

Glossary of terms

Administrative enforcement actions

Administrative activities are those enforcement mechanisms employed by the Maintenance Enforcement Program (MEP) itself. Administrative enforcement actions include traces, demands for information from the payor or from others, garnishments, actions against land registration, personal property liens, writs of execution, collection calls, credit bureau reporting, motor vehicle license interventions, and other actions (includes, for example, hunting and fishing license restrictions).

Administrative enforcement actions under federal legislation

Under the three parts of the federal *Family Orders and Agreements Enforcement Assistance Act* (FOAEAA), Maintenance Enforcement Programs can access different services provided by the Family Law Assistance Service (FLAS) of the federal Department of Justice. Part I allows for requests to search various federal databanks to determine the location of the payor. Part II allows for the interception of federal money owing to a payor. This most frequently takes the form of intercepting an income tax refund. Part III allows the MEP to apply through FLAS to the applicable federal department to have federally-administered licenses suspended or denied. This encompasses passports and certain transport (aviation and marine) licenses.

Under the *Garnishment Attachment and Pension Diversion Act* (GAPDA), federal employee salaries and pensions are subject to garnishment to fulfill child and spousal support obligations under a court order or court registered agreement.

Arrears

Arrears refer to money owing from earlier missed payments. As a result of either a court order or voluntary payment arrangement, an amount of arrears may end up being subject to a schedule. As long as the payment schedule is being adhered to, it is likely no additional enforcement action will be taken. Any non-scheduled arrears are those arrears which are owed from an earlier time, and for which there is no payment schedule established. The full amount is due and enforceable.

It is possible for a case to have arrears and be in compliance with total expected payments at the same time. This would be the situation if the payor were making all the current payments due, including the scheduled arrears payment.

Assignment status

This identifies whether the recipient is receiving social assistance and has had his or her case formally assigned to the Crown, or it may signify that arrears exist and that when collected, should be used to recover Social Assistance payments previously paid. Monies that are collected on behalf of the recipient on social assistance are either paid directly back to the provincial/territorial government or are reported and then deducted from the next assistance cheque.

Authority for the order

Support obligations enforced by the MEPs are the product of a court order or an agreement between the recipient and the payor. Orders for support may be the result of consent between the parties or a contested court hearing, and may be granted either under the federal divorce legislation, or the applicable provincial/territorial maintenance legislation.

Beneficiary

The beneficiary is the person(s) entitled to the benefit of the support payment, and is named in the support order. The beneficiary may be children only, spouse only, or both. In a very small number of cases in some jurisdictions, the beneficiary may also be a parent of the payor.

Collection calls

This refers to an enforcement activity that involves the phoning of payors to demand payment.

Collection rate

Total amounts received by the maintenance enforcement programs for a group of cases over the fiscal year that are divided by total amounts due over the same time period. A rate of 100% would mean the amount received equalled the amount due.

Committal hearing

This refers to the hearing held when a payor defaults on an order where the penalty is jail.

Compliance rate

For purposes of the survey, compliance means that at least the amount expected in a month is received or applied (essentially advanced payment received in a prior month is applied against a payment due in the current month when no payment is received, so that the case does not go into arrears). Cases in compliance may also

have arrears. The determination of compliance is only made against the current amount due in a month.

The rate is the proportion of cases with an amount due that were in compliance in a given month. Full compliance rate is the percent of cases that made their payment in full and partial compliance rate is the percent of cases that made partial payment.

Court enforcement actions

Court-based enforcement involves court and judge time and is generally employed as a last resort. These tend to be more serious enforcement actions, involving default hearings, issuing of warrants, and default orders, and may culminate in fines or jail.

Credit Bureau reporting

Credit Bureau reporting occurs when a MEP advises the Credit Bureau of payors who are in arrears. This lets other potential credit granters know of the debt so they will take this into consideration before allowing the payor to take on a new obligation that might be affected by the support obligation.

Default hearings

A hearing before a master/court administrator or judge to determine what action may be appropriate in the face of a failure to make support payments.

Demand for information

This includes all demands (usually letters) sent where the maintenance enforcement program is asking for information. Letters can be sent to the recipient, the payor, or some other party, such as an employer.

Demand for payment

This includes all demands (usually letters) sent where the maintenance enforcement program is asking for payment. The letter could be to the payor or some other party, such as an employer who has not sent in the money from a garnishment order, for example.

Event-driven payments

Amounts that are due because of some situation that has arisen if provided for in the order or agreement. For instance, an event-driven payment could be for tuition, dental work or lessons.

Examination of payor

This refers to any and all activity taken by the maintenance enforcement program to examine a payor with respect to assets and liabilities. In some jurisdictions, this action can be undertaken by administrative staff, or court administrators.

Federal garnishment

Garnishments made pursuant to the *Queen's Regulations and Orders*, and the *Garnishment, Attachment and Pension Diversion Act* (GAPDA).

Federal licence suspension

This refers to the *Family Orders and Agreements Enforcement Assistance Act (Part III)* which allows the denial of passports, aviation licences, and marine certificates.

Federal trace

This refers to the request for a federal trace under the *Family Orders and Agreements Enforcement Assistance Act (Part I)*.

Garnishment and attachment

This refers to the legal redirection of money owed to a support payor by another person or a corporation. A garnishment is referred to as a wage attachment in some jurisdictions. Most MEPs are able to issue their own garnishments and attachments, without court involvement.

Interception of federal funds

Under the *Family Orders and Agreements Enforcement Assistance Act (Part II)*, the maintenance enforcement program can intercept federal funds, such as income tax refunds, Employment Insurance benefits, Old Age Security, Canada Pension Plan benefits, and interest on regular Canada Savings Bonds.

Interjurisdictional Support Orders (ISO) status

Interjurisdictional Support Orders (ISO) status distinguishes between three types of cases that comprise the caseload of every maintenance enforcement program (MEP):

- *Non-ISO cases*: These are typically cases where the payor and recipient live in the jurisdiction where the case is registered. Only one MEP manages the case.
- *ISO-in cases*: These are cases where the MEP has been asked to provide enforcement by another jurisdiction because the payor is known to reside or have assets in the MEP's jurisdiction. The case is

referred to as an ISO-out in the other jurisdiction, and the two reciprocating MEPs work together to manage the case.

- *ISO-out cases*: These are cases that have been sent to another jurisdiction for enforcement. If the payor lives out-of-province, and the recipient and child beneficiaries are in-province, the case is referred to as an ISO-out case in the enforcing MEP. The case is referred to as an ISO-in in the other jurisdiction, and the two reciprocating MEPs work together to manage the case.

Jurisdictional garnishment

This refers to the formal process whereby an amount is deducted from a payor's salary or wages, or other source of income on a regular basis.

Land registration

This refers to actions taken to encumber the sale of specific real estate. A support order may be registered in the Land Registry Office in the jurisdiction against the payor's land. Upon registration, both the ongoing support obligation and any arrears owing become a charge on the property. The charge may be enforced by sale of the land.

Maintenance enforcement plan trace

This refers to all attempts to find the payor using jurisdictional information banks.

Motor vehicle license intervention

A motor vehicle license intervention may be placed in order to prevent the renewal of licenses (and in some jurisdictions, motor vehicle-related services) and/or suspension of driving privileges prior to satisfying the support obligation.

Other payments due to the jurisdiction

Some jurisdictions charge fees or penalties against the payor. Some common examples of fees include default penalties for missed or late payments, and charges for NSF cheques.

Payor

The payor is the person named in the order/agreement who provides the support payments. Some maintenance enforcement programs refer to the payor as the "debtor" or "respondent". The payor is usually the non-resident parent of the child beneficiaries.

Personal property lien

Support payments in arrears can be registered as a lien or charge against any personal property (e.g. motor vehicle) owned or held by the support payor in the jurisdiction. Registration affects the ability of the payor to sell or finance the encumbered personal property.

Provincial agreement

Domestic contracts, such as paternity agreements or separation agreements, between the payor and recipient can be filed in court and enforced by a MEP under provincial/territorial legislation, provided the agreement meets jurisdictional requirements for enforcement.

Provincial order

This refers to a court order for support made under provincial/territorial legislation.

Random rounding

Survey of Maintenance Enforcement Programs (SMEP) data have been subjected to a confidentiality procedure known as "random rounding" to reduce the likelihood of associating the data with any identifiable individual. The technique of random rounding provides protection against disclosure, but does not add significant distortion to the data. In this report, all SMEP data involving counts of individuals or cases are randomly rounded either up or down to the nearest multiple of 5. Thus, a case count of 32 would become either 30 or 35 when rounded.

Recipient of child and spousal support

The recipient is the person named in the order/agreement to receive the support and is generally the parent with whom the children live. Sometimes the recipient is a grandparent or another person responsible for the children. The money the recipient receives could be for the benefit of the recipient, for dependent child(ren), or for both. Some Maintenance Enforcement Programs refer to the recipient as the "creditor" or "claimant".

Regular payments

This refers to the amount ordered or agreed to, expressed as a monthly payment due and includes the regular ongoing amount due in one month. Scheduled arrears are not included.

Schedule arrears payments

Occasionally, arrears are subject to a repayment schedule. Scheduled arrears payments are the schedule amounts due each month (or some other scheduled interval, such as weekly or quarterly) that the payor is

required to make in order to pay off arrears. If the payor makes his scheduled arrears payment, then usually the MEP will not take further enforcement. However, if these payments are missed, MEPs will then take enforcement action against the payor.

Total payments

This refers to all monies for support, expressed as a monthly payment. This amount includes the regular amount expected for a given month plus scheduled arrears, event-driven payments, and fees, costs and penalties due.

Voluntary payment arrangement

This refers to an arrangement made by the maintenance enforcement program and agreed to by the payor where a voluntary payment schedule is established. The voluntary assignment of wages is included.

Writ of execution

This refers to the actions taken by the maintenance enforcement program that result in payment, for example the seizure and sale of a payor's assets.