

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 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 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.

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.

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 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 the attachments?

For general information about attachments and a variety of other topics go to our website fmep.gov.bc.ca or call InfoLine:

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

For specific information about your case, sign into your web account on our website, or call an Enquiry Representative at one of our offices:

Lower Mainland Client Office
604 678-5670 or 1-800-663-9666

Victoria Client Office
250 220-4040 or 1-800-663-3455

Northern & Interior Client Office
250 434-6020 or 1-800-663-3933

For information about family justice issues and services, visit the BC Government's Family Justice website.

Tips for Payors

- We asked that you send your payments to FMEP using online or telephone banking through your financial institution. See your Notice of Filing or go to our website for more information on this payment method.
- If you are unable to send your payments electronically, you can mail cheques made payable to the recipient to:

FMEP Payment Services
Box 9233,
Victoria BC V8W 9J1
- Please be sure to send your payments with enough time for them to be received at FMEP by the due date.
- Do not pay the recipient directly. You are required by law to send all maintenance payments to FMEP.
- We cannot change your maintenance 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, 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.