

Maintenance Enforcement Office

Info Session



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General Information

- ◆ The Office was created in 1986.
- ◆ It is governed by *The Enforcement of Maintenance Orders Act, SS 1997 c E-9.21* and Regulations.
- ◆ The office serves the entire province and is located in Regina.

N.B. The Maintenance Enforcement Office Website is very barebones. Also, as a disclaimer, the website indicates that they only have 2 phone operators and the volume of calls is extremely high. Often callers do not get through to the operators. The Office operates an automated info line that can provide basic information

Link to Legislation: <http://www.justice.gov.sk.ca/Claimants-Legislation>

What does the Office do?

- ◆ Registers support orders and agreements.
- ◆ Records and monitors payments.
- ◆ Takes enforcement action when the required payments are missed or late.

How much does the service cost?

- ◆ Services provided by the Enforcement Office are free to claimants and respondents.

How to register?

- ◆ Send or deliver the following documents to the Maintenance Enforcement Office:
 - Completed **Maintenance Enforcement Office Registration Form**
 - Copy of current support order or agreement
 - Affidavit of Arrears

Maintenance Enforcement Office Registration Forms are available from the following locations:

- Maintenance Enforcement Office in Regina
- Court of the Queen's Bench
- Legal Aid
- Individual's Lawyer

Orders: If the order indicates that a respondent is to pay a portion of their income as maintenance the Office may not be able to enforce.

- The Office does not have access to respondent's income information
- Individuals who require enforcement should consider having the order for support changed. The Order for Maintenance should indicate a consistent dollar amount for each monthly period.

Agreements must be filed with the Court of the Queen's Bench, stamped and then sent/brought to the Maintenance enforcement Office.

Affidavit of Arrears: One registered with the Office, individuals are required to complete a sworn document that reflects past due payments.

Does their need to be a problem with payments before registering?

- ◆ No, individuals can register if they want help:
 - collecting support payments,
 - Keeping track of their payments, or
 - Dealing with the opposing party

What should individuals consider before registering?

- ◆ Do they want the Office to be responsible for administering their support payments?
- ◆ Registered claimants **agree** that **all payments** will be processed through the Office.

When an individual registers with the Office, they are no longer able to collect support themselves, through a lawyer or through another agency. The Office is the only body responsible for collecting and administering support.

Can the Office guarantee payment?

- ◆ The Office cannot guarantee payment.
- ◆ However, the website of the Office indicates that approximately 75% of claimants registered with the office receive their support payments each month.

<http://www.justice.gov.sk.ca/Payments>

What enforcement is available if a respondent does not pay?

- ◆ Garnisheeing the respondent's wages, other income or bank account;
- ◆ Garnisheeing payments that the respondent may receive from the federal government;
- ◆ Enforcing the order or agreement against a corporation which is owned solely by respondent, or owned by the respondent and related family members;

Payments that the Respondent may receive from the Federal Government Include: EI, Canada Pension, Old Age Security, Grain advances, Revenue Canada Refunds or GST rebates.

- ◆ Reporting respondent to the credit bureau;
- ◆ Seizing and selling the respondent's personal property;
- ◆ Attaching pension contributions that the respondent has made;
- ◆ Suspending the respondent's drivers license;
- ◆ Requiring the respondent to appear in court to explain why payments have not been made. The judge presiding over the default hearing has the power to place the respondent in jail for up to 90 days.

Seizing and Selling Respondents personal Property includes seizing a vehicle, putting a lien on any real property that the respondent owns to prevent respondent from selling, remortgaging or leasing *without* making payment arrangements with the Maintenance Enforcement Office.

Jail: The presiding judge can order the respondent put in jail for contempt of the support order agreement.

Changing an order or agreement

- ◆ What happens when both the respondent and claimant agree to change the maintenance order or agreement?
 - If the court order **was not** made under the Divorce Act and both parties agree **in writing** to the changes, then the new written agreement must be registered with the court.
 - The registered changes will be acted upon in a similar way as a court order.

Changing an order or agreement

If the court order **was** granted under the **Divorce Act**, individuals **must** apply to the court to change its terms. However, an agreement can be changed if both parties agree. Contact the Maintenance Enforcement Office for more information.

Contact Information

100 - 3085 Albert Street,
Box 2077, Regina, SK S4S 0B1

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Website: <http://>

[www.justice.gov.sk.ca/
maintenance-enforcement](http://www.justice.gov.sk.ca/maintenance-enforcement)