

























### **Step 6 Go to court on your hearing date**

You should arrive at the court at least 30 minutes before the time of your hearing. On the day of your hearing, be sure to bring copies of your:

- Financial Statement (FRO Form 4) or Financial Statement (FLR Form 13)
- Default Dispute (FLR Form 30B)

Remember to bring any documents you attached to your Financial Statement, such as pay stubs, Notices of Assessment and Income Tax returns from the government.

If you do not have a lawyer, you may want to speak with duty counsel upon your arrival at court. Duty counsel are lawyers paid by Legal Aid Ontario who work in family courts. If you are not represented by a lawyer, duty counsel can help you by:

- giving you basic legal information and advice
- helping you prepare documents
- assisting you in the courtroom, in some cases
- helping you negotiate settlement terms with the FRO lawyer who will also be attending court that day



Before your court appearance, you should meet with the Family Responsibility Office lawyer, who will call your name in the waiting room. The purpose of this meeting is to attempt to make payment arrangements with the Family Responsibility Office.

In this meeting, you may be able to negotiate the terms of the Default Order with the Family Responsibility Office lawyer. This means you and the Family Responsibility Office lawyer agree on how you will pay the money you owe. You will be given a copy of the consent at the end of the hearing. If you cannot reach an agreement with the Family Responsibility Office lawyer, then the judge will ask you why you have not made your payments, and the judge will decide on the terms of the Default Order.

Once your Default Hearing is complete, you should ask the court clerk for a copy of the judge's decision. You may receive a document called a "consent" or a document called an "endorsement" or both. This will depend on whether or not you reached an agreement with the Family Responsibility Office lawyer before your court appearance.

### **Step 7 Take the steps ordered by the court**

Your Default Order will tell you what you are expected to do.

If you do not meet the terms of your Default Order, the court can order that you be arrested by the police and put in jail for as long as six months.

### **What if I can't pay?**

You may be unable to meet the terms of the Default Order because something has changed since the Default Order was made. For example, you may have lost your job or become too ill to work and have no income. In this case, you can ask the court to change your Default Order by starting a Motion to Change. You may want to get advice from a lawyer. You can also visit the Family Law Information Centre at your local family court.

## Where can I get more help and information?

### Family Responsibility Office

**Web:** [ontario.ca/fro](http://ontario.ca/fro)  
**TTY:** 1-866-545-0083  
**Fax:** (416) 240-2401

### General Information

#### - 24-Hour Automated Info Line

416-326-1818  
**Toll-free:** 1-800-267-7263

#### To speak to your case contact,

#### Monday to Friday, 8 a.m. to 5 p.m., call:

416-326-1817  
**Toll-free:** 1-800-267-4330

### Interjurisdictional Support Order Unit

Family Responsibility Office  
ISO Unit  
P.O. Box 600 - Steeles West Post Office  
Toronto ON M3J 0K8  
Canada

**Toronto:** 416-240-2410  
**Toll-free:** 1-800-463-3533

### Correspondence (not for payments)

Family Responsibility Office  
Ministry of Community and Social Services  
P.O. Box 200  
Station A  
Oshawa ON L1H 0C5

### Payments (not for letters)

Family Responsibility Office  
Ministry of Community and Social Services  
P.O. Box 2204  
Station P  
Toronto ON, M5S 3E9

\*Always include your seven-digit case number and first and last name on all payments.

### Driver's Licence Suspension

Family Responsibility Office  
Ministry of Community and Social Services  
P.O. Box 200  
Station A  
Oshawa ON L1H 0C5

**Fax:** 416-240-2407

### Court Forms

Available at the family court office or at  
[www.ontariocourtforms.ca](http://www.ontariocourtforms.ca)

### Legislation

Available online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

### Publications Ontario

**Toronto:** 416-326-5300  
**Canada:** 1-800-668-9938  
**Web:** [www.publications.gov.on.ca](http://www.publications.gov.on.ca)

### Legal Information

Family Law Information Centre (FLIC).  
Located in your local family court.

### Legal Aid Ontario

**Toronto:** (416) 979-1446  
**Ontario:** 1-800-668-8258  
**Fax:** 416-979-8669  
**Web:** [www.legalaid.on.ca](http://www.legalaid.on.ca)

### Lawyer Referral Service

#### Monday to Friday 9 a.m. to 5 p.m.

1-800-268-8326  
416-947-3330 (within GTA)  
**Web:** [www.lsuc.on.ca](http://www.lsuc.on.ca)

## Tips for support payors

Here are some tips that will help you avoid problems with your child support or spousal support:

- Pay your support in full and on time to avoid enforcement action.
- Make your support payments through the Family Responsibility Office. Do not pay the support recipient directly.
- Always include your seven-digit case number and your first and last name on your payment and in all communication with the Family Responsibility Office.
- If your financial situation changes, you may wish to contact a lawyer to find out what your options are. The Family Responsibility Office cannot change the amount of support you pay. If you want the amount of support to change, you must commence a Motion to Change.
- If you fall behind on your payments, you should contact the Family Responsibility Office to make payment arrangements with your case contact. You will be asked to fill out a Financial Statement and a document called a Voluntary Arrears Payment Schedule (VAPS).
- Tell the Family Responsibility Office about any changes to your name, address or income source within 10 days to avoid file errors and possible enforcement action.
- Keep your own records (pay stubs, copies of cancelled cheques, receipts). The Family Responsibility Office does not provide a year-end statement for income tax purposes.
- If you believe that your support has ended, you should contact the Family Responsibility Office.
- If you need a change to your support order, you can get advice from a lawyer, or contact your local Legal Aid Office. Look in the Yellow Pages under “legal aid.” You can also meet with an Advice Lawyer at the family court or visit the Family Law Information Centres (FLIC) for help. FLICs are located at all family court locations across Ontario. For information on the location of the FLIC nearest you, visit [www.attorneygeneral.jus.gov.on.ca](http://www.attorneygeneral.jus.gov.on.ca).
- If you need help finding a lawyer, contact the Lawyer Referral Service for a free half-hour consultation at 1-800-268-8326.

For updated information on your case, call the Family Responsibility Office automated information line at 1-800-267-7263, 24 hours a day, seven days a week. Have your Family Responsibility Office case number and Personal Identification Number (PIN) ready.

## What is the Family Responsibility Office?

The Family Responsibility Office receives every support order made by an Ontario court. It enforces these support orders by ensuring that support payments are made. If payments are not made, the Family Responsibility Office can take legal action.

The Family Responsibility Office enforces court-ordered support as well as domestic contracts.



It is important to understand that the Family Responsibility Office only enforces those parts of an order or agreement dealing with support. The Family Responsibility Office does not become involved in child custody or access issues.

The Family Responsibility Office is a division of the Ministry of Community and Social Services and operates under the authority of the Family Responsibility and Support Arrears Enforcement Act, 1996.

The Family Responsibility Office also works with enforcement programs in other jurisdictions that have reciprocal arrangements with Ontario to collect and distribute support payments in situations where one parent lives outside of Ontario under the authority of the Interjurisdictional Support Orders Act, 2002.

### Myth

The judge can change the amount of the support at a Default Hearing.

### Fact

The judge cannot change the amount of your support payments at a Default Hearing. If you want the amount of support to change, you must start a Motion to Change.



## Glossary: Important terms you should understand

### **Arrears:**

Another word for balance owing. It is the amount of support payments that a payor has missed and owes to a recipient.

### **Commissioner for Taking Affidavits:**

A person who is authorized to administer oaths or take affidavits, such as a lawyer, MPP, municipal official or court official.

### **Domestic Contract:**

A legal document in which the support payor and support recipient have agreed on the amount of support to be paid.

### **FLR:**

This acronym stands for Family Law Rules. These Rules are a regulation under the Courts of Justice Act. The Rules and the associated forms apply to your Refraining Order.

You can find these Rules online at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). The forms can be located at [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca).

### **Payor:**

The person who is required to pay support under a support order or domestic contract.

### **Recipient:**

The person who is entitled to receive support under a support order or agreement/domestic contract.

### **Refraining Order:**

A court order that prevents the Family Responsibility Office from suspending your driver's licence for a temporary period of time. You cannot get a Refraining Order after the deadline provided in the First Notice has expired.

### **Support Order:**

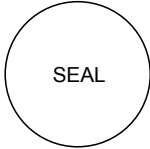
An order for the payment of money toward the support or maintenance of a child or spouse. Also includes a domestic contract requiring support payments that has been filed with the court.

### **Voluntary Arrears Payment Schedule:**

A plan to repay support arrears (debt) owing to a recipient. The payor proposes the plan. The Family Responsibility Office reviews it and, if acceptable, agrees to it. The plan is proposed by the payor and, if acceptable, agreed to by the Family Responsibility Office.

## Appendix: Sample Forms

ONTARIO



SEAL

\_\_\_\_\_

(Name of court)

Court File Number

at \_\_\_\_\_

Court office address

**Form 30: Notice of Default Hearing**

**Recipient(s)**

*Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).*

*Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).*

**Payor**

*Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).*

*Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).*

**TO** (name of payor) \_\_\_\_\_

**YOU MUST COME TO COURT** on (date) \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.

**or as soon after that time as the court can hear the matter, at** (place of hearing) \_\_\_\_\_

It is claimed by the recipient or on the recipient's behalf that you have missed support payments under an order, domestic contract or paternity agreement. Details of the claim against you can be found in the attached copy of the statement of money owed. If it is missing, you should contact the court office immediately. The court has been asked to hold a default hearing under section 41 of the *Family Responsibility and Support Arrears Enforcement Act*, in which you will be required to explain not only the missed payments mentioned in the statement of money owed, but also any payments missed right up to the day when the court holds the hearing.

**YOU MUST FILL OUT** the attached blank forms of the financial statement (Form 13) and the default dispute (Form 30B), serve a copy of the completed forms on the recipient's lawyer, or on the recipient if the recipient has no lawyer, or on the Director of the Family Responsibility Office, and then file the completed forms, together with proof of service (Form 6B), at the court office, all within 10 days after service of this notice on you. You can use any method of service allowed under rule 6 of the *Family Law Rules*, including mail, courier or fax. If the blank forms are missing, you must talk to the court office immediately.

**IF YOU DO NOT FILL OUT AND SERVE THE FINANCIAL STATEMENT OR IF YOU DO NOT COME TO COURT AS REQUIRED BY THIS NOTICE, A WARRANT MAY BE ISSUED FOR YOUR ARREST TO BRING YOU TO COURT.**

You should bring with you to the default hearing any documents (such as cancelled cheques) that you need to prove that you made payments that are claimed to be missing. You may bring your own lawyer with you.

**AT THE DEFAULT HEARING, THE COURT MAY MAKE AN ORDER AGAINST YOU, INCLUDING AN ORDER FOR YOUR IMPRISONMENT FOR UP TO 180 DAYS. YOU MAY ALSO BE ORDERED TO PAY COSTS.**

**IF YOU PAY THE AMOUNT OF THE MISSING PAYMENTS ON OR BEFORE THE DAY OF THE HEARING, YOU MAY STILL BE REQUIRED TO COME TO COURT AND TO PAY COSTS.**

\_\_\_\_\_  
Date of signature

\_\_\_\_\_  
Signature of clerk of the court

ONTARIO

Court File Number

(Name of court)

at Court office address

Form 30B: Default Dispute

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

1. I am the person named as payor in this case.

Check off and fill in appropriate paragraphs below. Paragraphs that do not apply to you may be struck out and initialed.

2. I have not missed any support payments as claimed in the statement of money owed because: (Set out your reasons for saying that there are no missed payments.)

3. I do not owe the amount claimed in the statement of money owed. I owe instead the sum of \$ . The reason for the difference in the amounts is: (Set out your explanation, if any and if known, for the difference. If you have paid all the money that you claim to owe here, ignore and strike out paragraphs 4 and 5 below; if not, go to paragraph 5 to give your reasons for non-payment.)

Put a line through any blank space left on this page.

## Appendix: Sample Forms

Form 30B: Default Dispute

(page 2)

Court File Number

4. I owe the amount claimed in the statement of money owed. (Go to paragraph 5 below to give your reasons for not paying.)

5. My reasons for not paying the money that I owe are: (State your reasons.)

Put a line through any blank space left on this page.

Sworn/Affirmed before me at \_\_\_\_\_  
*municipality*

in \_\_\_\_\_  
*province, state, or country*

on \_\_\_\_\_  
*date*

\_\_\_\_\_  
*Commissioner for taking affidavits*  
 (Type or print name below if signature is illegible.)

\_\_\_\_\_  
*Signature*  
 (This form is to be signed in front of a  
 lawyer, justice of the peace, notary public  
 or commissioner for taking affidavits.)