



Ministry of Attorney General

Family Maintenance Enforcement Program

What you need to know

RECIPIENTS

This Booklet

The court order or agreement that states you are to receive maintenance 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 receiving maintenance.

It also provides you with information about what we can do to help you receive the payments required by your court order or agreement, 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.

We will do our best to collect your maintenance payments. However, you should know that some payors make it very difficult for us to collect – even going to the extent of leaving the country to avoid paying maintenance. Others may have no income or assets, or may be receiving income assistance, which means it may take a long time to collect what is owed to you. But we will continue to pursue your payments as long as your maintenance order or agreement is enrolled with us.

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 payor.

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 the payor's payment schedule. This tells you what the payor's regular maintenance payments are and when they are due (once or twice a month, for example).

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

RECEIVING YOUR PAYMENTS

As a recipient you will receive your payments by direct deposit to your bank account. This is the quickest, most secure way for payments to be sent to you.

Once your case is enrolled with FMEP, the payor is required by law to send all payments to us. We will record the payments and deposit them directly to your bank account.

If you receive a payment directly from the payor, you must report it to us immediately. If you do not, we cannot guarantee that your records are accurate and up-to-date, and we may not be able to continue working on your behalf.

If the payor continues to send payments directly to you, please let us know. You do not have to accept direct payments, and we will ensure the payor makes the payments to us instead.

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 have changed banks or accounts, because we need the new banking information for direct deposit;
- you know that the payor has moved, changed telephone numbers or jobs, or has made any other significant change – such as buying or selling a major asset, such as a boat, car or house, or opening a new business;
- you receive a payment directly from the payor;
- you – or the payor – 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 changing 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.

For your safety ...

We need to know if the payor has ever been violent or threatening to you or your children in the past, and you must tell us immediately if he or she is ever violent or threatening while you are enrolled with us. We will treat your case with special care.

Always call the police if you feel you or your children are in danger, and remember that help is available.

VictimLink BC is a free and confidential service offering information and help. Call 1-800-563-0808 or go to the [VictimLink BC](#) website. You might also want to talk to a Family Justice Counsellor or a lawyer to find out about getting a court order to restrict the payor's access to your family. The numbers are in the box on the next page.

What happens if the payor can't or won't pay

WHAT WE CAN AND CANNOT DO

- We cannot give you money unless we receive it first from the payor. If you are in urgent financial need, please call your local Ministry of Social Development and Poverty Reduction office. They may be able to help.

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.

If you need 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

Enquiry BC

Greater Victoria 250 387-6121

Metro Vancouver 604 660-2421

Elsewhere in BC 1-800-663-7867

- We cannot change your court order or agreement for maintenance to a different amount or a different payment schedule. Going to court to try to change an order or agreement is your responsibility.
- We can work with the payor to work out a voluntary plan for making up any missed payments.
- We can, if necessary, take enforcement action against the payor.

POSSIBLE ENFORCEMENT ACTION

The laws under which we operate are powerful, and there are a number of enforcement options we can use, depending on how much money the payor owes and what we know about the payor's current situation.

NOTICE OF ATTACHMENT

We may require anyone who owes the payor money to pay it directly to FMEP. This is called "attaching" income, and may be applied to virtually any income, including wages, pensions, workers' compensation benefits, bank accounts, rental income or other assets. We may also attach money the federal government owes the payor, 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) a payor may own. The lien gives FMEP a claim against that property until the payor has 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 the payor is up-to-date on payments.

DRIVER'S LICENCE CANCELLATION

If the payor owes more than \$3,000 in maintenance, we may direct ICBC to refuse to issue a new licence to the payor or cancel his or her current licence unless the payor makes suitable arrangements with us to pay the arrears.

MOTOR VEHICLE LICENCE RESTRICTION

If the payor owes more than \$3,000 in maintenance and has not made arrangement with us to pay the arrears, we may instruct ICBC to refuse to issue or renew the annual licence for a motor vehicle or trailer owned by the payor. Without a vehicle licence, the payor will not be able to purchase vehicle insurance.

FEDERAL LICENCE DENIAL

Again, if the payor owes more than \$3,000.00 in maintenance, we may request the federal government to suspend, refuse to issue or renew the payor's passport and/or federal aviation or marine licence until the payor has made an arrangement with us to pay the arrears.

WARRANT OF EXECUTION

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

ENFORCEMENT AGAINST CORPORATIONS

For payors who own all or a major part of a corporation, we can make the payor's corporation liable for the payor's maintenance payments – which means the corporation, as well as the payor, can be held responsible both for making the payor's regular maintenance payments and for paying any arrears.

DEFAULT HEARING

We can bring the case to court. In court, the payor will be required to explain to the judge why 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. (Please note: court can take a long time, and even a new court order may not make collecting the payments any easier.)

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 the payor falls behind in his or her maintenance payments there are other consequences under BC law. FMEP can:

- Charge a Default Fee whenever a payor misses or is 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 the payor 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 the payor to a credit reporting agency if the arrears are more than \$2,000. The report will form part of the payor's credit history and will remain in place for six years – even if the arrears drop below \$2,000. This may affect the payor's 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 a payor's 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. (There may, however, be some delay in obtaining information or taking action outside of BC.)

WITHDRAWING FROM FMEP

You also have the option to withdraw your case from FMEP at any time, unless it was the payor who enrolled the order.

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 an Enquiry Representative at your FMEP client office and explain your concerns.
- The Enquiry Representative will work with you to try to resolve your concerns and, may consult with your Enforcement Officer, if necessary.
- If your concerns cannot be dealt with satisfactorily by the Enquiry Representative, at any time 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:

- sign up for direct deposit or change your banking information;
- view a statement listing all payments made to you to date;
- find out when your most recent payment was received and how much the payor may owe in missed payments;
- report a direct payment made by the payor to you;
- check the status of any enforcement action we may be taking on your behalf;
- 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 payment is sent to your bank account.

Through InfoLine you can:

- find out when your most recent payment was received and how much the payor may owe in missed payments;
- report a direct payment made by the payor to you; and
- check the status of any enforcement action we may be taking on your behalf.

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 9216, 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
601 - 700 West Georgia Street
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