

What does “attachment” mean?

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 “attach” the income of any payor who falls behind in his or her scheduled payments. An attachment (also called a garnishment) requires anyone who owes the payor money to pay all or a portion of that money directly to the FMEP.

Can you attach any income?

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

- wages, salaries and/or commissions
- pensions and workers’ compensation benefits
- long- or short-term disability payments
- rental properties
- bank accounts or other assets, and
- ICBC claims.

When will you attach a payor’s income?

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 review the payor’s file and may decide to send the payor’s employer – or any other source of income – a Notice of Attachment. (The payor will also receive a copy of this notice.)

The Notice of Attachment requires the “attachee” to deduct a specific amount from the payor’s wages or other income, and send that amount – either in a

lump sum or in regular payments, depending on the source – directly to us within five days of making the deduction. We will then forward the payment(s) to the recipient.

It is up to the payor to make sure the attachee makes the correct deduction(s) at the correct time. A late or missed payment could result in the payor being charged a Default Fee.

If the payor feels the deductions are not correct, the payor should talk to the attachee and ask to see the deduction table.

How long will the attachment stay in place?

The attachment will stay in place for five years, or until we agree on a voluntary payment plan, or until the payor’s maintenance order or agreement is no

longer enrolled with us. If the payor still owes arrears after five years, we will automatically renew the Notice of Attachment.

How much can you attach?

The amount we can attach is determined by the source of the payor's income.

If the attachment is against the payor's ICBC claim or bank account, for example, we can attach up to 100 per cent.

If the attachment is against the payor's wages or income replacement payments (a pension or workers'

compensation benefits, for example), the amount we can attach is determined by a formula set by BC law. This formula – which appears on the back of the Notice of Attachment – ensures that the payor is left with a reasonable portion of each payment.

Can the attachee refuse to follow the Notice of Attachment?

No. The attachee is required by law to deduct the amount specified in the notice from the payor's wages or other income. If the attachee does not make the deduction and send it to us, the attachee becomes responsible for the specified payments.

Can the payor ask for a review of the attachment?

If the payor believes either that there is an error in the Notice of Attachment, or that the amount of the attachment 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 attachment withdrawn or the amount reduced.

How can I get more information about attachments?

For pre-recorded, general information about attachments 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 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

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

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.