

What is a maintenance lien?

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 register a maintenance lien against the personal property - such as a motor vehicle, boat, trailer or manufactured home - of any payor who falls behind in his or her scheduled payments.

The lien gives the FMEP rights to that property until the payor has paid all arrears.

Does that mean the FMEP will seize a payor's car or truck, for example?

No, it does not mean that the FMEP will physically remove any personal property. Rather, a maintenance lien against a car or other item of personal property means that the payor:

- cannot sell or transfer ownership of that property until the maintenance debt is paid, or

- must use all or part of the proceeds from the sale of that property to help pay the maintenance debt.

In the case of a manufactured home, it also means the payor cannot move the home from one location to another without FMEP approval.

When and where do you register a maintenance lien?

Any payor who falls behind in his or her scheduled payments should contact us to work out a plan for paying the arrears in addition to making regular maintenance payments. If the payor does not contact us to make payment arrangements,

we will register a maintenance lien against the payor's personal property with the Personal Property Registry (which includes the Manufactured Homes Registry).

How much will the lien be for?

The lien will be for the amount of maintenance owed by the payor on the date the lien is registered. The lien will increase with any

additional arrears, and will include any costs or fees the payor might owe to the Director of Maintenance Enforcement.

What happens when a payor wants to sell the property?

Auto dealers always check to find out whether there is a lien against a vehicle brought in for trade or sale. So do most people making a major purchase, such as a car, RV or manufactured home.

When a potential buyer checks with the registry, he or she will be told that there is a lien against

the property, and that they will be responsible for the lien if they buy the property - which means the sale will most likely not go through.

How long will the lien stay in place?

The lien will stay in place as long as the maintenance order or agreement is filed with the FMEP, or until either:

- the arrears are paid, or
- the property is sold and the arrears are paid out of the proceeds of that sale.

Can the payor ask for a review of the lien?

We will send a notice telling the payor that we have filed the lien. If the payor believes there is an error - that he or she is not in arrears, for example - the payor may ask us to review the case. If we discover an error, we will withdraw the lien.

How can I get more information about the maintenance lien?

For pre-recorded, general information about the maintenance lien and a variety of other subjects, please 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 the lien, 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

For information about your case, visit our website, www.fmep.gov.bc.ca. For information about family justice issues and services, visit www.ag.gov.bc.ca/family-justice.

Maintenance Tips for Payors

- Instead of mailing your payments, you can send your payments to us through On-line Banking, Telephone Banking or ATM 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.