

Enforcement and collection actions

Maintenance Enforcement Program

Federal and provincial laws give the Maintenance Enforcement Program (MEP) authority to place actions for the purpose of collecting court-ordered maintenance. The information about specific types of enforcement and collection actions is summarized below and may not apply to all files. The actions placed on files depend on:

- The payor's payment history;
- how much money the payor owes (also known as support arrears); and
- the payor's employment or financial situation.

In general, the MEP will remove actions when:

- The file is closed;
- the arrears are paid in full; or
- there is a payment arrangement in place for any arrears owed by the payor.

The MEP does not automatically remove some actions, and payors are encouraged to contact their case officer to discuss the specific circumstances of their files.

Stays of enforcement can impact some enforcement actions. Refer to the *Stay of Enforcement* information sheet available on the MEP's website for more information.

| POSSIBLE ACTION WITH OR WITHOUT ARREARS | |
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| Registration at the Land Titles Office | A registration against land can prevent payors from re-mortgaging or selling property. |
| POSSIBLE ACTIONS WHEN ARREARS OF \$100 OR MORE ARE OWED FOR 31+ DAYS | |
| Federal Support Deduction Notice (FSDN) | A FSDN attaches up to 100% of the payor's income tax refunds and GST rebates, and up to 50% of federal benefits including Canada Pension Plan, Old Age Security, Employment Insurance, and payments from some other federal programs, if federal legislation allows attachment. |
| Writ at the Personal Property Registry (PPR) | A writ at the PPR allows for the MEP to receive a share of funds received by the court or civil enforcement agencies through seizures or garnishments placed by other creditors. Registrations against specific personal property (e.g. vehicles) can prevent payors from selling or transferring that property. |
| Recreational hunting and fishing licence restriction | This action restricts the payor's ability to obtain a new recreational hunting and fishing licence. |
| Wage Support Deduction Notice (WSDN) | WSDNs require employers to make deductions from a payor's wages, up to a maximum of 40 per cent of a payor's gross wages or salary. Payors may choose to have their employer deduct money from their pay and send the payments to the MEP by completing the <i>Payor Voluntary Pay Deduction</i> form available on the MEP's website. |
| Non-Wage Support Deduction Notice (NWSDN) | NWSDNs require income sources to remit 100% of funds from non-wage sources, including (but not limited to) bank accounts, mutual funds, termination pay, inheritances, and lottery winnings. The MEP may also place this action to collect arrears when the MEP is aware of non-income windfalls (e.g. inheritances, insurance settlements, etc.) payable to the payor, even if the payor has a satisfactory payment arrangement. |
| Credit bureau reporting | The MEP can report the payor's amount of maintenance arrears and payment history to the credit bureau. |
| Motor vehicle restriction | A motor vehicle restriction can prevent the payor from obtaining motor vehicle services such as renewing or replacing a driver's licence, renewing a vehicle registration, transferring ownership of vehicles, or registering a new vehicle. |

POSSIBLE ACTIONS WHEN ARREARS OF \$100 OR MORE ARE OWED FOR 60+ DAYS

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| Driver's licence suspension | <p>A driver's licence suspension makes a payor's Alberta driver's licence invalid so the payor cannot legally drive a vehicle. Before suspending a driver's licence, two warning letters are sent, allowing the payor 45 days to make a payment arrangement with the MEP before the suspension is placed.</p> <p>What should the payor do after the MEP removes this action?</p> <p>The payor must go to any Alberta registry agent to obtain a new licence.</p> |
| Federal Licence Denial (FLD) | <p>A FLD restricts access to certain federal licences and permits, including Canadian passports. The MEP sends a warning letter when the payor has missed three months of maintenance payments or more than \$3,000 in arrears are owed.</p> <p>What should the payor do after the MEP removes this action?</p> <p>The payor must contact the Passport Program (for passports), and the federal department that issued other affected federal licences or permits, to ensure they are valid.</p> |
| Reporting to professional organizations | <p>The MEP can notify the payor's professional or occupational association or organization about the payor's failure to pay their court-ordered support. The MEP has no control over the type of action, if any, the organization will take with the payor.</p> |

POSSIBLE ACTIONS FOR CONTINUOUS NON-PAYMENT OF MAINTENANCE

Special Enforcement Actions

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| <i>Help us find payors web page</i> | <p>The MEP may post photos and information about payors who have not paid their maintenance for at least six months on the <i>Help us find payors web page</i>. This site encourages the public to share information about payors' location and assets. alberta.ca/mep-help-us-find-payors</p> |
| Financial examination | <p>The MEP may require the payor to attend a financial examination to review the payor's finances and jointly decide on a payment arrangement. If payors do not appear or fail to participate in the examination process, the MEP seeks an order to compel from the courts to compel attendance, records, and answers to questions.</p> |
| Default hearing | <p>The MEP can summon payors to a default hearing, which is a court process held before an applications judge of the Court of King's Bench. The court can order payment arrangements or send payors to jail for failing to comply with their maintenance obligations. If payors do not appear at default hearings, the court can issue warrants for their arrest.</p> |
| Forced sale of real property | <p>The MEP may pursue forced sale of real property (e.g. land, house) when there is sufficient equity to pay maintenance arrears after secured debts are paid.</p> |
| Seizure and sale of personal property or assets | <p>The MEP may pursue seizure and sale of personal property or assets, including vehicles, valuable items (e.g. jewelry), certain kinds of retirement savings plans (e.g. RRSPs, LIRAs, or other retirement savings vehicles), shares and bonds.</p> |
| Seizure and sale of third-party assets or income | <p>When payors try to shelter assets or income in someone else's name, the MEP can apply for a court order allowing seizure of the third-party assets or income.</p> |
| Piercing the corporate veil | <p>When payors try to shelter assets or income from the MEP by keeping them in company names, the MEP can apply for a court order allowing company property or income to satisfy the payor's maintenance arrears.</p> |