



Ministry of Attorney General

# Family Maintenance Enforcement Program

What you need to know

## PAYORS

### This Booklet

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

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

It also provides you with information about what happens if you miss or are late with a maintenance payment, how to work out a plan for making up any missed payments, 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 arrears, 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.

**The fact that your order has been filed with FMEP does not mean that you have a poor payment history. We assume that you, like most payors, are willing to pay your maintenance when it is due.**

## The paperwork

### NOTICE OF FILING

Your Notice of Filing tells you that your case is now enrolled with 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 recipient.

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 your payment schedule, telling you what your regular maintenance payments are and when they are due (once or twice a month, for example).

If you fell behind in maintenance payments at some time in the past, and the court has ordered you to pay arrears, the schedule will also tell you how much you need 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.

### MAKING YOUR PAYMENTS

As a payor you are encouraged to send your payments electronically. This is the fastest, most secure way for payments to be made to us.

Once your case is enrolled with FMEP, you are required by law to send all payments to us. We will record your payments and send them to the recipient.

The best way to get your payments to us is to send them through online banking, telephone or ABM banking – see your Notice of Filing or sign into the website for more information on this payment method. Sending payments to us electronically ensures that your payments get to us on time, and get to the recipient more quickly.

If you are unable to send your payments electronically, you can mail cheques made payable to the recipient (be sure to include your FMEP case number on the cheque) 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.

### 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 change employers;
- you start to receive income assistance;
- you – or the recipient – start any legal action that may result in a change to your current maintenance order or agreement;
- there are any changes in a child's circumstances that may affect your maintenance payments, such as moving 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.

## About your payments ...

- Do not pay the recipient directly. If you do pay the recipient directly – and the recipient does not report that payment – enforcement action may be taken against you.
- We recommend when you pay through on-line banking, telephone or ABM banking that you use the recurring or scheduled payments option to send your payments automatically on a regular basis.
- We do not encourage payment by bank draft or money order. This is because you have to pay the bank up front for a bank draft or money order and if it gets lost, so does your money.
- You may want to consider setting up a voluntary wage assignment with your employer, if your employer agrees. Your employer will deduct the maintenance payments from your wages and send them directly to us.
- If you are unable to send payments electronically, you might want to consider sending post-dated cheques. We will record them and send them on to the recipient.
- If you do not have a bank account or are living outside Canada, payments can be made through Western Union using Quick Collect within North America or Quick Pay outside North America.

## What happens if you can't or won't pay

### WHAT WE CAN AND CANNOT DO

We know that sometimes it may be difficult for you to make all your payments on time and in full. However, FMEP does not have the authority to change the amount of maintenance you are required to pay under 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.

We cannot do this for you. It is your responsibility to pursue a new court order, and in the meantime we are required to make sure you pay the maintenance you owe.

If you fall behind in your payments, you will need to contact us. We will work with you to develop a plan for paying the arrears in addition to making your regular maintenance payments.

### Changing your court order

To change your maintenance order or agreement, or current child custody (parenting time) and access arrangement (contact), we recommend you talk to a lawyer or Family Justice Counsellor.

### Getting Help to change your court order

If you do not know 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.

To get more information on family justice matters, child support and legal services go to the FMEP website [fmep.gov.bc.ca](http://fmep.gov.bc.ca)

### Enquiry BC

Greater Victoria 250 387-6121

Metro Vancouver 604 660-2421

Elsewhere in BC 1-800-663-7867

## **POSSIBLE ENFORCEMENT ACTION**

We know that many payors will never fall behind in their payments and enforcement action against them will never be necessary.

If you do fall into arrears, you should know that the laws under which we operate are powerful and there are a number of enforcement options we can use, depending on how much money you owe and what we know about your current situation.

## **NOTICE OF ATTACHMENT**

We may require anyone who owes you money to pay it directly to FMEP. This is called “attaching” income, and may be applied to almost any income, including wages, pensions, workers’ compensation benefits or rental income. We may also attach bank accounts or other assets, as well as money the federal government owes you, 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) you may own. The lien gives FMEP a claim against your property until you have paid all arrears.

## **LAND REGISTRATION**

We may register the maintenance order against land; this secures all amounts due under the order, including future maintenance payments, so it may remain in place even if you are up-to-date on payments.

## **DRIVER’S LICENCE CANCELLATION**

If you owe more than \$3,000 in maintenance, we may direct ICBC to refuse to issue you a new licence or cancel your current licence unless you make suitable arrangements with us to pay the arrears.

## **MOTOR VEHICLE LICENCE RESTRICTION**

If you owe more than \$3,000 in maintenance and have not made arrangements with us to pay the arrears, we may instruct ICBC to refuse to issue or renew the annual licence for your motor vehicle or trailer. Without a vehicle licence you cannot purchase vehicle insurance.

## **FEDERAL LICENCE DENIAL**

Again, if you owe more than \$3,000.00 in maintenance, we may ask the federal government to suspend, refuse to issue or renew your passport and/or federal aviation or marine licence until you have made an arrangement with us to pay the arrears.

## **ENFORCEMENT AGAINST CORPORATIONS**

If you own all or a major part of a corporation, we can make the corporation liable for your maintenance payments – which means the corporation, as well as you, can be held responsible both for making your regular maintenance payments and for paying any arrears.

## **WARRANT OF EXECUTION**

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

## **DEFAULT HEARING**

We can bring the case to court. In court, you will be required to explain to the judge why your 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.

**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, if you fall behind in your maintenance payments there are other consequences under BC law. FMEP can:

- Charge a Default Fee whenever you miss or are late with two payments within the same calendar year. The Default Fee is equal to one month's maintenance, up to a maximum of \$400. The fee goes to the BC government, not to the recipient, to help the government cover the costs of operating this program.
- Charge you daily interest on any late payments, and add it to our records at the end of every month. All interest goes to the recipient.
- Report you to a credit reporting agency if the arrears are more than \$2,000. The report will form part of your credit history and will remain in place for six years – even if the arrears drop below \$2,000. This may affect your ability to qualify for a credit card or take out a loan for a home, a car or other necessity.

## 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 your 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.

## 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 the Enforcement Officer at your FMEP client office and explain your concerns. The Enforcement Officer will work with you to try to resolve your concerns.
- If your concerns cannot be dealt with satisfactorily by the Enforcement Officer, you may ask to speak to an Enforcement Manager.
- If you are still concerned about how FMEP is handling your case, you may ask to speak to the Senior Enforcement Manager.
- 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.

## 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 FMEP, including various enforcement actions we have the authority to take. Through the FMEP website you can:

- view a statement listing all payments made by you to date;
- find out when your most recent payment was received and how much you owe in missed payments;
- send a message to FMEP;
- add an attachment to your message;
- view our response to your message;
- notify us of your change of address; and
- sign up to be notified by email when a maintenance payment is coming due or a payment has been processed.

Through InfoLine you can:

- find out when your most recent payment was received and how much you may owe in missed payments.

You need to use your case number and personal identification number to access InfoLine or to create a web account on the FMEP website.

### InfoLine numbers

Metro Vancouver 604 775-0796

Greater Victoria 250 356-5995

Elsewhere in BC 1-800-668-3637

### FMEP CLIENT OFFICES

To find out more about FMEP or to send us up-to-date information about your case, please write, fax, or call the 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

1-800-663-9666

#### Northern and Interior Client Office

Box 830, Kamloops, BC V2C 5N1

Phone: 250 434-6020

Fax: 250 434-6033

1-800-663-3933

#### Victoria Client Office

Box 9219, Victoria, BC V8W 9J1

Phone: 250 220-4040

Fax: 250 220-4050

1-800-663-3455

### TELEPHONE ENQUIRIES

**Our office hours are from 8:30 am to 4:30 pm, Monday to Friday. Be sure to have your case and personal identification numbers ready whenever you call.**

### Director of Maintenance Enforcement

Ministry of Attorney General

203 - 865 Hornby St.

Vancouver, BC V6Z 2G3

Fax: 604 660-1346