



# **Frequently Asked Questions**

## **about the PEI Maintenance Enforcement Program**

The Honorable C.R. McQuaid Family Law Centre  
Family Law Section  
Department of Justice and Public Safety

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This document contains questions that people often ask about the **Maintenance Enforcement Program ("MEP")**. In this document:

- The **"Payor"** is the person obligated to pay Child or Spousal Support according to an Order or Agreement.
- The **"Recipient"** is the person entitled to receive Child or Spousal Support according to an Order or Agreement.
- When the term **"Order"** is used in this document, this can usually refer to a legal Agreement too.
- Child or Spousal Support **"Arrears"** is money that is owed and should have been paid earlier, as required by a Court Order or Agreement.

More information about MEP can also be found in the [MEP policy and procedures manual](#).



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## **Frequently Asked Questions Asked by Recipients and Payors**



## **QUESTIONS FREQUENTLY ASKED BY RECIPIENTS AND PAYORS:**

### **Enrollment:**

#### **1. How do I enroll in the Maintenance Enforcement Program (“MEP”)?**

To enroll in MEP, you must provide MEP with a completed MEP Registration Form (with a copy of your Order or Agreement attached). MEP does not automatically receive Support Orders from the Court.

Here are the ways you can get the MEP Registration Form:

- Contact the Maintenance Enforcement Program at (902) 894-0383 or [mep@gov.pe.ca](mailto:mep@gov.pe.ca) to request that a form be mailed or emailed to you.
- Pick up the form in person at the Family Law Centre (located at 1 Harbourside Access Road, Charlottetown, PEI).
- Visit the Maintenance Enforcement Program website to download a Registration form: <https://www.princeedwardisland.ca/en/information/justice-and-public-safety/maintenance-enforcement-program-enrollment>.

Here are ways you can provide your completed Registration Form (with your Order or Agreement attached) to MEP:

- Send it by email to [mep@gov.pe.ca](mailto:mep@gov.pe.ca).
- Mail it or drop it off to:  
The Maintenance Enforcement Program  
The Honorable C.R. McQuaid Family Law Centre  
Family Law Section  
1 Harbourside Access Rd, PO Box 2000  
Charlottetown, PE C1A 7N8

Written Agreements involving child or Spousal Support can also be enrolled in MEP, but the Agreement must be filed with the Court first. (see Question #2, below).

#### **2. Can I register my support Agreement with MEP?**

Yes, you can, as long as your support agreement has been filed with the Court. You must file your agreement with the Court before registering it with MEP.

To file your support agreement with the Court, you must bring at least three (3) copies of your agreement and an Affidavit to the Courthouse. To request a blank Affidavit, you can use for this purpose, contact MEP at (902) 894-0383. The Court will keep one copy of your Agreement and give you back the other Court-stamped copies. You can then give MEP one of the Court-stamped copies of your Agreement when you submit your completed registration form.



### **3. Is there a fee to use MEP?**

No. MEP is a free service provided by the Government of Prince Edward Island.

### **4. I have an Order that I enrolled in MEP, but MEP says they cannot enforce some or all of my Order. What does that mean?**

As a neutral, Order-based program, MEP can only take actions based on what is clearly written in the Order and permitted under the legislation and policies of the program. The program sends newly enrolled clients a letter explaining what parts of the Order can be enforced.

Remember, your whole Order is legally binding, even if MEP can't enforce it (or part of it). That means that you must comply with the whole Order as it is written.

Examples of situations where MEP is not able to enforce parts of an Order include:

- If your Order says that co-parents must agree before a special expense is incurred, MEP cannot enforce that expense. MEP is unable to facilitate agreements between the parties.
- If your Order is not specific and only says "extra-curricular activities," MEP cannot enforce that expense. MEP cannot enforce non-specified expenses. Parents may have different understandings of what "extra-curricular activities" includes. If your Order says a co-parent must pay an expense directly to a third party (e.g., to a daycare, sports organization, etc.), MEP cannot enforce that provision. MEP is unable to enforce or process financial transactions with third parties.

*For more information about eligibility of Orders, see [Policy 502: Determining Eligibility of Orders](#)*

### **5. How do I make sure my Order can be enforced by MEP?**

MEP encourages lawyers and self-represented parties to send their draft Child or Spousal Support Orders to MEP for review, if that Order may be filed with MEP after it's finalized. This is particularly helpful to consider doing if the draft Child Support Order contains special expenses (also known as "special expenses").

MEP can review the draft provisions in the Order and tell you whether MEP can enforce them, and/or provide suggestions for wording that MEP can enforce.

**Your draft Support Order/Agreement wording can be sent to [mep@gov.pe.ca](mailto:mep@gov.pe.ca) for review.** Allow for up to three (3) business days for a response from MEP.

MEP regularly receives finalized Orders and Agreements drafted by lawyers and self-represented parties that contain special expenses (s.7) that MEP can't enforce. This can result in parties being frustrated that they spend time and sometimes money getting an Order with special expenses MEP can't enforce.



Remember, your whole Order is legally binding even if MEP can't enforce it (or part of it). That means that you must comply with the whole Order as it is written.

*For more information about eligibility of Orders, see **Policy 502: [Determining Eligibility of Orders](#)***

**6. I no longer want to be enrolled in MEP. Can I withdraw from MEP? If so, how?**

There are two ways to withdraw from MEP:

- i) You and the other party both agree to withdraw from MEP. You will both need to fill out "**FORM 603 – Request to Withdraw from MEP**" and submit it to MEP.
- ii) The Recipient wants to withdraw from MEP but doesn't know if the Payor wants to and/or doesn't have contact with the Payor. In this case, the Recipient will submit to MEP "**FORM 603 – Request to Withdraw from MEP**". MEP will then give notice to the Payor. If the Payor does not respond to MEP within 30 days, or if the Payor agrees to withdraw, then MEP will withdraw the file from MEP. However, if the Payor tells MEP that they do not agree to the file being withdrawn, MEP will continue to enforce the file.

You can get a copy of **FORM 603 – Request to Withdraw from MEP** in the following ways:

- By contacting MEP at (902) 894-0383 or [mep@gov.pe.ca](mailto:mep@gov.pe.ca) to request that the form be mailed or emailed to you.
- By picking up a form from the Maintenance Enforcement Office, Family Law Centre (1 Harbourside Access Road in Charlottetown).

Withdrawing from MEP must be done voluntarily. One party must not put any pressure on the other party to withdraw from MEP. If an Enforcement Officer suspects that a MEP user is being pressured to withdraw, the Enforcement Officer will notify the Director of MEP.

*For more information about withdrawing your Order from MEP, see **Policy 603 - [Voluntary Withdrawal From MEP](#)***

**7. I opted out of MEP but now I want to have my Order back in the program. Is that allowed?**

Either party has the right to opt back into MEP in the future, even if they have opted out before. However, if your file has been withdrawn before, there is a 90-day waiting period to re-enroll, unless there are exceptional circumstances. Please note that if you opt out and opt back in more than twice in a calendar year, MEP may decline to re-enroll the file.

Even if you and the other party have agreed to opt out, either party can change their mind and opt



back in, even if the other person does not want to be back in the program.

For more information about withdrawing your Order from MEP, see [Policy 603: Voluntary Withdrawal from MEP](#)

Getting information about my MEP file

#### **8. How can I access my MEP information online?**

You can access MEP information online such as:

- Enforcement actions taken,
- A list of your Orders/Agreements registered with MEP,
- Your statement of account, which shows the support obligations owing and the payments made/received.

To log onto the MEP Online Service, you need your MEP case number and 5-digit Personal Identification Number (PIN). When you registered with MEP, MEP sent you a Welcome Package that contained this information. If you have lost your MEP case number or PIN, please call (902) 894-0383 to start the steps to retrieve it.

#### **9. Can I call or email my Enforcement Officer?**

We request that MEP users do not contact their Enforcement Officer for information that is available on the MEP Online Service, in MEP's Frequently Asked Questions, or in the MEP Policy Manual.

We know it is important for you to know what's happening with your case. The easiest way for you to get information about your case is through the MEP Online Service (**see question #8**).

Please check MEP Online and MEP's FAQs before calling or emailing your Enforcement Officers. MEP will not respond to continuous emails or phone calls from MEP users requesting information that is available on the MEP Online Service or in the FAQs. Each Enforcement Officer handles hundreds of cases and needs to spend as much time as possible doing enforcement. Calls and emails to MEP staff requesting information that is already available to users takes time and resources away from Enforcement Officers that could be spent trying to collect support for Island families.

If you have difficulties accessing the MEP Online Service, please contact your Enforcement Officer so we can assist you in accessing these services.

For more information about communicating with MEP staff, see [Policy 401: Communications - General](#).





## **10. When should I contact my Enforcement Officer?**

Please contact your Enforcement Officer if:

- You move or change your telephone number or email address (you must provide MEP with your up-to-date contact information within 10 days of such a change);
- If you are the Payor and you have changed jobs, or your financial situation has changed;
- If you are the Recipient and know that the Payor has moved, changed telephone numbers, changed jobs, or has made any other significant change – for example, buying or selling a major asset, such as a car or house, or opening a new business;
- If you are the Payor and you made a direct payment to the Recipient;
- If you are the Recipient and you accept a direct payment from the Payor;
- If you are the Payor and the Recipient is insisting that you make payments directly to them instead of through MEP;
- A Court application has been started that may result in a change to your current Support Order;
- There are any changes to the parenting arrangements that may affect your support payments, such as changing from a primary to a shared parenting arrangement, or a child leaving home, etc.; or
- You think there is a mistake in MEP's payment records.

## **General**

## **11. When does child support end for my child?**

If your Court Order specifies when child support will “terminate” (i.e., end), MEP will follow what the Order says.

If there are arrears owing after monthly ongoing support ends, MEP will contact the Recipient to confirm whether the Recipient wants MEP to continue to try to collect the money that was not paid.

If your Order does not say anything about when child support will end, MEP will administratively withdraw the Order from MEP when the earliest of these events occurs:

- i. A child turns 18 and is not enrolled in a full-time education program;
- ii. A child marries or enters into a common-law relationship; or,
- iii. A child is deceased.

If you believe your child is no longer eligible for child support, please contact us.

**Please note:** If the Support Order was made outside of PEI, PEI MEP's policies and legislation about when enforcement will stop may not apply. Instead, the policies and legislation of the



province or territory where the Order was made will likely apply.

For more information about when MEP will stop enforcing child support, please see [Policy 604: Terminating Events](#)

**12. My children no longer live with my former spouse or me. What happens to the child support payments now?**

Please contact your Enforcement Officer to tell them about this change. Your Enforcement Officer may be able to provide you with information about resources that may be available to help you.

Remember that your Order is effective until it expires or the Court changes it. MEP will continue to enforce the Order as it is written unless it expires, is changed by the Court or is withdrawn from MEP, see **Question #24** for more information about changing your Order.

**13. How do I submit receipts for my child's Special and Extraordinary expenses?**

Special and extraordinary expenses can include costs for things like childcare, medical and dental expenses, tutoring, and extracurricular activities like sports and music lessons.

Receipts for special and extraordinary expenses must be submitted to MEP within 60 days of the date of the receipt you received after you paid for the expense. Please do not submit receipts more than once per month.

To submit your receipts to MEP, complete a Special Expenses Form and attach your receipts. Submit this to MEP by email, mail, or by dropping it off at the Family Law Centre.

You can get a copy of FORM 602 – Special Expenses Form in the following ways:

- By contacting MEP at (902) 894-0383 or [mep@gov.pe.ca](mailto:mep@gov.pe.ca) to request that the form be mailed or emailed to you.
- By picking up a form from the Family Law Centre (1 Harbourside Access Road in Charlottetown);

If you want a copy of any receipts you are submitting to MEP, make photocopies or scans before submitting the receipts to MEP. MEP does not provide photocopy or scanning services.

*For more information about MEP's Special and Extraordinary Expenses' policy and for a copy of the Special Expenses Form, see [Policy 602: Special and Extraordinary Expenses](#).*

**14. What happens if a Payor makes a payment directly to the Recipient?**

All support payments made on Orders registered with MEP are legally required to go through MEP. This means Payors must pay all support payments directly to MEP. If the Payor does make



a direct payment to the Recipient, either party must notify MEP of this direct payment in writing (email or letter) and provide proof of the payment. MEP may then reach out to the other party to confirm the payment. If MEP reaches out to the Recipient and they do not confirm the payment, MEP will not be able to count the direct payment as support.

The Payor can only make up to two (2) direct payments to the Recipient while registered with MEP. If both parties acknowledge that more than two direct payments were made since they registered with MEP, MEP may withdraw the file.

If, at any time, parties wish to manage support payments themselves, they can decide to withdraw from MEP. (For more information about withdrawing from MEP, see **Question #6**.)

**15. What does it mean that MEP is “neutral”?**

MEP is a neutral third party. This means that MEP does not represent the Recipient or the Payor. MEP does not advocate for one person or the other (like a lawyer would) or hear things from both parties and decide about what should be done (like a judge would). MEP cannot change Orders.

MEP is an Order-based program. MEP enforces the Support Order as it is written.

**16. I don't feel I am being treated fairly. Who can I talk to?**

We are committed to ensuring that all clients are treated with respect. We understand that enforcement decisions can be challenging for one or both parties.

MEP staff and MEP users are expected to:

- i. Treat one another with dignity and respect at all times, regardless of their ethnicity, sex, sexual orientation, age, family status or disability;
- ii. Demonstrate Courtesy, integrity, respect, and consideration of others;
- iii. Respect the needs of others to work in a positive environment; and,
- iv. Respect Family Law Centre property and the property of others.

Often, complaints are able to be resolved by the Enforcement Officer assigned to the file. Start by contacting your Enforcement Officer. If you are unable to resolve the issue directly with them, you may complete Form 404 – Complaint Form and send it to the Director of Maintenance Enforcement at [rjkilbride@gov.pe.ca](mailto:rjkilbride@gov.pe.ca).

You can get a copy of FORM 404 – Complaint Form in the following ways:

- By contacting MEP at (902) 894-0383 or [mep@gov.pe.ca](mailto:mep@gov.pe.ca) to request that the form be mailed or emailed to you.
- By picking up a form from the Family Law Centre (1 Harbourside Access Road in Charlottetown);



*For more information about MEP's Mutual Respect Policy and complaint process, see [Policy 401 Communications – General and Policy 404 - Complaints Handling](#).*

- 17. My Order says we have to exchange income tax information each year. Can you make the other party provide their income tax information for me?**

No, MEP can't.

### **Enforcement**

- 18. What happens if the Payor doesn't pay the support they are required to pay according to their Order?**

The Payor must pay what is required by their Order. It is a legal obligation. Once an Order is enrolled with MEP, we will take enforcement action to collect unpaid support.

For more information about enforcement, see [Policy 700 - Enforcement](#).

- 19. What steps can MEP take to enforce my Support Order?**

There are a variety of tools that MEP can use to enforce Support Orders if a Payor is behind in their support payments. MEP will decide what enforcement actions to take. This decision depends on many factors, including MEP's ability to locate the Payor, whether the Payor is receiving Social Assistance, the law, and MEP policy. We look at each case individually. Enforcement actions may include:

- Attempting to contact the Payor by phone or email and sending a Default Letter informing them they are behind in their support payments and are therefore subject to enforcement.
- Issuing a Payment Order to the Payor's employer.
- Information Demands/tracing – Demanding that a person or public body provide information to MEP for the purpose of enforcing the Order.
- Garnishing the Payer's bank account.
- Issuing a Federal Interception so if the Federal Government owes the Payer money (e.g., EI payments, income tax return refund, or HST cheques, that money will be paid to MEP.
- Order registered against the Payor's land, so if the property is sold, the support arrears would be paid out from the sale.
- If eligible, suspending the Payor's driver's license and registration.
- If eligible, suspending the Payor's federal licenses including passport, fishing license, firearms license etc.
- Serving the Payer and requiring them to attend a Default Hearing where the Payor would have to tell a judge why the support has not been paid.

Sometimes, we may have information from the Payor that impacts our decision to take a particular enforcement action.



Examples of situations that could impact our enforcement decisions:

- If a Payor's only source of income is Social Assistance, we cannot take that income. For confidentiality reasons, we cannot tell the Recipient this information.
- MEP can't suspend a Payor's passport unless the Payor has failed to make payments in full for three payment periods.

MEP's priority is to collect and pay out the support money owed under an Order enrolled in our program. Each decision made by MEP is to maximize the amount of money we can collect.

For more information on enforcement, see [Policy 701 - Enforcement Activities](#).

**20. If the Payor owes monthly support and support arrears, how will MEP collect the support arrears?**

If the Payor owes support arrears on top of their ongoing monthly support obligation, MEP will require the Payor to pay their monthly support obligation plus 25% of their monthly obligation. This will continue until the Payor has paid all the arrears.

There are some exceptions to the policy that MEP will require the Payor to pay 25% toward their arrears:

- If the Order specifies that the Payor will pay a different amount/percentage toward arrears; or,
- If the parties agree in writing that the Payor will pay a different amount/percentage toward arrears.

**21. The Payor doesn't owe ongoing support to the Recipient anymore but still has arrears owing. What will MEP do to collect those arrears?**

If the Payor owes support arrears only, MEP will continue to enforce the arrears if the Recipient confirms that they want MEP to do so. The Recipient must complete Form 606 – Continued Arrears Collection Request Form for MEP to continue enforcement activities to collect arrears.

You can get a copy of FORM 606 – Continued Arrears Collection Request Form in the following ways:

- By contacting MEP at (902) 894-0383 or [mep@gov.pe.ca](mailto:mep@gov.pe.ca) to request that the form be mailed or emailed to you.
- By picking up a form from the Family Law Centre (1 Harbourside Access Road in Charlottetown).

Usually, the amount of arrears that MEP will require the Payor to pay (if the Payor only owes arrears) will be equal to the monthly support amount in the Payor's most recent Order.



The same enforcement actions available if a Payor is behind in their ongoing support payments are available if a Payor is not paying their support arrears.

## **22. What is a default hearing?**

If a Payor does not pay the support they owe, the Director of MEP may apply to the Court for a Court hearing on the matter. Typically, the Director will only apply for a hearing after trying all other reasonable options to get the Payor to follow their Order. The Payor must attend the default hearing to tell the judge why they aren't following the Support Order.

MEP charges a \$200 service fee to every Payor that MEP brings to a default hearing, to help cover MEP's administrative costs for the hearing process.

*For more information about default hearings, see [Policy 701 – Enforcement Activities and Policy 703 – Payment Plans \(Default Hearing Stage\)](#).*

## **23. What are deterrent fees (late fees) and service fees?**

MEP automatically charges a deterrent fee (late fee) of \$25 per month to Payors who do not pay their full child support amount within the month (30 days) that it is supposed to be paid.

Deterrent fees are meant to discourage Payors from being behind on their support payments.

A service fee is charged when MEP takes an enforcement action against a Payor to collect support arrears because they are behind in their support payments. For example, if MEP must issue a Payment Order to the Payer's income source to garnish their income, MEP will charge the Payor a \$50 fee for this. Service fees are meant to help cover MEP's administrative costs of taking certain enforcement actions.

Deterrent fees and service fees are paid to the PEI government, not to the Recipient. Deterrent fees and service fees are only enforced after ALL amounts owing to the Recipient have been paid first. Therefore, these fees don't impact the support money owed/paid to the Recipient.

Only Payors are notified if the Payor has been charged deterrent fees or other service fees. This information is not available to the Recipient.

## **Changing your Support Order**

## **24. Can my Enforcement Officer change the amount of support in my Order?**

No. MEP does not have the ability to change your Support Order. We cannot decide if your Order is correct or change what the judge said in an Order. MEP can only enforce Support Orders. If you think your Order or Agreement should be changed, it is up to you to apply to the Court to have your Order changed or to learn more about applying to change your Support Order or Agreement.



## **25. I want to change my current Support Order/Agreement. How do I do this?**

MEP cannot help you change your Support Order or Agreement. If you want to apply to change your Order or Agreement, you may wish to reach out to one or more of the following resources:

- Child Support Services Office - Child Support Guidelines Officers (“CSGOs”) provide information and assistance to people applying to the Courts for child support or to change an existing Order or Agreement for child support. CSGOs can only assist people who don’t have a lawyer and cannot assist you with legal issues related to parenting time or decision-making responsibility. The office is neutral and can provide assistance to both parents. CSGOs are not lawyers and do not provide legal advice. There is no charge for this service. To speak to a CSGO, contact (902) 368-6220 or [csso@gov.pe.ca](mailto:csso@gov.pe.ca).
- Community Legal Information [CLI] – this non-profit organization offers:
  - a) The ‘Lawyer Referral Service’ through which you can get an appointment with a lawyer for up to 45 minutes for \$25 + HST. To make an appointment, call CLI at (902) 892-0853.
  - b) Free legal publications (online and hard copies) – visit CLI’s Family Law webpage for a list of publications about many areas of the law including child support.
- Talk to a lawyer – If you don’t have a lawyer, visit the PEI Law Society webpage for a list of PEI lawyers.

## **Inter-Jurisdictional Support Orders**

## **26. What is an Inter-Jurisdictional Support Order case?**

If both parties do not live in the same province or state, it is an Inter-Jurisdictional Support Order case, which MEP calls an ISO case. For PEI MEP to be involved, one of the parties must live in PEI.

There are two types of ISO cases:

- ISO-IN –Where the PAYOR lives in PEI and the Recipient lives outside of PEI or,
- ISO-OUT –Where the RECIPIENT lives in PEI and the Payor lives outside of PEI.

## **27. Why does it matter where the Payor lives?**

PEI MEP only has enforcement authority on PEI. This means we only have the authority to take enforcement actions against the Payor if the Payor lives in PEI.

If the Payor lives outside of PEI, the law of wherever they live applies. When the Payor lives in





another jurisdiction, which is called the reciprocal jurisdiction (RJ), the Support Order must be registered with that jurisdiction. Eligibility and enforcement actions are based on the law and policies of the RJ.

*Example:*

If the support Recipient lives on PEI and the Payor lives in Nova Scotia, it is the responsibility of Nova Scotia's Maintenance Enforcement Program to enforce the Support Order, and PEI MEP does not have control over the enforcement actions Nova Scotia uses.

**28. My case is an ISO case, and I would like MEP to enforce my Order. Can I bring a copy of my Order to MEP to register it?**

There are laws and rules for how Orders from other jurisdictions have to be registered with the PEI MEP. For MEP to enforce an Order that was not made by a PEI Court, MEP requires a certified copy of the Order. This means the Court that issued the Order has to certify that the Order is a true copy of the Order made.

If your Order was registered in another jurisdiction's maintenance enforcement program, that MEP program may be able to help you get a certified copy of your Order.

The easiest way to request a certified copy of your Court Order is to contact the Courthouse in the jurisdiction you received the Court Order from and ask them to mail a certified copy of the Order to the PEI MEP program at:

PEI Maintenance Enforcement Program  
Honourable C.R. McQuaid Family Law Centre  
1 Harbourside Access Road  
PO Box 2000  
Charlottetown, PE C1A 7N8

There may be a fee that you have to pay to get a certified copy of your Order from the Court in another jurisdiction. For more information contact the Courthouse in the jurisdiction from which you got the Order.

**29. I recently moved to PEI and have been told PEI MEP can't start enforcing my Order yet, but it was being enforced where I used to live. Why do I have to wait?**

All Orders must be reviewed by MEP to ensure they meet the eligibility for enrollment criteria that is set out in [Policy 502 – Eligibility for Enrollment](#). This applies even if a different province/territory or country (jurisdiction) was previously enforcing your Order. Different maintenance enforcement programs in other jurisdictions have different policies and laws about what obligations they consider eligible for enforcement. PEI MEP has to make sure your Support Order is enforceable by PEI MEP. To do this, we will request information from the other





jurisdiction, but we have no control over how quickly they respond to us.

**30. PEI MEP used to enforce a particular special expense, but my co-parent moved to another province and now I'm told the special expense won't be enforced anymore. Why?**

The laws and policies of maintenance enforcement programs in other jurisdictions may be different than the law and policies that apply to PEI MEP. The PEI MEP program makes our policies public, but not all maintenance enforcement programs do. PEI MEP cannot decide what enforcement decisions another maintenance enforcement program makes, how they choose to enforce your Order, or what things are eligible for enforcement in their jurisdiction.

We can request the information for you from the maintenance enforcement program in the other jurisdiction, but we have no control over how quickly that enforcement program responds or what information they provide.



## **Frequently Asked Questions Asked by Recipients**



## **QUESTIONS FREQUENTLY ASKED BY RECIPIENTS**

### **Enrollment**

**31. After my Order is registered with the Maintenance Enforcement Program (MEP), how long will it take before I start receiving support payments?**

There is no simple answer to this question. This depends on how much information we have about the Payor and whether they choose to make voluntary payments or not. The more information you as the Recipient can provide can often help to increase the chances of receiving payment sooner.

Enrollment in MEP is not a guarantee that we will be able to collect your support that the Payor is required to pay. MEP can only pay out support money to the Recipient after MEP receives this money from the Payor.

Any information you can give us about the Payor might help us collect your support, even if you think it may not be relevant. This includes information about the Payor's:

- Location;
- Job;
- Mother's last name at birth;
- Social insurance number;
- Assets – such as a car, boat, ATV, RV, or land;
- Bank accounts; or
- Mortgage.

Sometimes, circumstances beyond our MEP's control impact MEP's ability to enforce your Support Order. We do our best, but some Payors make enforcement very difficult.

Also, some Payors may have no income or assets or may be receiving Social Assistance. In these cases, it may take a long time to collect what is owed to you. However, support arrears will continue to accumulate. If Social Assistance is the Payor's only source of income, the law says that we cannot take that money. Regardless of the Payor's financial circumstances, the Payor is required to comply with their Court order. If the Payor's financial circumstances have changed since their last order, they should take steps to apply for a new Court order.

We will continue to pursue enforcement as long as your Support Order is enrolled with us.

### **Payments**

**32. Order says that my ex is supposed to pay me on the 1st day of the month, but it's now the 4th day and they still haven't paid. How come you're not taking enforcement action?**

MEP considers a Payor to be subject to enforcement action if the Payor hasn't made their full



payment within 30 days.

MEP does not take action before the 30 days (the month support payment is due) to allow for MEP staff to focus their attention on files that have not received funds within the last 30 days or at all. This also allows for payment remittance from employers which can come at different times in a month.

The goal of MEP is to maximize the support collected and disbursed, so our priority has to be focusing on the files where Payors are not making payments for the month. We appreciate your understanding.

Remember, MEP's decisions relating to enforcement activities are separate from any legal obligation a person may have to comply with a Court Order. MEP's decision to not take enforcement steps does not mean that the Payor does not have to comply with their Order. If you have concerns with whether the Payor is complying with their Order, you should speak with a lawyer.

**33. Did the Payor make their support payment for this month yet?**

MEP offers the MEP Online Service that you can use to find out how much support you have received from the Payor. By logging onto your MEP online account, you can see your payment ledger. This is the most up-to-date information that MEP has about payments on your file.

Information about the MEP Online Service is provided in the "Welcome Package" you receive when you register with MEP. This online service gives you access to information on any payments MEP has received. Please note it normally takes 3-4 business days between the Payor making a payment and the payment showing up in the Recipient's bank account and on the MEP Online Service. This is because it takes time for MEP and the banks to process payments.

We request that you do not contact your Enforcement Officer for information that is available on the MEP Online Service. The most up to date information is available through the MEP Online Service. MEP will not respond to emails or phone calls requesting information that is available on the MEP Online Service (Please see Question #8 and #9 for more information). This ensures that Enforcement Officers' time is spent focused on taking enforcement actions when support payments are not made.

**34. The Payor has applied to the Court to decrease the amount of child support they have to pay me. What can I expect to happen next?**

MEP is not involved in changing Support Orders. In certain situations, MEP may decline to take enforcement activities on a file if there is an application to change/vary a Support Order before the Court. In those cases, MEP may decide to enter into a Payor Compliance Plan with the Payor because of the Court application. The Recipient is notified in writing of the Payor Compliance Plan and provided with a copy.



We encourage you to seek legal information or advice if the Payor has applied to the Court to change the support amount (whether you disagree or agree with what the Payor is asking for). See **Question #25** for more information on resources available for legal information or assistance related to Child Support.

Note: If the Court changes your Order, you or your lawyer must send us a copy of the new Order as soon as possible. We will continue to enforce the old Order until we receive the new one. We do not get a copy of the order from the Court or the Child Support Services Office – this is your responsibility.

### **Enforcement**

#### **35. Can I tell MEP what enforcement actions to take?**

No. When your Order is enrolled with MEP, it is up to us to decide what enforcement action to take. The Maintenance Enforcement Act provides MEP with enforcement tools that are not available to you as private citizens. We will choose the enforcement action(s) we think will have the best chance of success. Remember that we want to collect the money you are owed. There are a number of things that impact the decision of an Enforcement Officer to take certain steps. We understand that this can be frustrating – we acknowledge that enforcement decisions impact you and that it is natural for you to want to know why we are doing, or not doing, something to help collect your support. However, we take privacy issues seriously. Just as we do not discuss your circumstances with the Payor, we cannot share their circumstances with you. Remember that any information you are able to tell us about the Payor's situation may help us collect your support (see **Question #38** for types of information about the Payor that can be useful to MEP).

For more information about enforcement, please see [Policy 701 – Enforcement Activities](#).

#### **36. MEP has taken enforcement action on my case, so why hasn't MEP collected the money the Payor owes me?**

Taking enforcement against a Payor does not guarantee that the money that is owed will be collected. There may be particular circumstances that affect MEP's ability to collect the support that is owed to you. Some Payors may have no legal income (working for cash) or assets, which means enforcement may take a long time. For example: If the Payor's only source of income is Social Assistance, the law says that we cannot take that income.

We understand it can be frustrating when, despite MEP's best efforts and taking all of the enforcement steps legally available to us, we cannot collect the support you are owed. We will, however, continue to try to enforce your support for as long as your Order is enrolled with us.

#### **37. What is a Payor Compliance Plan and why doesn't MEP take enforcement action during the period when the PCP is in place?**



A Payor's financial situation can change, resulting in financial hardship for the Payor. In certain circumstances - for example, if the Payor's income drops - your Enforcement Officer may agree to enter into a short-term Payor Compliance Plan ("PCP") with the Payor to give the Payor time to ask the Court to change their Support Order.

MEP cannot change the amount of support the Court has ordered the Payor to pay, but MEP does have discretion about what enforcement activities to take and when. When a PCP is in place, MEP will not take enforcement actions against the Payor for a limited period while the Payor asks the Court to change the Order (generally up to 90 days). The Payor must agree to the terms of the PCP.

When a Payor enters into a Payor Compliance Plan (PCP), MEP will notify you in writing and provide you with a copy of the PCP. For privacy reasons, we will not be able to give you all the details about why a PCP was entered into. During the period when the PCP is in place, support arrears will continue to collect on the file. However, MEP will not take steps to enforce these arrears while the PCP is in place.

If MEP agrees to enter into a PCP, the Payor will have a limited period to ask the Court for a new Order.

If there is a new order that changes the amount of support, the PCP will end, and MEP will enforce the new support amount.

If the amount does not change or there is not a new order, the PCP will end, and MEP will go back to fully enforcing the active Court order.

If the Payor does not abide by the terms of the PCP, then it will end, and MEP will go back to fully enforcing the active Court order.

For more information about Payor Compliance Plans, see [Policy 702 – Payor Compliance Plans](#)

### **Information We Need From You**

#### **38. I don't know where the Payor is living. Can you find them? How long will it take?**

We can't guarantee that we will be able to locate the Payor. Some Payors make it very difficult for us to locate them. We do our best to locate the Payor, but it is sometimes not possible. We are not an investigation agency, but we can take a lot of steps to find a Payor or their income source(s) – but specific information helps us narrow the search. We want to do everything possible within our means to collect your support. Sometimes, the biggest tool that we have is the information you know. You may have information or access to information that we don't have. Your cooperation is appreciated and helps us get the support you are owed. If you have information about the Payor's circumstances,



please contact your Enforcement Officer.

Any information you can provide about the Payor may be helpful. For example:

- The kind of work the Payor usually does;
- The Payor's mother's last name at birth;
- Social insurance number;
- Birth date;
- The Payor's previous address(es);
- Where you think the Payor banks now or even where they banked previously;
- If you think the Payor has a car payment somewhere; or
- If they have a mortgage, an ATV or RV payment, etc.

**39. The Payor has moved away from PEI. Can you still collect my money?**

We can request the other province/territory or (sometimes) country to enforce your order. We may transfer the file to the support enforcement program in the jurisdiction (province/territory or country) where the Payor reside.

If the Payor moves outside of Canada, whether we can transfer the file or not may depend on the country they move to.

Once your file is transferred to a support enforcement program in another jurisdiction, that support enforcement program will be responsible for collecting your support, making enforcement decisions, and sending PEI MEP any support they collect to be forwarded to you. The other program will take enforcement action based on their laws, policies, and enforcement tools, which may be different than ours. We cannot tell the other program what enforcement actions to take or when to take them.

If the other program cannot locate the Payor, we will still rely on you to provide information to assist that program in locating the Payor. We encourage you to provide us with any information that may help the other program collect your support. We will pass on the information you give us about the Payor to the other program, which may assist that program in collecting your support. For examples of information that could help the other program locate the Payor, see **Question #38**.

Also, at your request and within reasonable time frames (approximately every 3-6 months), we can ask the other program to provide us with an update about your file. When we receive the update, we will pass it on to you.



It is important that any questions or information you have are directed to PEI MEP and that you are not permitted to contact the other program. They will not provide you with any information because you are not their client. Contacting the other program instead of us could mean we miss important information about your file.

For more information about enrollment in another jurisdiction, see [Policy 501 - Enrollment - Overview](#).





## **QUESTIONS FREQUENTLY ASKED BY PAYORS**



## **QUESTIONS FREQUENTLY ASKED BY PAYORS**

### **General**

#### **40. I can't afford to pay the amount of support my Order says I have to pay. Can I pay less?**

No. If you have a Court Order that requires you to pay a certain amount of support, then you must pay it. It is a legal obligation.

MEP is a neutral support agency. We can't decide whether the Order is correct or incorrect. We can't do anything to change the amount that your Order says you must pay.

While your Order is enrolled with MEP, we are required to try to ensure you pay the support that your Order says you owe. However, you may be able to ask the Court to change your Support Order.

*To learn more about your options, see **Question #25**.*

It is often necessary for the Payor's income taxes to be up to date before a new Support Order can be obtained. If you would like assistance with completing your income tax for the purposes of updating your Support Order, MEP may be able to assist you to file your income taxes for free by connecting you to a volunteer with CRA's free Community Volunteer Income Tax Program. Please contact your Enforcement Officer for more information about this free service.

#### **41. Why should I pay support to my ex when they make more money than I do?**

Many factors determine the amount of child support you are legally obligated to pay. MEP can't determine or dispute the amount of child support you pay. MEP is a neutral order-based program. We must enforce the Court order/agreement the way it is written.

If you believe that circumstances have changed since your Order was made (e.g. if your income has changed or parenting time arrangement has changed, etc.), it is up to you to take steps to try to change your Order.

*To learn more about your options, see **Question #25**.*

#### **42. Why should I pay support to my ex when they won't even let me see the child(ren)?**

The amount of time you see your children is called "parenting time" (or "access"). MEP does not deal with issues relating to parenting time/access. MEP only deals with the enforcement of support. Parenting time/access is a separate issue from your child support obligation. If you have issues with parenting time/access, we encourage you to seek information from resources such as your lawyer, Community Legal Information, or the Family Law Navigator/Family Law Self-Navigation Tool.



43. **My Enforcement Officer said MEP can't enforce a section of my Order, or that MEP has "administratively withdrawn" my Order because a terminating event occurred— Does this mean I'm not obligated to pay what the judge ordered anymore?**

Not necessarily, no. A decision by MEP to administratively withdraw an Order from the program or to not enforce a section of the Order does not change any legal obligation you may have to follow the Court Order. MEP's decisions relate only to MEP's discretion to decide whether to take enforcement steps and have no connection to someone's obligation to follow a Court Order. MEP is a third-party agency that assists with the collection and disbursement (payout) of support under Orders. Not all orders are written in a way that MEP can enforce.

For example:

If an Order says that a parent must pay their child's daycare expenses directly to the daycare, MEP cannot enforce that clause because we cannot monitor payment to third parties or pay third parties directly. This means that we cannot enforce that particular clause in the Order. The person ordered to pay for daycare still has a legal obligation to follow the order.

For more information, see [Policy 502 – Determining Eligibility of Orders](#)

44. **My child is over 18. Do I still have to pay child support?**

Unless your Order/agreement specifically says you do not have to pay child support once your child turns 18, then you may have to continue to pay child support after your child turns 18. Sometimes, Orders don't say when you will stop paying child support. MEP has a policy we follow if your Order does not clearly say when your child support obligation ends.

If you believe your child is no longer eligible for child support, please contact your Enforcement Officer.

For more information on when child support ends, see [Policy 604 – Terminating Events](#).

### **Making Payments**

45. **How do I make support payments?**

Payors must pay all support payments through MEP. After MEP receives your payment, MEP will process the payment and then send it to the Recipient.

You can make payments to MEP using the following methods:

- Online Bill Payments
- In person to MEP (cash, debit, money order payments, cheques); and



- Payment Order (e.g., payroll deductions).

It is important that you talk with your Enforcement Officer about the options for payment, and which options work best to make sure you are paying your full amount of support owed each month.

For more information about making payments, see [Policy 302 – Payment Processing](#).

### **Changing your Support Order or Agreement**

#### **46. I can't afford the amount of support my Order says I have to pay because my income has decreased a lot since that Order was made. What are my options?**

If you have a Court Order that requires you to pay a certain amount of support, then you must pay it. It is a legal obligation.

However, you may be able to ask the Court to change your Support Order.

*To learn more about your options, see **Question #25**.*

In certain exceptional circumstances, your Enforcement Officer may agree to a short-term Payor Compliance Plan ("PCP") to give you time to ask the Court to change your Order. While MEP cannot change the amount of support that the Court has ordered you to pay, MEP does have discretion about what enforcement activities to take and when. If MEP agrees to enter into a PCP with you, MEP will not take enforcement actions for a limited period of time while you ask the Court to change your Order.

*For information on how to ask the Court to change your Support Order, see **Question #25***

To enter into a PCP, you must provide your Enforcement Officer with any requested documentation. For example, proof of your current income.

When you are in a PCP:

- MEP will not take enforcement actions on support or arrear payments,.
- Support arrears will continue to collect on your file,
- You must follow the terms of the PCP, and
- You will have a limited amount of time to ask the Court for a new Order, subject to the MEP Policy Manual.

MEP will notify the Recipient in writing of the PCP and provide them with a copy.

If your Order changes so that you owe a different amount of support than you did before, the



PCP will end, and MEP will enforce the new support amount in the new Order.

If your Order does not change or if you do not take steps to comply with the PCP, the PCP will end, and MEP will go back to fully enforcing the amount in the Order plus any arrears that have accumulated during the PCP period.

It is often necessary for your income taxes to be up to date before you can get a new Support Order. MEP has an arrangement with the CRA's Community Volunteer Income Tax Program which is for a volunteer who can assist Payors with their income taxes for free for the purposes of updating a Support Order.

Please contact your Enforcement Officer for more details.

*For more information about Payor Compliance Plans, see [Policy 702 – Payor Compliance Plans](#).*

#### **47. I am receiving Social Assistance, and I can't afford to pay support. What are my options?**

If you are on Social Assistance, please contact your Enforcement Officer immediately. The law says that if Social Assistance is your only source of income, MEP cannot intercept (take) your Social Assistance money. At the same time, if your Order says you owe support, being on Social Assistance doesn't change the fact that you owe support. Instead, it is up to you to get a new Order for support that reflects that you are on Social Assistance. It is important to understand that you may still have to pay child support even if you are receiving Social Assistance.

### **Enforcement**

#### **48. Why did MEP take money out of my wages/income tax refund/EI/pension benefit, etc. without my permission?**

You are legally obligated to pay the support that you owe. When your Order is enrolled with MEP, we want to work with you to encourage you to voluntarily pay the support you owe in full and on time. But we are obligated to do everything we can to collect your support if you don't pay. We are allowed to intercept (take) money paid to you - like your wages, tax refund, HST cheque etc. We do this when our records show that you are behind in your support payments. We don't need to ask your permission or give you notice.

MEP has the authority to attach or intercept (take) income from one or more sources, including:

- wages, salaries, and/or commissions
- pensions
- long or short-term disability payments
- Worker's Compensation Benefits
- rental properties
- employment insurance benefit (EI)



- income tax refunds
- GST credits
- bank accounts

**49. What is a federal interception, and in what circumstances can MEP intercept federal money owed to me?**

When MEP places a federal interception on a Payor, money the federal government owes to the Payor will go directly to MEP instead of to the Payor. The federal money that MEP intercepts will be paid toward the Payor's outstanding arrears.

If MEP places a federal interception on a Payor, MEP can intercept income from one or more federal sources, including:

- employment insurance benefits (EI)
- income tax refunds
- GST credits
- Canada Pension Plan (CPP) (including disability)
- Old Age Security (OAS) payments

MEP will place a federal interception on Payors who have arrears subject to enforcement.

The interception will stay in place until the earliest of the following happens:

- The Payor no longer owes any support arrears, or
- The Payor's Support Order is no longer enrolled with MEP.

**50. How much of my income can MEP take (intercept/attach)?**

We can intercept 100% of your income up to the amount of your monthly obligation, plus 25% of the monthly amount to be paid toward your arrears (if you owe ongoing support + arrears) up to the full balance owing on your file. This means that if you have money coming in from a tax refund, we will take all of it if it pays off some or all of your arrears. It is our priority to collect support and arrears in full.

**51 MEP ledger says I owe \$2,000.00 in support arrears; this does not match my records. What should I do?**

If you disagree with the amount of arrears MEP says you have, please contact your Enforcement Officer. An audit may be done on your case, if necessary. This means a MEP staff member will review your ledger to make sure it is correct. If, through the audit, we find an error on the ledger, we will take steps to correct the error and notify both you and the Recipient.

