

What is “federal interception”?

As soon as a maintenance order or agreement is filed with the Family Maintenance Enforcement Program (FMEP), we are responsible under the *Family Maintenance Enforcement Act* for monitoring and enforcing that order.

That means we have the authority to take certain actions to make sure the person who is supposed to pay maintenance (called the payor) makes his or her maintenance payments.

One of those actions is to “intercept” money owed by the federal government to any payor who falls behind in his or her scheduled maintenance payments, and have it paid directly to the FMEP instead of the payor.

Important!

The FMEP is responsible for requesting the federal interception.

Federal government staff cannot decide to remove the interception – only the FMEP can.

If your income has been intercepted, please contact the FMEP – not the federal government – to discuss arrangements for having the interception changed or removed.

What kind of federal money can you intercept?

We can intercept income from one or more sources, including:

- employment insurance benefits
- Canada Pension Plan or Old Age Security payments
- GST credits
- income tax refunds, and
- a variety of other federal programs.

How much can you intercept?

The amount of the payor’s income we can intercept depends on the source. For example, we can intercept 25 per cent of employment insurance benefits, and 100 per cent of a payor’s tax refund.

Due to the additional administration involved at the federal level, payment on any remaining income owing to the payor – the other 75 per cent of a payor’s employment insurance benefits, for example – will be delayed.

The federal government will also charge the payor a fee to help cover the costs of the interception. The fee is \$38.00; it will be deducted once a year from the amount the federal government owes the payor.

When will you intercept federal funds?

Any payor who falls behind in his or her scheduled payments should contact us to work out a voluntary plan for paying the arrears in addition to making regular maintenance payments.

If the payor does not contact us, or we cannot work out a reasonable payment plan, we will review the payor’s file and may decide to send the federal

government a “Notice of Attachment to Her Majesty the Queen in Right of Canada.” (We will also send the payor a copy of this notice.)

We may also decide to issue a Notice of Attachment as part of a voluntary payment plan, specifically to intercept a tax refund.

What will the notice say?

The Notice of Attachment will instruct the federal government to deduct a specific amount from what it owes to the payor and send that amount – either in a lump sum or in regular payments, depending on the source – directly to us. We will then forward the payments to the recipient. (It usually takes about six to eight weeks for us to receive intercepted funds.)

Can the payor ask for a review of the interception of funds?

If the payor believes there is an error in the federal interception, or the amount being intercepted will mean the payor can no longer afford the basic necessities of life - food, clothing and shelter - the payor may ask the FMEP to review the case. If the payor does not agree with our decision, he or she may also apply to the court to have the interception withdrawn or the amount reduced.

How long will the interception stay in place?

The interception will stay in place for five years, or until the payor's maintenance order or agreement is no longer enrolled with the FMEP. If the payor still owes arrears after five years, we will automatically renew the interception.

How can I get more information about attachments?

For general information about attachments and a variety of other topics, please:

Go to our website, www.fmep.gov.bc.ca; or

Call the FMEP Infoline:

Greater Vancouver: 604-775-0796

Greater Victoria: 250-356-5995

Elsewhere in BC: 1-800-668-3637

For more specific information about your case, please call an Enquiry Representative at one of our FMEP Regional Offices:

Greater Vancouver: 604-678-5670

or toll-free 1-800-663-9666

Greater Victoria: 250-220-4040

or toll-free 1-800-663-3455

Northern and Interior BC: 250-434-6020

or toll-free 1-800-663-3933

Tips for Maintenance Payors

- Instead of mailing your payments, you can send your payments to us through On-line Banking, Telephone Banking or ABM Banking. Please contact your regional office for details on how to set up this payment option.
- If you choose to mail your payments, be sure to allow enough time for them to arrive by the due date. (You may want to consider post-dated cheques.)
- Send your cheque or money order - made out to the recipient - to us at our Victoria office:
FMEP Payment Services
Box 5599
Victoria, BC V8R 6T7
- Always include your FMEP case number on your payment.
- Do not pay the recipient directly. You are required by law to send all maintenance payments to the FMEP.
- We cannot change your court order or agreement. If you are having trouble making your scheduled maintenance payments, you may need to obtain a new court order or agreement. In the meantime, however, we are required to make sure you pay the maintenance you owe now.

If you have fallen behind in your payments, please contact us. We will work with you to develop a plan for paying the arrears in addition to making your ongoing maintenance payments.

For information about family justice issues and services, visit www.ag.gov.bc.ca/family-justice