

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.
- 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 domestic contracts as well as court-ordered support.

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 commence 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. The forms can be located at 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 FRO 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

Court File Number

(Name of court)

at

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).

--

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).

--

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:

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.

Form 14A: Affidavit (general) dated

(page 2)

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.)

Appendix: Sample Forms

ONTARIO

Court File Number

(Name of court)
at _____
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).

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).

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

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.

If this is a motion to change past and future support payments under an order that has been assigned to a government agency, you must also serve this notice on that agency. If you do not, the agency can ask the court to set aside any order that you may get in this motion and can ask for costs against you.

Form 14: Notice of Motion

(page 2)

Court File Number

State the order or orders requested on this motion.

