

# Questions & Answers

## **Q. What happens if I do not assign my maintenance rights?**

A. Assignment of maintenance rights is required under BC Employment and Assistance regulations as a condition of eligibility.

## **Q. What if the other parent pays me on a regular basis without a legal order or written agreement?**

A. The Assignment of Maintenance Rights is still required to be eligible for assistance. A filed maintenance order or written agreement ensures that maintenance can be enforced, even if the other parent refuses to pay.

## **Q. What if I already have a legal order or agreement?**

A. Your Family Maintenance Worker will review the order or agreement to ensure it is the amount due to you according to the Child Support Guidelines, and will ensure it is filed with the Family Maintenance Enforcement Program.

## **Q. What are the Child Support Guidelines?**

A. These are federal and provincial laws introduced in 1997 that set the amount of child support that must be paid based on the paying parent's income.

## **Q. What if the other parent threatens me if/ or when you send the Notice of Assignment?**

A. Let your Family Maintenance Worker know right away. He or she will talk to you about the choices that are available to ensure your safety. (Note: If you are feeling threatened, please contact your local police).

## **Q. What if the other parent moves away from British Columbia?**

A. British Columbia has agreements in place with all other Canadian provinces and territories, all American states and several other countries. This allows the Family Maintenance Enforcement Program to take action to ensure you get the payments you are entitled to when the other parent moves away.

## **Q. When does the assignment end?**

A. The assignment ends when you are no longer in receipt of assistance and the ministry sends you a Notice of Termination of Assignment of Maintenance Rights.

## **Q. What is the difference between the Family Maintenance Program and the Family Maintenance Enforcement Program?**

A. The Family Maintenance Program is a service of the Ministry of Social Development and is responsible for obtaining, changing and defending maintenance orders or agreements for persons receiving income assistance. The Family Maintenance Enforcement Program is a service of the Ministry of Attorney General and is responsible for monitoring and enforcing maintenance orders and agreements that are filed with them. The Family Maintenance Enforcement Program is available to all British Columbians who have a maintenance order or agreement.

The Family Maintenance Program is only available to income assistance clients who have signed an Assignment of Maintenance Rights.

## **Q. How will my assistance be affected if my child becomes an adult yet is still eligible for support from the other parent?**

A. Family maintenance income does not affect assistance when the income is passed through to the adult child who is named in the maintenance order.

An adult child is a person who is now 19 years or older (or 18 years or older with disabilities) and who is not listed as a dependent on your income assistance file.

If you are receiving maintenance income that is to be passed through to an adult child, you must declare the amount received under "ALL OTHER INCOME" and describe it as "Adult Passthrough" on your BC Employment and Assistance Monthly Report.

## **Q. Is maintenance income taxable income?**

A. Child support income is not taxable income. Spousal support income is taxable income.

## Family Maintenance Program

*Your rights and responsibilities*



## For More Information

To speak to a Family Maintenance Worker contact the Ministry of Social Development by calling toll-free:

**1-866-866-0800**

or visit your local office.



[www.sd.gov.bc.ca](http://www.sd.gov.bc.ca)



Ministry of  
Social Development

## Taking Responsibility

When families break up, the parents' responsibility to care for their children continues. The parent who has custody of the child(ren) may be entitled to receive maintenance payments from the other parent. The Child Support Guidelines set out the amount of maintenance to be paid.

The Province of British Columbia is taking steps to ensure that parents meet their responsibilities and obligations for the support of their children but, in some cases, maintenance payments are either late or absent and the family must turn to BC Employment and Assistance (BCEA) for support.

If you are a BCEA client, the Ministry of Social Development's Family Maintenance Program will assist you to obtain the maintenance order you are entitled to under the Child Support Guidelines.

## Assigning Your Maintenance Rights

When you apply for BCEA, you are required to assign your maintenance rights to government to be eligible for assistance. This applies to child and spousal maintenance rights and means that government can obtain a maintenance order and enforce these rights on your behalf.

It is important that the process and terms of the Assignment of Maintenance rights is explained to you before you sign the Assignment of Maintenance Rights form.

## What Does this Mean for You?

Assigning your maintenance rights means:

- » You no longer have to collect maintenance payments on your own, or at your own expense.
- » Family Maintenance Workers and contracted ministry lawyers are available to assist you in getting a legal order or written agreement for the maintenance payments.
- » Your order or written agreement will be registered with the Ministry of Attorney General's Family Maintenance Enforcement Program, which has the authority to enforce the order and collect the maintenance for you.
- » Your child support order or written agreement will be reviewed annually to ensure the child support amount reflects the other parent's ability to pay.
- » The order or written agreement will remain in place even after you leave BCEA, supporting your transition to work.

## Receiving Your Payment

The Family Maintenance Enforcement Program (FMEP) is a maintenance collection agency. Their services include receiving and recording maintenance payments and forwarding maintenance payments to you.

Once your order or written agreement is registered with the Family Maintenance Enforcement Program (FMEP), the other parent must send all maintenance payments through the FMEP. Accepting payment directly from the other parent could affect your eligibility for BCEA. If you do receive a payment from the other parent, report it to the FMEP as soon as possible.

## The Role of Your Family Maintenance Worker

Once you have assigned your maintenance rights to government, you will be referred to a Family Maintenance Worker.

No maintenance action will be taken on the assignment until a Family Maintenance Worker has discussed your individual situation with you and you are in receipt of assistance.

Your Family Maintenance Worker will ensure your maintenance order meets the terms of the Child Support Guidelines.

Family Maintenance Workers work with contracted ministry lawyers, the Family Maintenance Enforcement Program and the Child Support Recalculation Service on your behalf, to obtain, change and enforce your maintenance order. If the other parent tries to have the amount of the order or written agreement reduced or cancelled, a ministry lawyer can defend your case. You do not have to worry about court costs, or pursuing and collecting maintenance on your own.

All income, including maintenance payments, needs to be declared on your BCEA Monthly Report.

## When a Payment is Missed

The amount of assistance you receive under the BCEA Program depends on how much income you have in a month. If a maintenance payment is not made or is less than the usual amount, you must report the missed or

Your family maintenance worker will:

- » complete a risk assessment with you before commencing maintenance action;
- » refer you and your child(ren) to community agencies for counselling and support services, when appropriate;
- » work on your behalf to get a legal maintenance order or written agreement without going to court, where possible;
- » apply to the court to get a legal maintenance order if a consent or written agreement cannot be reached with the other parent;
- » answer any questions you have about the court and how it works;
- » work with the Child Support Recalculation Service to ensure your child support is recalculated appropriately;
- » assist you in changing an order to reflect the other parent's ability to pay;
- » assist you to defend your order if the other parent applies to court to change or cancel your maintenance payments; and
- » enrol your maintenance order with the Ministry of Attorney General's Family Maintenance Enforcement Program.

reduced payment to the ministry by marking "0" (zero) or the amount received on the family maintenance line of your BCEA Monthly Report. Your next assistance cheque will reflect the declared change.

The FMEP will take steps to collect missed payments or payments that are not made in full.