

KIDS FIRST



Yukon Maintenance Enforcement Program

General information guide

FOR PEOPLE WHO PAY OR RECEIVE SUPPORT



A family break-up does not mark the end of your responsibility as a parent to your children. Financial support is an important part of this responsibility

**Yukon**



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Contact the Maintenance Enforcement Program

Office Location	Andrew A. Philipsen Law Centre 2134 Second Avenue, Whitehorse
Office hours	9 a.m. to 4 p.m., Monday to Friday.
Mailing Address	Maintenance Enforcement Program Box 2703 (J-3M), Whitehorse, Yukon Y1A 2C6
Phone	867-667-5437
Toll free in Yukon	1-877-617-5347
FAX	867-393-6989
Email	justmep@gov.yk.ca
Website	Yukonmep.ca



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No matter what your family status is, children have a legal right to support. MEP protects the interests of children and partners after a relationship breaks up.



Program Information

General information about the Maintenance Enforcement Program

What is the Maintenance Enforcement Program?

The Maintenance Enforcement Program (“MEP” or “the program”) protects the interests of children and partners after a relationship ends by enforcing support payments according to your court order or legal agreement.

MEP does not provide legal representation or advice to clients.

When you register with MEP — either as the party who pays or receives support — we will work on the basis of your court order or agreement to collect and distribute on-going support (and any money owing from the past).

Authorized under the Maintenance Enforcement Act, MEP follows specific processes and procedures to take enforcement actions that are appropriate and in the best interest of program clients.

Who is MEP for?

MEP is for people who receive (the claimant, recipient, or creditor) or pay (the respondent, payor, or debtor) support.

You may register with MEP if:

- either you or the other party live in the Yukon; and
- you have a legal, enforceable support order or filed agreement from any court in Canada (or country with a reciprocal agreement with Yukon).

KNOW WHO’S WHO...

CLAIMANT refers to the person who receives support.

RESPONDENT refers to the person who pays support.

What is a court order?

A court order refers to a family, support or maintenance order or agreement that is legally-binding by the courts. It requires the respondent (payor or debtor) to pay a specific amount of support over a period of time to the claimant (recipient or creditor) for child or spousal support.

Courts decide child support amounts based on guidelines that fall under federal and territorial law.

Parties must have a court order or legal agreement to enroll in the program.

If you are named within a court order or agreement, you must live up to its terms and conditions or may be found in contempt of court.

[Learn more about the guidelines that may apply >>](#)

Will MEP help me get a court order?

MEP does not obtain court orders for clients and cannot change the amount of support ordered by the court. It is up to the parties to obtain a court order or a legal agreement. MEP will do what it can to collect support payments (and any outstanding) as per the court order or agreement.

Contact the Family Law information (details on page 15) for information on how to get a court order or make a valid agreement.

MEP can only collect amounts that are clearly set out in an enforceable court order or agreement. Orders or agreements should include:

- names of the persons paying and receiving support;
- details of the persons the support is for including full name and date of birth;
- parties' income used to determine the amount of support payable;
- details of special or extraordinary expenses to be paid and who is eligible to receive them;
- information about payment amounts, schedules and dates; and
- for child support, amounts determined by child support guidelines for the number of children set out in the order.

How-to guides and publications are available online at www.YukonFLIC.ca >>

How does it work?

A court order or agreement can be enforced anywhere in Canada as well as in countries where reciprocal agreements are in place.

The steps that MEP follows depend on who registers the court order or agreement — the claimant (the person who receives the money) or the respondent (the person who pays the money).

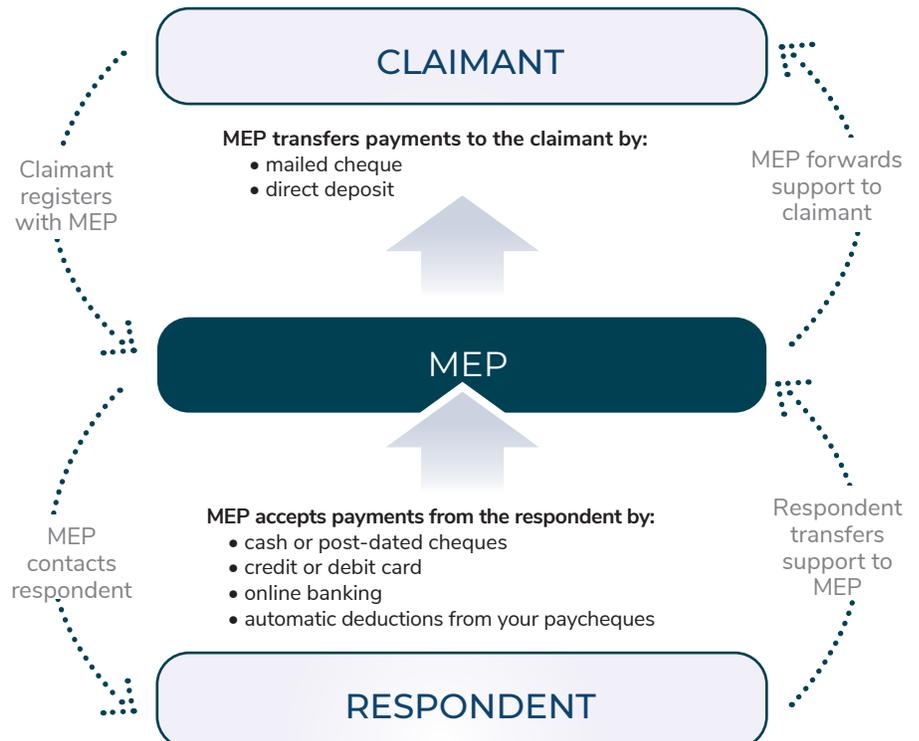
When a **claimant** registers, MEP:

- sends a notification letter to the respondent to tell them about the other party's enrolment;
- provides the respondent a chance to contact MEP to set up their account and make voluntarily payments;
- forwards support received from the respondent to the claimant; **or**
- begins enforcement action if the respondent doesn't reply to the notification letter and fails to make voluntary payments.

When a **respondent** registers, MEP:

- sends a notification letter to the claimant to tell them about the other party's enrolment and asks about any support payments in arrears (outstanding payments);
- sets up a convenient payment schedule to ensure the support obligations are met; and
- accepts payments and forwards them to the claimant.

The respondent doesn't have to wait for the claimant to register first. By registering with MEP, the respondent can set up a convenient payment schedule to ensure support obligations are met.



Why should I register with MEP?

Children have a legal right to receive financial support from their parents and MEP helps make this process easier and more reliable. When you register with MEP, both parties know payments will be handled in a business-like manner.

MEP helps people who:

- are having trouble getting support payments and they need enforcement action;
- wish to make paying support easier and convenient; and/or
- want to make sure that child support payments are available for their children, but they don't want to deal with a former spouse or partner over money matters.

How do I register?

When you register your court order or agreement with MEP, all support payments must be made through MEP office. Respondents must not make direct payments to the claimant nor should the claimant accept them.

MEP is a voluntary, opt-in program. Your court order or agreement is not automatically registered with the MEP. Either party can take the steps to register.

Basic registration steps:

- Hold a court order or legal agreement
- Gather required documents and complete the registration package ([see checklist >>](#))
- Submit registration package documents to MEP in person or by mail
- Stop directly making or accepting support payments to/from the other party
- Wait for MEP to contact you to indicate your registration has been processed
- Receive your file number and access to your online account information.

Can I withdraw from the program?

The party who registered with MEP is the only party that can withdraw from the program.

What happens if respondents do not make support payments?

Respondents are responsible for making full and regular support payments. If they don't, MEP starts enforcement action.

A notification letter is sent to respondents and they are given the chance to contact MEP and begin making payments. When respondents are unwilling to pay the support, MEP can begin enforcement action to try to collect the money owed to the claimant.

To enforce support payments, under the authority of the Maintenance Enforcement Act, MEP can:

- garnish wages, workers' compensation benefits, bank accounts (including joint accounts with a new partner or spouse), pensions, rental income, and other financial assets which could include those held by corporations or business partnerships;
- intercept federal government money owed to respondents including income tax refunds, training income supplements, interest on unmatured Canada Savings Bonds, GST rebates, federal pensions and employment insurance payments;
- use liens and seizures by registering a support order against a respondent's property so that it can be seized and sold or that it cannot be sold or mortgaged by the respondent until payments are made;
- withhold, suspend or cancel drivers' licences and motor vehicle registrations (including recreational vehicles);
- deny or cancel passports, aviation and marine licences; or
- report payment failures to credit reporting agencies, which affects ability to obtain financing.

What happens if I cannot afford to make support payments?

A judge makes the decision in court about a respondent's ability to pay support. Respondents must continue to pay the set amount until another order or agreement is made.

If you are having trouble making support payments, you are still responsible for taking some sort of action. MEP is always willing to try to resolve difficulties that could affect payments, but the program cannot change the terms of or amounts within your court order or agreement.

If your financial circumstances change, it is your responsibility to have the court order or agreement updated with an adjusted amount of support payable. To do this, you could file an Application to Vary with the court. Or, you can contact the Family Law Information Centre (FLIC) to learn if you are eligible to adjust your support payments through the [Child Support Administrative Recalculation Service >>](#).

When your circumstances have changed call:

1. the Law Line, FLIC or a lawyer to discuss your options
2. MEP, so we can note your situation on your file.

Why should I pay support if I never see my children?

Your children have a legal right to support. The court considers child support and access to be separate matters.

You are in “contempt of court” if you do not follow the terms of a court order.

If you are the respondent who pays child support and you are not happy with custody or access arrangements, the law says that you must still make your payments.

Parties are expected to follow the terms of a court order or legal agreement, as long as it is in force. If you want to change a court order or agreement, you must return to court and file an Application to Vary.

What is an Application to Vary?

An Application to Vary is an application to a court for a change in your support order or agreement. Either the respondent or claimant can file an Application to Vary (more info is available on page 13 of this guide).

MEP does not represent either client in an Application to Vary proceeding. MEP has no involvement with court proceedings.

Does MEP keep payment records?

Yes. Once you are registered with MEP, you will be provided access to a system that provides details of your account information online.

Notify MEP if you believe that our records are incorrect. Make sure you have information available to support your claim. MEP cannot adjust accounts without documentation, which might include receipts of payments made, cancelled cheques, a copy of a new support order, or any other relevant records. If you don't have supporting documents, we must assume that our record of your account is correct.



What if I start another family?

If you change your name, you must give proof of this change to the MEP.

No matter what your family status is, the terms of a court order stay the same until they are legally changed.

If you are a respondent and you have other children, you are still responsible for your children named in the court order. If your circumstances change in a way that affects your ability to pay support, you must go back to court and file an Application to Vary. You may also be eligible to adjust the amount of child support paid through the Child Support Administrative Recalculation Service offered through the Family Law Information Centre.

If you are a claimant, the terms of the support order are not affected by your new relationship. The respondent must still make the support payments according to the court order or agreement.

What should I do if I move or change employer?

MEP can arrange to have an order enforced in another province or territory as well as in another country if there is a reciprocal agreement in place.

Tell MEP immediately if any of your personal information changes – address, employer or bank account numbers.

If you are the respondent and have moved, you are still responsible for making your payments no matter where you live. If you leave Yukon, MEP will transfer your file to the territory, province, or other country of your new home and arrange for its enforcement in that area. You must continue to send your payments to MEP in Yukon until the agency responsible for the maintenance program in your new area contacts you to set up your file. The new agency will forward payments to Yukon MEP, which will continue to be forwarded to the claimant.

If you are the claimant and have moved or changed banks, you must provide updated information or your file may be closed and payments stopped if MEP is unable to contact you.

Can I assign a third party to represent me?

Yes. Contact MEP to assign a third party (e.g., lawyer) to act on your behalf.

What if I have a complaint about how MEP handles my file?

Client satisfaction is important to MEP. We take great responsibility in enforcing maintenance obligations. If you have a complaint about MEP, please contact the manager at 867-667-3038.

Notes: _____



Common Terms & Definitions

Application to Vary	An application by a respondent or claimant to a court to change a support order when financial circumstances or other relevant details have changed since the original order was made; both the respondent and claimant have the right to oppose the other's Application to Vary. Call the Law Line at 867-668-5297 in Whitehorse or 1-866-667-4305 (toll free) or the Family Law Information Centre at 867-667-3066 or 1-800-0408 extension 3066 (toll free) for more information.
Agreement	A voluntary and enforceable written agreement created by two parties that is filed with the courts to be legally valid.
Arrears	The amount of money that a court order requires a respondent to pay, but that has not yet been paid. The amount of arrears grows larger each time a payment is missed. If a respondent dies, arrears may be claimed against the estate.
Business Name	The name chosen by a person for his or her business; also called a trade name.
Child Support	Child support is the financial support of a child by parents or another person (guardian or step-parent). The right of a child to receive support continues until the child is 19 years old in Yukon. Support may end before this if the child leaves home or is working. The right of financial support may continue beyond the age of 19 if the child is a dependent because of illness, disability or because he or she is still in school or is unable to obtain the necessities of life. (Also see <i>support</i> .)
Child Support Guidelines	Child support guidelines include rules and tables for determining basic amounts of child support. If the original support order was made in conjunction with a divorce order, the federal <i>Divorce Act</i> and the federal <i>Child Support Guidelines</i> apply. Otherwise the Yukon <i>Child Support Guidelines</i> (a regulation to the <i>Family and Property Support Act</i>) apply. The federal and Yukon <i>Child Support Guidelines</i> are similar. Child support amounts are determined and calculated the same way for parents who were married or common-law partners.
Claimant	A person that is entitled to receive maintenance under a court order or agreement and registers it with MEP; a person who receives support; also called a recipient or creditor.
Court Order	An official document or legally-binding decision from a court which outlines certain guidelines for parties to follow.
Contempt of Court	A charge that can occur when a person does not follow the terms of a court order, which may lead to arrest or jail.

GLOSSARY

Creditor	See <i>claimant</i>
Custodial Parent:	The parent who has legal custody of the children.
Debtor	See <i>respondent</i>
Default Hearing	A hearing held in court when a respondent fails to make payments required under a support order.
Default Order	A court order that sets out the amount of unpaid support and the monthly payment required to pay the debt.
Garnishment	The process of taking money that is held by respondents or that is owed to them for their services to employers or other parties.
Interception	A garnishment issued on money owed to the respondent by the federal government (such as income tax rebates or employment insurance).
Maintenance Enforcement Legislation	The legal authority to collect support payments.
Maintenance Order	An order of the court that sets out the amount of support that a respondent must pay.
Maintenance Payment	Usually refers to the amount of money respondents are legally obliged to pay to claimants for the financial support of their children; also called support payment.
MEP	Maintenance Enforcement Program
Paying Parent	See <i>respondent</i>
Recipient	See <i>claimant</i>
Respondent	A person who may register a court order for support with the MEP; a person ordered by the court to pay support; also called paying parent or debtor.
Spousal Support	See <i>support</i>
Support	Money paid by a respondent to a claimant as child or spousal support.
Vary	To change or alter a court order. In the case of MEP, a support order.
Writ	A court order that directs the sheriff or other person to carry out its terms (e.g., to seize property or money).

Legal Information and Services

A list of other services that can provide information and support with family law matters

Family Law Information Centre
(Government of Yukon)
867-456-6721
1-800-661-0408 ext. 6721

Provides information on family law issues and court procedures.
Located in Whitehorse in the Law Centre at 2134 Second Avenue.

Family Law Information
(Government of Canada)
1-888-373-2222

General information on child support amounts, Federal Child Support Guidelines and how to calculate income.

Law Line
(Yukon Public Legal Education
Association)
867-668-5297
1-866-667-4305

Provides free legal information by phone.

Lawyer Referral Service
(Law Society of Yukon)
867-668-4231 (accepts collect calls)

Refers callers to lawyers who provide a 30-minute consultation for a flat fee of \$30.

Legal Aid
(Yukon Legal Services Society)
867-667-5210

Provides legal services to Yukon residents who cannot afford a lawyer based on eligibility.

Women's Legal Advocate
(Skookum Jim Friendship Centre)
867-633-7691

Provides women information and assistance with legal matters.

Maintenance Enforcement Program

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