

Family Responsibility Office

What should I do if...

**I want to keep my
driver's licence**

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Important: The information contained in this guide is general information only. It is not legal advice. You may want to ask a lawyer for help. If you need help finding a lawyer, contact the Lawyer Referral Service at 1-900-565-4577. You can also contact Legal Aid Ontario at 416-979-1446, or toll-free at 1-800-668-8258.

WHY HAVE I RECEIVED A NOTICE OF DRIVER'S LICENCE SUSPENSION?

If you have not made your support payments, the Family Responsibility Office will begin the process of suspending your driver's licence. You will receive a document called a First Notice of Driver's Licence Suspension. This document is sent to you in the mail.

When will my driver's licence be suspended?

Your driver's licence will be suspended 30 days after the date of your First Notice of Driver's Licence Suspension. The deadline date is included in your notice.

Effective December 1, 2010: Vehicle Impoundment Program

If you are caught driving while your driver's license is suspended (for any reason), the vehicle you are driving – whether yours or not – will be impounded for seven days, as per the Vehicle Impoundment Program.

How can I keep my driver's licence?

If you do not want to lose your driver's licence, you must take action before the deadline date on your First Notice of Driver's Licence Suspension. There are three ways you can keep your driver's licence:

1. Bring your payments up to date.
2. Make a payment plan with the Family Responsibility Office.
3. Get a refraining order from the court.

You can learn more in the next section of this booklet, called 'What Choices Do I Have Now?'

MYTH

The Family Responsibility Office determines the amount of the support payments in a support order.

FACT

The judge determines the amount of the support payment in a support order. The Family Responsibility Office ensures that those support payments flow from the payor to the recipient.



WHAT CHOICES DO I HAVE NOW?

1. BRING YOUR PAYMENTS UP TO DATE

You can keep your driver's licence by paying all of the money you owe. Here's how:

1. Contact the Family Responsibility Office at 416-326-1817 or Toll-free 1-800-267-4330 to find out how much you owe in late payments.
2. Discuss payment methods.
3. Pay the full amount you owe.

Remember, you must still make your support payments every month to avoid receiving another Notice of Driver's Licence Suspension.

2. MAKE A PAYMENT PLAN

You can keep your driver's licence by contacting the Family Responsibility Office and working out a payment agreement. Here's how:

1. Contact the Family Responsibility Office at 416-326-1817 or Toll-free 1-800-267-4330.
2. Explain that you are behind in your payments and would like to make a payment plan.
3. The Family Responsibility Office will help you to work out a Voluntary Arrears Payment Schedule.
4. Make your payments.

The Voluntary Arrears Payment Schedule will help you to make the support payments you have missed in the past. Remember, you must still make your support payments every month to avoid receiving another Notice of Driver's Licence Suspension.

3. GET A REFRAINING ORDER

You can go to court and ask that your driver's licence not be suspended. This is called a Refraining Order.

Why would I decide to get a Refraining Order?

Usually, you would decide to get a Refraining Order because:

- You cannot reach a payment agreement with the Family Responsibility Office.
- You believe that the amount of support you pay should be changed.
- You have already applied to change the amount of support you must pay.

How can I get a Refraining Order?

You ask for a Refraining Order by going to court. This is called 'making a motion' to the court.

What will the refraining order require me to do?

A refraining order may require you to:

- Start a Motion to Change.
- Provide financial information to the Family Responsibility Office.
- Make ongoing payments.
- Make payments on the arrears.

HOW DO I GET A REFRAINING ORDER?

There are 9 steps you must take to make a motion to the court for a Refraining Order. Every step is important. You can use this simple checklist to be sure you have completed each step.

- Step 1 Find out which court you should be making a motion to. Learn more on page 7.
- Step 2 Gather the information and forms you will need. Learn more on page 8.
- Step 3 Fill out the forms. Learn more on page 9.
- Step 4 Get a hearing date. Learn more on page 10.
- Step 5 Give copies of your forms to the Family Responsibility Office. Learn more on page 10.
- Step 6 File your forms with the court. Learn more on page 11.
- Step 7 Confirm that you will attend court. Learn more on page 11.
- Step 8 Go to court on your hearing date. Learn more on page 12.
- Step 9 Take the steps ordered by the court. Learn more on page 13.



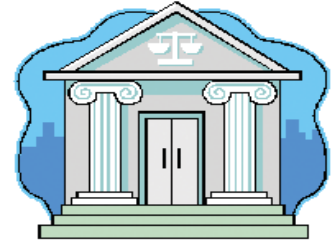
Important Date!

The First Notice of Driver's Licence Suspension that was sent to you in the mail includes a deadline. If you do not take action before this deadline, your driver's licence will be suspended. If you have received a Final Notice of Driver's Licence Suspension, you must either bring your payments up to date or make a payment plan within 15 days to avoid a driver's licence suspension. You can check your notice to see if it is a First Notice or a Final Notice.

Step 1 Find out in which court you should be making a motion

Family law matters, like child support and spousal support, can be heard in one of these courts:

- The Ontario Court of Justice – formerly known as the Ontario Court (Provincial Division)
- The Superior Court of Justice – formerly known as the Ontario Court (General Division)
- The Family Court branch of the Superior Court of Justice – formerly known as the Unified Family Court



Normally, you will bring your motion to the same court that made your support order. You can find the name of the court on your support order document.

If either of you have moved: you can bring the motion to the same court, but in the location where the person receiving the support lives or where you now live with the courts permission.

If your order is from the Ontario Court of Justice: you can bring your motion to that court, or to the Family Court branch of the Superior Court of Justice, either where you live, or where the person receiving the support lives.

If you do not have a copy of your order: you can get a copy from the court office. If you do not remember the court where your order was made, you can call the Family Responsibility Office and ask for that information.

Important to know. You can find a list of Ontario court addresses and phone numbers online at:

www.attorneygeneral.jus.gov.on.ca

Step 2 Gather the information and forms you will need

Before you begin you will need:

- A copy of your First Notice of Driver's Licence Suspension
- A copy of your support order
- Your Family Responsibility Office case number (found on the First Notice)
- Your court file number (found on the support order)
- Two pieces of valid identification, including valid photo identification such as a driver's license, passport or photo health card
- A blank Refraining Order (FRO Form 6), available from the Family Responsibility Office website at www.thefro.ca
- Financial Statement (FRO Form 4), available from the Family Responsibility Office website at www.thefro.ca

The following *Family Law Rules* court forms, which you can get at any family court office, or online at www.ontariocourtforms.on.ca:

- Notice of Motion (FLR Form 14)
- Affidavit (FLR Form 14A)
- Confirmation (FLR Form 14C)
- Affidavit of Service (FLR Form 6B)

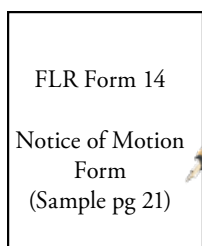
Where to get help



If you need help filling out these forms, you may want to get advice from a lawyer. You can also visit the Family Law Information Centre (FLIC) at your local family court.

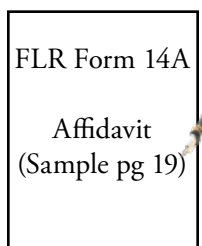
If you do not have a copy of your order, contact the court at which the order was made for a copy.

Step 3 Fill out the forms



Notice of Motion Form (FLR Form 14)

This form tells the judge that you are seeking a Refraining Order to prevent the suspension of your driver's licence. It also shows the day and time you will go to court. You will get this day and time by visiting the family court office later in the process (see Step 4).



Affidavit (FLR Form 14A)

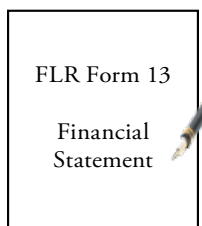
This form provides your side of the facts a judge will use to make a decision about your motion. It is your chance to tell your story to the judge in a clear and convincing way. Everything you need to tell the judge must be written down in the Affidavit. You may not be allowed to tell the judge anything else when you go to court. For that reason, it is extremely important that the information you provide is:

- Accurate and complete
- Clear and specific
- Detailed enough to provide all the information the judge will need

An affidavit must be sworn or affirmed. When you swear an oath or affirm a document, that means you are promising the information in the document is true. You can be charged for committing a crime if you do not tell the truth when you swear or affirm your affidavit.

Where can you swear or affirm the Affidavit?

You can swear an oath or affirm your Affidavit in front of a lawyer, a justice of the peace, a notary public or a commissioner for taking affidavits. You should be able to get this done at a family court. Be sure to bring two valid pieces of identification with you, including valid photo identification such as a driver's licence, passport or photo health card.



Financial Statement (FRO Form 4)

You must also fill out and swear or affirm a Financial Statement. This provides the court with important information about your finances including:

- The amount and sources of your income.
- The amount of your living expenses.
- The amount of your assets and debts.

To learn more about how to fill out a Financial Statement, visit the website of the Ministry of the Attorney General to get the publication "A Guide to Procedures in Family Court". You will find this guide at: <http://www.attorneygeneral.jus.gov.on.ca/english/family/guides>.

Step 4 Get a hearing date

You can call or visit the family court office to get a hearing date for your motion. The hearing date must be filled in on your Notice of Motion. You may be asked to come to the family court office in person to get a hearing date. If so, you should bring at least one copy of all your documents plus the originals.

Step 5 Give copies of your forms to the Family Responsibility Office

Once you have a hearing date for your motion, you will need to provide the Family Responsibility Office with a copy of your documents. This is an important part of the process. In legal terms, it is called service. When you serve your forms, you are telling the Family Responsibility Office that you intend to go to court.

You can serve your forms in two ways:

1. *By fax* to 416-240-2402
2. *By courier* to:
Family Responsibility Office
Legal Services
Ministry of Community and Social Services
1201 Wilson Ave. Bldg B, 5th Floor
Downsview, ON M3M 1J8

After you have served your forms to the Family Responsibility Office, you must fill out an Affidavit of Service (FLR Form 6B) and swear or affirm it. You can be charged for committing a crime if you do not tell the truth when you swear or affirm your Affidavit of Service. This form tells the court that you have given a copy of your documents to the Family Responsibility Office.



Your motion must be heard in court before the deadline date on your First Notice of Driver's Licence Suspension. Your hearing date cannot be after the deadline date.



You must serve the Family Responsibility Office at least 4 days before your hearing date. If you no longer have 4 days, be sure to serve the Family Responsibility Office as soon as possible.

Step 6 File your forms with the court

You must take your original documents to the court and give them to the family court clerk. In legal terms, this is called filing. These are the documents you will need to file:

- Notice of Motion
- Affidavit and attached exhibits (see Sample Affidavit in the appendix for instructions)
- Financial Statement
- Affidavit of Service

The court clerk keeps a file on your case called a Continuing Record. It contains all of the documents that have been filed on your case, and a table of contents listing these documents. The court clerk will ask you to add your documents to this file, and to update the table of contents. If no Continuing Record exists you may be asked by the court clerk to create one.

Step 7 Confirm that you will attend court

You need to tell the court that you will attend on your hearing date, and that you are ready to go ahead. You can do this by filling out the Confirmation form (FLR Form 14C). You can fax this form to the court, or bring the form to the court in person. You must deliver this form to the court no later than 2:00 in the afternoon, two days before your hearing date. If you miss this deadline, the court may refuse to hear your motion.



Important date!

You must file your documents with the court at least 4 days before your court date. If you no longer have 4 days, be sure to file your documents as soon as possible.

Step 8 Go to court on your hearing date

You should arrive at the court at least 30 minutes before the time of your hearing. Be sure to bring copies of all of the documents you have filed with the court.

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

If you and the Family Responsibility Office lawyer agree on payment terms, then you will be able to get a Refraining Order in court. If you do not reach an agreement with the Family Responsibility Office lawyer, then the judge may not make the order you want.

If you are given a Refraining Order in court, the judge may impose conditions that you must meet. For example, the judge may decide that you must:

- Start a Motion to Change your support order.
- Provide financial information to the Family Responsibility Office.
- Make ongoing payments.
- Make payments on the arrears.

How can I start a Motion to Change?

You can learn more about starting a Motion to Change in the Family Responsibility Office publication “Changing Support Orders”.



If you do not have a lawyer,

you may want to speak with Duty Counsel upon your arrival. 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 Family Responsibility Office lawyer who will also be attending court that day.

Step 9 Take the steps ordered by the court

If the judge has ordered you to start a Motion to Change your support order, you must do this within 20 days of receiving the Refraining Order. You will also need to serve the Family Responsibility Office with your Motion to Change.

Be sure to take any additional steps the judge may have ordered. For example, the judge may order that you pay a certain amount of money, or take other steps.

If you do not start a Motion to Change, or take the other steps ordered by the judge, your Refraining Order will expire. This means the Family Responsibility Office can suspend your driver's licence.



WHERE CAN I GET MORE HELP AND INFORMATION?



Family Responsibility Office

Web: www.thefro.ca

TTY: 1-866-545-0083

Fax: (416) 240-2401

24-Hour Automated Info Line:

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

Enforcement Call Centre:

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

For specific enforcement information
Monday to Friday, 8 a.m. to 5 p.m.

Interjurisdictional Support Order Unit

Family Responsibility Office - ISO Unit,
P.O. Box 640,
Toronto, ON M3M 3A3
416-240-2410 Toll-free: 1-800-463-3533

Correspondence

P.O. Box 220,
Toronto ON M3M 3A3

Payments

P.O. Box 2204, Station P,
Toronto ON M5S 3E9

Driver's Licence Suspension

Family Responsibility Office - DLS,
P.O. Box 53 Toronto, ON M3M 2Z9
Fax: 416-240-2407

Court Forms

Available at the family court office or at www.ontariocourtforms.ca

Legislation

Available online at www.e-laws.gov.on.ca

Publications Ontario

880 Bay Street, Toronto, Ontario M7A 1N8
Toronto: 416-326-5300 Ontario: 1-800-668-9938
Fax 416-326-5317 Web: www.publications.gov.on.ca

Legal Information

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

Legal Aid Ontario

Suite 404, 375 University Avenue,
Toronto ON M5G 2G1
Toronto: 416-979-1446 Ontario: 1-800-668-8258
Fax: 416-979-8669 Web: www.legalaid.on.ca

Lawyer Referral Service

1-900-565-4LRS (4577)
Monday to Friday 9 a.m. to 5 p.m. Web: www.lsuc.org.

“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 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. Only a judge can change the amount of support in your support order or domestic contract.
- If you fall behind on your payments, you should contact the Family Responsibility Office to make a payment arrangement. You will be asked to fill out a financial statement and a document called a Voluntary Arrears Payment Schedule.
- 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 or the support terms in your domestic contract, 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.
- If you need help finding a lawyer, contact the Lawyer Referral Service for a free half-hour consultation (\$6 fee applies), at 1-900-565-4577.
- 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 a reciprocating agreement 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 Family Responsibility Office pays missed support payments when the support payor falls behind in their support responsibilities.

FACT

The Family Responsibility Office sends support payments to the support recipient only after support money has been received from the support payor.

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.

Assignment of Support:

An Assignment of Support may be made when a person, who is entitled to support under a support order, receives or has received social assistance. The Support Order or Agreement is assigned to the appropriate social assistance provider by the Support Recipient. Support payments that are due during the period of the assignment are owed to the social assistance provider.

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.elaws.gov.on.ca. The forms can be located at www.ontariocourtforms.on.ca.

Payor:

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

Recipient:

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

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 have been filed with the court.

Voluntary Arrears Payment Schedule:

A plan to repay support arrears (debts) owing to a recipient. The plan is proposed by the payor and agreed to by the Family Responsibility Office.



APPENDIX: SAMPLE FORMS

Sample Affidavit (FLR Form 14A)

Sample Notice of Motion form (FLR Form 14)

SAMPLE AFFIDAVIT (FLR FORM 14A)(page 1 of 2)

ONTARIO

Court File Number Your Court File Number
--

(Name of court)

at **Court Address**

Court office address

**Form 14A: Affidavit
(general) dated**

Applicant(s)

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

Your Full Legal Name and Address

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

Respondent(s)

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

Director, Family Responsibility Office for the benefit of "Full Legal Name of Support Recipient"

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

**Legal Services
1201 Wilson Avenue, Building B, 5th Floor
Downsview, ON M3M 1J3
Fax: 416-240-2401**

My name is (full legal name) **Your Full Legal Name**

I live in (municipality & province) **Town/City and Province where you live**

and I swear/affirm that the following is true:

Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

- 1. Tell the judge why you are unable to pay your support obligation. Be sure to be very specific and provide details such as dates, your income level, your employer, etc.**
- 2. Tell the judge how much money you are able to pay at this time.**
- 3. The last paragraph in your Affidavit should tell the judge why you are making this Affidavit. For example, you may say that "I made this Affidavit in good faith and in support of my motion and for no other or improper purpose."**

You will need to attach a copy of the support order and the First Notice to your Affidavit. When you go to Court, the court clerk will provide you with a stamp that you can use to mark your documents as exhibits. Fill out the required information on the stamp, marking each as a different letter (e.g. Exhibit "A", Exhibit "B") to correspond to the references you make to them in the paragraphs you wrote in your Affidavit.

SAMPLE AFFIDAVIT (FLR FORM 14A) (page 2 of 2)

Form 14A: Affidavit (general) dated _____

(page 2)

Court File Number

Your Court File Number

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.)*

SAMPLE NOTICE OF MOTION FORM (FLR FORM 14)

ONTARIO

Court File Number

Your Court File Number

(Name of court)
at _____
Court Address

Court office address

Form 14: Notice of Motion

Applicant(s)

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

Your Full Legal Name and Address

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

Respondent(s)

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

Director, Family Responsibility Office for the benefit of "Full Legal Name of Support Recipient"

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

Legal Services
1201 Wilson Avenue, Building B, 5th Floor
Downsview, Ontario M3M 1J3
Fax: 416-240-2401

The person making this motion or the person's lawyer must contact the clerk of the court by telephone or otherwise to choose a time and date when the court could hear this motion.

TO THE PARTIES:

THE COURT WILL HEAR A MOTION on *(date)* _____

at _____, **or as soon as possible after that time, at** *(place of hearing)*

This motion will be made by *(name of person making the motion)* _____ who will be asking the court for an order for the item(s) listed on page 2 of this notice.

- A copy of the affidavit(s) in support of this motion is/are served with this notice.
- A notice of a case conference is served with this notice to change an order.

If this material is missing, you should talk to the court office immediately.

The person making this motion is also relying on the following documents in the continuing record: *(List documents.)*

If you want to oppose this motion or to give your own views, you should talk to your own lawyer and prepare your own affidavit, serve it on all other parties not later than 4 days before the date above and file it at the court office not later 2 days before that date. Only written and affidavit evidence will be allowed at a motion unless the court gives permission for oral testimony. You may bring your lawyer to the motion.

IF YOU DO NOT COME TO THE MOTION, THE COURT MAY MAKE AN ORDER WITHOUT YOU AND ENFORCE IT AGAINST YOU.

Date of signature

Signature of person making this motion or of person's lawyer

Typed or printed name of person or of person's lawyer, address for service, telephone & fax numbers and e-mail address (if any)

NOTE TO PERSON MAKING THIS MOTION: You **MUST** file a confirmation (Form 14C) not later than 2:00 p.m. 2 days before the date set out above.

SAMPLE NOTICE OF MOTION FORM (FLR FORM 14) Page 2

Form 14: Notice of Motion

(page 2)

Court File Number

Your Court File Number

State the order or orders requested on this motion.

Tell the judge what kind of order you want him/her to make.

- 1. Ask the judge to order that the Family Responsibility Office not suspend your driver's licence.**
- 2. If you have sent the Family Responsibility Office notice of the court date less than four days before you go to court, ask the judge for an order allowing you to serve the Family Responsibility Office your Notice of Motion and other documents as soon as possible, and that your motion be heard as soon as possible.**