsellor or a lawyer to find out about getting a court order to restrict the payor's access to your family. The numbers are in the box on the next page.

## What happens if the payor can't or won't pay

### WHAT WE CAN AND CANNOT DO

- We cannot give you money unless we receive it first from the payor. If you are in urgent financial need, please call your local Ministry of Employment and Income Assistance office. They may be able to help.

### Changing your court order

To change your maintenance order or agreement, or current child custody and access arrangement, we recommend you talk to a lawyer, Family Justice Counsellor, or, if you are receiving income assistance, your Family Maintenance Worker.

If you need a lawyer, you may want to call the Lawyer Referral Service. They will give you the name of a family law lawyer you can call for a 30-minute consultation at a cost of \$25.00 (plus taxes). Call (604) 687-3221 in the Lower Mainland; elsewhere in BC, call 1-800-663-1919. Other low cost legal services may be available in your community.

Family Justice Counsellors are located at Family Justice Centres throughout the province. Their services are free. Please call Enquiry BC and ask the operator to transfer you to the Family Justice Centre nearest you.

### Enquiry BC

Greater Victoria (250) 387-6121

Greater Vancouver (604) 660-2421

Elsewhere in BC 1-800-663-7867

- We cannot change your court order or agreement for maintenance to a different amount or a different payment schedule. Going to court to try to change an order or agreement is your responsibility.
- We can work with the payor to work out a voluntary plan for making up any missed payments.
- And we can, if a voluntary payment plan does not work, take enforcement action.

### POSSIBLE ENFORCEMENT ACTION

The laws under which we operate are powerful, and there are a number of enforcement options we can use, depending on how much money the payor owes and what we know about the payor's current situation.

### NOTICE OF ATTACHMENT

We may require anyone who owes the payor money to pay it directly to the FMEP. This is called "attaching" income, and may be applied to virtually any income, including wages, pensions, workers' compensation benefits, bank accounts, rental income or other assets. We may also attach money the federal government owes the payor, such as an income tax refund, employment insurance benefit or GST credit.

### MAINTENANCE LIEN

We may register a lien against any personal property (including a car, boat, trailer or manufactured home) a payor may own. The lien gives the FMEP a claim against that property until the payor has paid all arrears.

We also may register a lien against land the payor may own. A lien against land secures all amounts due under a maintenance order, including future payments, so it may remain in place until the end of the maintenance order.

### CREDIT BUREAU REPORT

If the payor owes more than \$2,000.00 in maintenance, we will report the payor to a credit bureau. The report will form part of the payor's credit history until he or she has paid off the arrears and kept payments up-to-date for six years, and may affect the payor's ability to qualify for a credit card or take out a loan for a home, a car or other necessity.

### DRIVER'S LICENCE WITHHOLDING

If the payor owes more than \$3,000.00 in maintenance, we may direct ICBC to refuse to issue or renew the payor's driver's licence until the arrears are paid.

### FEDERAL LICENCE DENIAL

Again, if the payor owes more than \$3,000.00 in maintenance, we may request the federal government to suspend, refuse to issue or renew the payor's passport and/or federal aviation or marine licence until the payor has made an arrangement with us to pay the arrears.

## WARRANT OF EXECUTION

We may obtain a court order to seize the payor's personal property – such as a car or boat – and arrange for the sale of that property if the payor does not pay the arrears.

## ENFORCEMENT AGAINST CORPORATIONS

For payors who own all or a major part of a corporation, we can make the payor's corporation liable for the payor's maintenance payments – which means the corporation, as well as the payor, can be held responsible both for making the payor's regular maintenance payments and for paying any arrears.

## DEFAULT HEARING

We can bring the case to court. In court, the payor will be required to explain to the judge why payments are in arrears, and the judge can decide to take additional action to enforce payment of the arrears – up to and including a jail sentence in some cases. (Please note: court can take a long time, and even a new court order may not make collecting the payments any easier.)

**We may decide to take one or more of these actions at any time. We will choose the actions we think will have the best chance of success in each particular case.**

## IN ADDITION

In addition to the enforcement actions listed here, whenever a payor misses or is late with two payments within the same calendar year, we will automatically charge the payor a Default Fee.

The Default Fee is equal to one month's maintenance, up to a maximum of \$400.00. The fee goes to the BC government, not to the recipient, to help the government cover the costs of operating this program.

We will also charge the payor daily interest on any late payments, and add it to our records at the end of every month. All interest goes to the recipient.

## BEYOND PROVINCIAL BOUNDARIES

Court orders or agreements filed with us can also be enforced outside of BC.

Not only can we request up-to-date information about a payor's location, employment and assets through a variety of federal and provincial computer databases, we also have reciprocal agreements with all Canadian provinces and territories, the United States of America and several other countries – which means we can ask another province, territory, state or country to take enforcement action on our behalf. (There may, however, be some delay in obtaining information or taking action outside of BC.)

## WITHDRAWING FROM FMEP

You also have the option to withdraw your case from the FMEP at any time, unless you are receiving income assistance or it was the payor who enrolled your case.

If you are receiving income assistance, you will need your Family Maintenance Worker's approval to withdraw. If it was the payor who enrolled your case, you will need his or her written permission.

Concerns and enquiries about the existing policies and legislation may be sent in writing or fax to the Office of the Director of Maintenance Enforcement.

**Director of Maintenance Enforcement**

Ministry of Attorney General

203 – 865 Hornby Street

Vancouver, BC V6Z 2G3

Fax: (604) 660-3728

## If you have a complaint

### OUR COMMITMENT

We are committed to treating all our clients with courtesy and respect, to ensuring that every case is handled fairly, and to being available to answer questions and provide information as openly as possible.

If you have any concerns about the way your case is being handled, we want to know about it. Your feedback helps us to ensure we are continuously improving the quality of service provided to our clients.

### OUR COMPLAINT RESOLUTION PROCESS

To obtain an appropriate and timely response, please address your concerns or complaints as follows:

- As a first step, speak to an Enquiry Representative at your regional FMEP office and explain your concerns. The Enquiry Representative will work with you to try to resolve your concerns and, may consult with your Enforcement Officer, if necessary.
- If your concerns cannot be dealt with satisfactorily by the Enquiry Representative, at any time you may ask to speak to an Enforcement Manager.
- If you are still concerned about how the FMEP is handling your case, you may ask to speak to the Regional Manager.

## Getting in touch with us

### THE FMEP WEBSITE AND INFOLINE

Both the FMEP Website and InfoLine, an automated telephone system, offer detailed information on all aspects of the FMEP, including various enforcement actions we have the authority to take.

Through the FMEP Website you may:

- view a statement listing all payments made to you to date
- find out when your most recent payment was received and how much the payor may owe in missed payments
- report a direct payment made by the payor to you
- check the status of any enforcement action we may be taking on your behalf
- send a message to FMEP
- view our response to your message
- notify us of your change of address

FMEP Website [www.fmep.gov.bc.ca](http://www.fmep.gov.bc.ca)

Through InfoLine you may:

- request a statement of payments be mailed to you
- find out when your most recent payment was received and how much the payor may owe in missed payments
- report a direct payment made by the payor to you
- check the status of any enforcement action we may be taking on your behalf

Both the FMEP Website and InfoLine are available 24 hours a day, 7 days a week.

To use the FMEP Website or InfoLine, you will need to enter your case number and personal identification number – these are found on your Notice of Filing.

### InfoLine numbers

Greater Vancouver (604) 775-0796  
Greater Victoria (250) 356-5995  
Elsewhere in BC 1-800-668-3637

### REGIONAL OFFICES

To find out more about the FMEP or to send us up-to-date information about your case, please write, fax, or call the regional office handling your file (if you don't know which office that is, call the office closest to you – someone there will be able to tell you).

#### Lower Mainland Client Office

Box 80449, Burnaby, BC V5H 3X9  
Phone: (604) 678-5670 Fax: (604) 678-5679  
Toll-free: 1-800-663-9666

#### Northern and Interior Client Office

Box 830, Kamloops, BC V2C 5N1  
Phone: (250) 434-6020 Fax: (250) 434-6033  
Toll-free: 1-800-663-3933

#### Victoria Client Office

Box 5100, Victoria, BC V8R 6N3  
Phone: (250) 220-4040 Fax: (250) 220-4050  
Toll-free: 1-800-663-3455

### TELEPHONE ENQUIRIES

Your call will be routed to the FMEP staff member best able to provide you with the service you need. Our switchboards are open from 8:30 a.m. to 4.30 p.m., Monday to Friday. Be sure to have your case and personal identification numbers ready whenever you call.

***Please keep this booklet for future reference.***

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