

Ontario Works Policy Directives

6.15 Protection from Seizure or Garnishment

Legislative Authority

Section 23(2) of the Act.

Audit Requirements

Assistance is protected from seizure, garnishment, attachment, execution and receivership, unless a Support Deduction Order (SDO) is being enforced by the Family Responsibility Office (FRO).

A copy of the Support Deduction Notice is on file.

The deduction from assistance to honour the support order does not exceed 10% unless the express written permission of the recipient has been provided and maintained on file.

Application of Policy

Basic financial assistance is not subject to seizure and garnishment by creditors or transfers to another party for the purposes of satisfying an outstanding debt, with the exception of a SDO enforced by FRO.

A SDO is an order made each time the court makes a support order. The support deduction order authorizes the FRO to send the support deduction notice to the payor's income source.

By policy, the FRO will enforce a SDO against social assistance payments only where:

- the court made the support order with the knowledge that the payor was in receipt of social assistance at the time the order was made; or
- there is a specific request from the court that the Director of the FRO enforce the order in this manner.

In these cases, the FRO will issue a manual Support Deduction Notice (SDN) to satisfy the ongoing support payments and any arrears. SDNs may also be sent to the payor's other income sources (e.g., Canada Pension Plan, Employment Insurance, etc.) to satisfy his/her support obligations.

If the FRO issues a SDN to an Ontario Works recipient, the total amount that can be deducted by the Administrator and remitted to the FRO cannot exceed 10% of

the recipient's budgetary requirements unless the recipient agrees in writing to the remittance of a greater amount.

In addition, the total amount that may be deducted to recover an overpayment and to honour a SDO cannot exceed 10% of budgetary requirements unless the recipient agrees in writing to the remittance of a greater amount.

A recipient may be able to vary a support order if it was made at a time when he/she was not in receipt of social assistance and there has been a material change in his/her financial circumstances. The person seeking to vary the support order must file a Motion to Change with the court and a judge may make a new order.