

# Frequently Asked Questions about the PEI Maintenance Enforcement Program

Updated March 2021

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 adult 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.

More information about the Maintenance Enforcement Program can also be found in MEP’s policy and procedures manual, available here: <https://www.princeedwardisland.ca/en/publication/maintenance-enforcement-policy-procedures-manual>

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

## **Enrollment**

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

All child support Orders in PEI are supposed to be enrolled in MEP.

Written Agreements that involve child support or spousal support can also be enrolled in MEP, but the Agreement has to be filed with the Court first (see Question 2, below).

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

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

- Download a Microsoft Word version of the form (fillable);
- Download and print PDF version of the form (not fillable);
- Contact the Family Law Centre 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).

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  
Family Law Centre  
1 Harbourside Access Rd, PO Box 2000  
Charlottetown, PE C1A 7N8

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

To have your support agreement enforced through MEP, you must first file your agreement with the court. MEP will only register support agreements that have been court-filed.

To register your support agreement with the court, you will need to bring at least 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 or ask the Deputy Registrar at the courthouse for one. When the court files your Agreement, the court will keep one copy of your Agreement and give you back the other court-stamped copies. You can then file one of the court-stamped copies of your Agreement with MEP at the same time you give MEP 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.

However, if an Order is enrolled in MEP and the Payor does not pay their support on time, the Payor may be charged late fees. Or, if MEP has to take enforcement actions to collect the support owed, like suspending the Payor's driver's license, the Payor may be charged a fee.

#### **4. 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) If you and the other party both agree to withdraw from MEP, then you will both fill out FORM 603 – Request to Withdraw from MEP and submit it to MEP.
- ii) If you are the Recipient and you want to withdraw from MEP (but you don't know if the Payor wants to and/or you don't have contact with the Payor), you will submit FORM 603 – Request to Withdraw from MEP. MEP will then give notice to the Payor that you want to withdraw from MEP, and if the Payor does not respond to MEP within 30 days, or if the Payor agrees to withdraw, then MEP will withdraw your file from MEP. But if the Payor tells MEP that she/he does 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 printing a copy of this form from [Policy 603 of the MEP Policy Manual](#);
- By contacting MEP at (902) 368-0383 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);

It is important that if parties want to withdraw from MEP, they are doing so completely voluntarily. One party should not be putting 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](#).*

#### **5. I opted out of MEP a while back 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. Also, parties should be aware that if you opt out and opt back in more than twice in a calendar year, MEP may decline to re-enroll the file.

Remember that 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 on withdrawing an Order from MEP or re-enrolling, see [Policy 603 in the MEP Policy manual \("Voluntary Withdrawal from MEP"\)](#).*

## **Getting information about my MEP file**

### **6. What is the MEP Online Service and how can I access it?**

The MEP Online Service is a website that you can log into where you can access information about your MEP file. It can provide you with information about your file. Once you log in to your account, you can do things like request a Payment Summary (Ledger), find out when the most recent payment was received by MEP, and determine how much money may be owed on your file.

To log onto the MEP Online Service, you need your MEP case number and 4-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 retrieve it.

### **7. Can I call or email my Enforcement Officer whenever I want to?**

No. 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 that 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 5*). Using the MEP Online Service, you may request a Payment Summary, find out when your most recent payment was received, and determine how much the Payor may owe in missed payments. When you registered with MEP, we sent you a Welcome Package that contained information about MEP's Online Service.

You are expected to check MEP Online and MEP's FAQs before calling or emailing your Enforcement Officer to request information that is available in these resources. **MEP will not respond to 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 electronically takes staff time and resources away from time Enforcement Officers could be spending trying to collect support for Island families.

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

*For more information about communicating with MEP staff, see [Policy 401 of the MEP Policy Manual](#).*

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

Please only 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, and tell MEP about any changes to your 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 – e.g. 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 Payor and the Recipient is insisting that you make payments directly to her/him 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 our payment records.

## **General**

### **9. 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, and the support will end when the Order says so. For example, if your Order says child support will stop when your child turns 18, MEP will stop collecting child support when your child turns 18.

This does not mean that if arrears are owed on a file (meaning the Payor missed paying some child support) that all enforcement stops when your child turns 18. 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:

- a) The child turns 18 and is not enrolled in a full-time program of education;
- b) The child marries;
- c) The child turns 22 years of age; or
- d) The child dies.

If MEP administratively withdraws your Order, this does not necessarily mean that support is no longer required to be paid. It just means that MEP is not going to continue to be involved in the collection and payment of support.

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

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

Please note that in cases where only one party lives on PEI (and the other party lives in another Canadian province or territory), and the support Order was made outside of PEI, PEI MEP's policies and legislation about when support will stop being enforced may not apply. Instead, the policies and legislation of the province or territory where the Order was made will likely apply.

**10. 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 and for information on what to do or what resources may be available to help you.

Remember that your Order is in effect until it expires or is changed by the court. Unless your Order expires, is changed by a judge or the Order is withdrawn from MEP, we must enforce the Order as it is written (*See Question #22 for more information about changing your Order*).

**11. How do I submit receipts for my child's Section 7 expenses (special or extraordinary expenses)?**

Many support Orders say that, in addition to basic monthly support, the parties will share the costs of their children's Section 7 expenses (special or extraordinary expenses). Section 7 expenses can include costs for things like childcare, medical and dental expenses, tutoring, and extracurricular activities like sports and music lessons.

Receipts for Section 7 Expenses have to be submitted to MEP within 60 days of the date of the receipt, and should not be submitted more than once per month. Receipts for expenses incurred over 60 days ago will generally not be processed by MEP.

To submit your receipts to MEP, fill out a Section 7 Expenses Statement (Form 602) and attach your receipts. Submit this to MEP by email, mail, or by dropping it off at the Family Law Centre.

If you want to have a copy of any receipts that you are submitting to MEP, you will need to make photocopies or scans before submitting the receipts to MEP. This is because MEP does not provide photocopy or scanning services.

*For more information about MEP's Special and Extraordinary Expenses' policy and for a copy of Form 602 (Section 7 Expense Statement Form), see [Policy 602 of the MEP Policy Manual](#).*



## 12. 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.** Therefore, **Payors must pay all support payments through MEP.** This ensures MEP's records about your file stay accurate and that appropriate enforcement action is taken on your file.

If the Payor does make a Direct Payment to the Recipient that the Payor wants MEP to count as support, the Payor must notify MEP of this Direct Payment in writing (email or letter). MEP will then reach out to the Recipient to confirm the payment. If the Recipient confirms she/he received the payment, MEP will adjust the parties' account (ledger) accordingly. However, if the Recipient does not confirm the payment, MEP will not be able to count the Direct Payment as support.

MEP will only allow the Payor to make up to two Direct Payments to the Recipient while they are registered with MEP. In other words, the Payor will only get credit for a maximum of two Direct Payments on the MEP ledger (statement of account). Also, if both parties acknowledge that additional Direct Payments were made since they registered with MEP (after the first two times), MEP may withdraw the parties' file from MEP.

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 #3).*

## 13. What do you mean, 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 make a decision 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.

## 14. I don't feel my case is being handled fairly. Who can I talk to?

MEP is a neutral program, meaning that we do not favour the Payor or the Recipient. We are committed to treating all of our users with courtesy and respect and to ensuring that every case is handled fairly.

If you have any complaints or concerns about the way your case is being handled, we want to know about it. Please deal with us directly.

Start by contacting your Enforcement Officer. If you are unable to resolve your complaint directly with your Enforcement Officer, you may complete Form 404 (Complaint Form) and send it to the Director of Maintenance Enforcement at [dfwalshlyle@gov.pe.ca](mailto:dfwalshlyle@gov.pe.ca).

*For more information about MEP's complaint process, and for a copy of Form 404 (Complaint Form), see [Policy 404 of the MEP Policy Manual](#).*

## **Enforcement**

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

If there is an Order that requires the Payor to pay a certain amount of support, then the Payor must pay it. It is a legal obligation. Once an Order is enrolled with MEP, we are required to try to ensure that support gets paid on time and in the amount required by the Order.

If a Payor does not meet their support obligation, MEP will take enforcement action to collect the support owed.

*For more information about enforcement, see [Section 700 of the MEP Policy Manual](#).*

### **16. 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 gets to decide what enforcement actions will be taken against a Payor, and this can depend 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.

If a Payor is behind in the support payments, the first steps MEP will usually take are writing a letter or email to the Payor and/or making a collection call to the Payor.

The enforcement action that MEP uses most often is called a 'Payment Order'. A Payment Order is where we require someone who owes the Payor money (most often this is the Payor's employer), to pay it directly to MEP. This is called "attaching" (or sometimes "garnishing") income. A Payment Order can be applied to almost any type of income, including pensions, Workers' Compensation benefits, rental income or other assets. We may also attach (take) money that the federal government owes the Payor, such as an income tax refunds, Employment Insurance benefits or GST credits.

MEP also has the ability, in certain circumstances, to request that a Payor's driver's license or federal license (e.g. passport) be suspended. MEP can also bring the Payor to court for a default hearing, where the Payor will explain to the judge why they aren't paying their support.

Sometimes, we may have information from the Payor that impacts our decision to take a particular enforcement action. For example, if a Payor's only source of income is Social Assistance, we cannot take that income and, for privacy law reasons, we cannot tell the Recipient that the Payor is receiving Social Assistance. Another example is that, by law, MEP can't suspend a Payor's passport unless the Payor has at least \$3,000 in arrears or has failed to make payments in full for three payment periods.

Remember, our 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](#).*

**17. 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 monthly support obligation, MEP will require that the Payor pay their monthly support obligation *plus* 25% of their monthly obligation, until the Payor has paid all of the arrears. (Note that this is subject to our policy, Agreement by the parties, or if the parties' Order specifically says how much the Payor has to pay toward their arrears).

*Example:* An Order is registered with MEP that says that Alex has to pay child support of \$200 month, and Alex owes \$500 for past child support. Every month, until Alex's arrears are paid off, MEP will charge Alex his \$200 monthly support obligation plus 25% of the monthly obligation, which is \$50 (because 25% of \$200 is \$50), to put against Alex's arrears of \$500. Once Alex's arrears of \$500 are paid, Alex will only be charged the monthly support amount of \$200 after that.

Also, if a Payor has arrears outstanding for 45 days or more, MEP will place a federal interception on the Payor. This means that MEP can intercept (take) money that the federal government owes the Payor to put toward the Payor's arrears (e.g. a tax refund).

**18. If 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 (meaning the Payor does not owe any monthly ongoing support), MEP will continue to try to collect the arrears that the Payor owes if the Recipient confirms that they want MEP to do so.

If the parties' Order doesn't specify the monthly amount to be paid toward the arrears, MEP will, subject to our policy or Agreement by the parties, require that the Payor pay their arrears in the monthly support amount indicated in the Payor's most recent Order. If the Payor has experienced a material change of circumstances since the most recent Order (e.g. if there has been a big change in the Payor's income), the Payor may submit to MEP their Notice of Assessment for the most recent tax year and the Payor will be required to pay the monthly Table amount pursuant to the *Federal Child Support Guidelines*, until the Payor has paid all of their arrears.

Also, if a Payor has arrears outstanding for 45 days or more, MEP will place a federal interception on the Payor. This means that MEP can intercept (take) money that the federal government owes the Payor to put toward the Payor's arrears (e.g. a tax refund).

The same enforcement actions available to MEP to use against a Payor who is behind in their ongoing support payments are available to use on a Payor who is not paying the support arrears that the Payor owes.

**19. What is a default hearing?**

If a Payor is behind in support the Director of MEP may apply to the court for a hearing on the matter. Typically, the Director will only schedule a default hearing if MEP has tried other

enforcement actions reasonably available first to get the Payor to comply with their Order. The Payor must attend the default hearing to tell the judge why she/he isn'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 of doing so.

*For more information about default hearings, see [Policies 701 and 703 of the MEP Policy Manual](#).*

## **20. 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.

This purpose of the fee is to discourage Payors from being behind on their support payments.

If a Payor that owes deterrent fees pays off 25%, 50%, 75%, or 100% of their support arrears, MEP will waive (cancel) the corresponding percentage of their deterrent fees, upon the Payor's request, and subject to the Director's discretion. For example, if the Payor owes \$5,000 in support arrears and owes \$1,000 in deterrent fees, and the Payor pays off half of their arrears (\$2,500), MEP may cancel half of the Payor's deterrent fees (\$500). MEP may waive (cancel) all of the Payor's deterrent fees if the Payor pays off all of their arrears.

Also, MEP may negotiate an arrangement with the Payor to cancel an even higher percentage or a certain dollar amount of the Payor's deterrent fees if the Payor pays a certain amount toward their support arrears within a certain period of time.

In addition to deterrent fees, service fees are charged when MEP takes an enforcement action against a Payor to collect support arrears. For example, if MEP has to take the Payor to court (for a default hearing) because the Payor is not meeting their support obligation, MEP will charge the Payor a \$200 fee for this hearing. 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. Therefore, these fees have no effect on the support money owed to the Recipient.

The Director of MEP has discretion to waive (cancel) fees in circumstances where the Director considers it appropriate. Only Payors are notified if the Payor has been charged deterrent fees or other service fees, or if any fees have been waived (canceled). This information is not available to the Recipient.

## **Changing your support Order**

### **21. 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. A good way to think of it is like this: if the judge says that, based on your income, you have to pay \$500 dollars a month in child support, the Enforcement Officer can only try and collect \$500 (and an additional amount, if you have arrears). The Payor would be very upset if the Enforcement Officer, by themselves, thought the Payor could actually afford to pay *more* than what the judge said and started to take \$700 dollars from the Payor's pay cheque every month even though your Order says \$500. It works both ways – the Enforcement Officer cannot decide to take *less* than what the judge ordered.

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, to try to negotiate a new Agreement, or to opt-out of MEP.

*To learn more about changing your support Order or Agreement, see Question #22.*

## **22. 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 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 (“CSG Officers”) provide information on child support and assistance to people applying to the courts for child support or to change child support in an existing Order or Agreement. Note that CSG Officers 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, just child support. The office is neutral and can provide assistance to both parents. CSG Officers are not lawyers and do not provide legal advice. There is no charge for this service. To speak to a CSG Officer, call (902) 368-6220.
- *Community Legal Information [CLI]* – this non-profit organization offers:
  - The ‘Lawyer Referral Service’ through which you can get an appointment with a lawyer (including about any family law issue) for up to 45 minutes for \$25 + hst. To make an appointment, call CLI at (902) 892-0853.
  - Free legal publications (online and hard copies) – visit this 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.

It is often necessary for the Payor's income taxes to be up-to-date before a new support Order can be obtained. MEP has an arrangement with the CRA's Community Volunteer Income Tax Program through which a volunteer can assist Payors to file their income taxes for free. This free program is intended for people with modest incomes. Please contact your Enforcement Officer for more information about this free service.

## **QUESTIONS FREQUENTLY ASKED BY RECIPIENTS**

### **Enrollment**

#### **23. 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. If you are able to tell us where the Payor lives and works, and if the Payor makes payments on time and in full, then your first payment should arrive within a month of your enrollment with us.

If you are not able to tell us where the Payor lives or works, and we need to search for the Payor's address, employer and assets, it will likely take longer than a month before you receive your first payment.

**Enrollment in MEP is not a guarantee that we will be able to collect your support.** 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. This includes information about the Payor's:

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

Even information that you may think isn't relevant - like the Payor's previous address or where they banked previously– can be helpful.

Sometimes, circumstances beyond our control impact our ability to collect your support. While we will do our best to collect your support payments, you should know that some Payors make it very difficult for us to collect - even going to the extent of leaving the country to avoid paying support.

Also, some Payors may have no income or assets, or may be receiving Social Assistance, which means 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.

We will continue to pursue your payments as long as your support Order is enrolled with us.

## Payments

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

We often tell MEP users that the best approach to support is to not count on support when you are budgeting. There is no way to guarantee that the payment is going to come in. Of course, we hope that everyone is going to comply with their support Order and make payments on time – and if they don't make their payment in a month we will take enforcement action. With over 1,700 files, if we tried to take enforcement action on every Payor who is a few days late, even in circumstances where every month they are making the full payment, we would not be able to focus on the files where no support is being paid or support is over a month late.

For MEP's purposes, **MEP considers a Payor to be subject to enforcement action if the Payor hasn't made their full payment within 30 days.**

*Example:* Sandy's (Payor) support Order says that Sandy must pay monthly support of \$150 on the 1<sup>st</sup> of each month. It is September 4 and Sandy hasn't made their support payment yet. If Sandy pays makes the full support payment of \$150 before October 1 (i.e. within 30 days of September 1), MEP won't begin enforcement action against Sandy. If, by October 1, Sandy still hasn't paid the full support amount of \$150 for September, MEP will start enforcement action to collect the support that Sandy owes.

We understand that having uncertainty in when your support payment is coming can be frustrating. However, the goal of MEP is to maximize the support collected and disbursed. On some of the files registered with MEP, Recipients are not receiving any payments at all or have significant arrears balances. Our priority has to be focusing on the files where Payors are not making payments for the month. We appreciate your understanding.

Remember, our 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.

### **25. 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, without having to contact your Enforcement Officer.

MEP users are provided with information about the MEP Online Service in the "Welcome Package" they receive when they register with MEP. This service gives you access to information on any payments MEP has received. By logging onto your MEP online account, you can see your payment ledger. This is the most up-to-date information that we have about payments on your file.

Please note it will normally take 3-4 days from the time the Payor makes a payment to MEP before the payment will show up in the Recipient's bank account and on the MEP Online Service. This is because payments take time to be processed by MEP and banks.

Because you have access to the most up-to-date information about payments through the MEP Online Service, we request that you do *not* contact your Enforcement Officer for information that is available on this service. **MEP will not respond to emails or phone calls from MEP users requesting information that is available on the MEP Online Service** (Please see *Question #8 for more information*). This ensures that Enforcement Officers' time is spent focused on taking enforcement actions when support payments are not made.

Please remember **that the Payor has 30 days (one month) to make their full monthly payment before MEP will start enforcement action against the Payor.**

**26. 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?**

The MEP is not involved in changing support Orders, only in enforcing them. In certain situations, MEP may decline to take enforcement activities on a file if there is an application to 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. *For more information about Payor Compliance Plans, see Question #29 and [Policy 702 of the MEP Policy Manual](#).*

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, we would encourage you to seek legal information or legal assistance. *See Question #22 for more information on resources available for legal information or assistance related to child support.*

*Note:* If the court changes your Order, it is important that you or your lawyer 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.

## **Enforcement**

**27. Can I tell you 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 a private citizen. 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 and 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 #30 for types of information about the Payor that can be useful to MEP*).

For more information about enforcement, please see [Policy 701 of the MEP Policy Manual](#).

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

We are doing our best to collect the support owed to you. However, you should know that some Payors make it very difficult for us to collect - even going to the extent of leaving the country to avoid paying support.

There are particular circumstances that affect our ability to collect the support that is owed to you. Some Payors may have no legal income or assets, which means it may take us a long time to collect what is owed to you. For example, if the Payor's only source of income is Social Assistance, the law says that we cannot take that income.

While we understand it can be frustrating, if someone has no legal income sources, despite our 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 collect your support for as long as your Order is enrolled with us.

## **29. 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 suddenly, which can result in financial hardship for the Payor. In certain circumstances - for example, if the Payor's income drops because the Payor loses their job or is unable to work because of illness - your Enforcement Officer may agree to enter into a **short-term** Payor Compliance Plan ("Plan") with the Payor to give the Payor time to ask the court to change their support Order.

While MEP cannot change the amount of support that the court has ordered the Payor to pay, MEP does have discretion about what enforcement activities to take and when. If MEP agrees to enter into a Plan with the Payor, this means that, subject to some exceptional considerations set out in our Policy, for a limited period (generally up to 90 days), MEP will not take enforcement actions against the Payor if the Payor agrees to do what MEP and the Payor agree on while the Payor asks the court to change the Order.

To enter into the Plan, the Payor will have to give MEP lots of information (for example, a lay-off notice, proof of the Payor's current income, etc.).

**When a Payor enters into a Payor Compliance Plan, MEP will notify you that a Plan is in place.** For privacy reasons, we will not be able to give you all the details as to why a plan was entered into. During the period when the Plan is in place, support arrears will continue

to collect on the file. However, MEP will not take steps to enforce these arrears while the Plan is in place.

If MEP agrees to enter into a Plan, the Payor will have a limited period to ask the court for a new Order. The Payor will either represent him/herself or hire a lawyer; MEP is neutral and cannot represent either party or assist them to complete their court documents. You will be served with the Payor's court documents, and have the opportunity to provide your own court documents in response to and attend court to tell the judge your side of the story.

If the judge agrees to change the support Order so that the Payor owes a different amount of support than they did before, the Plan will end and MEP will enforce the new support amount.

If the judge does not agree to change the support Order, the Plan will end and MEP will go back to fully enforcing the amount in the Order plus any arrears that have accumulated during the Plan period.

*For more information about Payor Compliance Plans, see [Policy 702 of the MEP Policy Manual](#).*

## **Information we need from you**

### **30. I don't know where the Payor is living. Can you find him/her? How long will it take?**

We can't guarantee that we will ever be able to locate the Payor. Some Payors make it very difficult for us to locate them. While we are not an investigation agency, we will do our best to locate the Payor. We do have the authority to request, for the purposes of enforcing a support Order, that any person or public body share with MEP any information on the whereabouts and financial circumstances of the Payor. However, it is sometimes not possible for us to locate the Payor.

Whether we locate the Payor, and how long it takes us, will depend largely on how much information you can give us. Any information you can provide about the Payor may be helpful, and can include:

- 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, a ATV or RV payment, etc.

### **31. Why do I have to tell you all this stuff about the Payor so you can find them – why can't you figure it out?**

The reason we need you to tell us information is because you know the Payor, and you know more about their history than we do. You have information that we don't have access

to. For example, we can't request information from a Payor's potential income source (e.g. employer) without knowing what that source is. There are hundreds of financial information sources – different banks and lenders, car dealers, etc. – and we have to rely heavily on you because you might have information that gives us a direction to go in. While we are not an investigation agency, 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. 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.

### **32. The Payor has moved to another province. Can you still collect my money?**

Yes. The file may be transferred to the jurisdiction (province or territory) where the Payor resides. Once your file is registered with the support enforcement program in the province where the Payor now lives, that program will be responsible for collecting your support, making enforcement decisions, and giving to us any support they collect so that we can give that money to you. If enforcement is necessary, the other program will take action based on their laws and enforcement methods, 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 to locate the Payor. We encourage you to provide us with any information that may help the other program collect your support, such as the Payor's employer, social insurance number, etc. We will pass on information you give us about the Payor to the other program which may assist that program to collect your support. *For examples of information that you might be able to provide that could help the other program locate the Payor, see question #30.*

Also, at your request and within reasonable time frames, 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.

## QUESTIONS FREQUENTLY ASKED BY PAYORS

### General

#### **33. 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 cannot decide whether the Order is correct or wrong, or do anything to change the amount that your Order says you have to pay.

While your Order is enrolled with MEP, we are required to try to ensure you pay the support that your Order says that you owe.

However, you may be able to ask the court to change your support Order. (*To learn more about options that may be available to you, see questions #22 and #39*).

It is often necessary for the Payor's income taxes to be up-to-date before a new support Order can be obtained. MEP has an arrangement with the CRA's Community Volunteer Income Tax Program through which a volunteer may be able to assist you to file your income taxes for free for the purposes of updating your support Order. Please contact your Enforcement Officer for more information about this free service.

#### **34. Why should I pay support to my ex when she/he makes more money than I do?**

If there is an Order that requires you to pay support, then you must pay it. It is a legal obligation.

Once your Order is enrolled with MEP, our role is to enforce it as-written. MEP is a neutral agency and we cannot take sides or express opinions on your Order.

If you believe that circumstances have changed since your Order was made (e.g. if your income has changed, etc.), it is up to you to take steps to try to change your Order. (*To learn more about options that may be available to you, see questions #22 and #39*).

#### **35. Why should I pay support to my ex when she/he won't let me see the kids?**

If there is an Order that requires you to pay support, then you must pay it. It is a legal obligation.

The amount of time you see your children is something called "parenting time" (or "access"). MEP does not deal with issues relating to parenting time and 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, you should speak with a [lawyer](#) or a [mediator](#), or seek information from resources such as [Community Legal Information](#).

**36. 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. It is important to remember that a decision by MEP to administratively withdraw an Order from the program or to not enforce a section of the Order does not relate to any legal obligation you may have to comply with the court Order. MEP's decisions relate only to our discretion to decide whether to take enforcement steps through MEP and have no connection to someone's obligation to comply with a court Order.

MEP is a collection agency that assists with the collection and disbursement (payout) of support under Orders. Not all Order are written in a way that MEP can enforce.

MEP is governed by the [Maintenance Enforcement Act](#). As a neutral third party, MEP cannot interpret or make decisions about Orders that are not clear. 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. It does not mean that the person ordered to pay for daycare does not have a legal obligation to pay the money as ordered.

*For more information, see [Policy 502 of the MEP Policy Manual \(Determining Eligibility\)](#).*

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

You may have to continue to pay child support after your child turns 18 if your court Order says that you do.

Sometimes, however, Orders don't say anything about when you will stop paying child support (this is why it is important to consider when support will end when talking to your lawyer or the court when getting a support Order). MEP has a policy we follow if your Order does not clearly say when your support obligation ends ([See Policy 604 - Terminating Events](#)).

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

*For more information on when child support ends, see Question #9 and [Policy 604 of the MEP Policy Manual](#).*

## **Making Payments**

### **38. How do I make payments?**

If an Order is enrolled in MEP, you are legally obligated to make your payments through MEP.

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

You can make payments to MEP using the following methods:

- Online Banking
- Direct Payment 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 304 - Payment Processing](#).*

## **Changing your support Order or Agreement**

### **39. I can't afford to pay 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?**

MEP understands that a Payor's financial situation can change suddenly, resulting in financial hardship for the Payor. In certain circumstances - for example, if your income drops because you lose your job or you are unable to work because you are ill - your Enforcement Officer may agree to a **short-term** Payor Compliance Plan ("Plan") 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 Plan with you, this means that for a limited period of up to 90 days (or as subject to the MEP Policy Manual), MEP will not take enforcement actions if you agree to do what your MEP Officer and you agree on while you ask the court to change your Order. *For information on how to ask the court to change your support Order, see question #22.*

To enter into a Plan, you will have to give lots of information to your Enforcement Officer; for example, proof of your current income.

When you enter into a Plan, support arrears will continue to collect on your file. However, MEP will not take steps to enforce these arrears during the period the Plan is in place. MEP will notify the Recipient of the Plan.

If MEP agrees to enter into a Plan, you will have 90 days to ask the court for a new Order, subject to the MEP Policy Manual. If the judge agrees to change the Order so that you owe a different amount of support than you did before, the Plan will end and MEP will enforce the

new support amount that the judge Ordered. Some times, a judge may order that some or all of the arrears that you have be forgiven (cancelled) - if that is what the judge orders, MEP will follow that.

If the judge does not agree to change your Order, the Plan will end and MEP will go back to fully enforcing the amount in the Order plus any arrears that have accumulated during the Plan 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 through which a volunteer can assist Payors to file their income taxes for free. Please contact your Enforcement Officer for more details.

**Example:** Jill (Payor) loses her full-time job where she was making \$50,000 a year. She plans to go back to school to get additional training to try to get a new job. While in school, Jill will only have time to work at a part-time job. Therefore, Jill expects she will only be making about \$16,000 while in school.

Currently, Jill is paying child support of \$431 a month to her ex-spouse, because that is what their court Order says she has to pay based on an income of \$50,000. Jill knows she won't be able to afford to pay \$431 a month because she'll be making a lot less money now. Jill makes an appointment with her MEP Officer. She brings all of her documents to her MEP Officer and they agree to a Payor Compliance Plan where Jill will pay \$150 a month for 90 days to give Jill time to apply for a new Order. MEP will notify the Recipient of this Plan.

During that 90-day period, each month Jill's MEP ledger will show that she has \$281 in arrears (\$431 owed minus \$150 paid) but MEP agrees that they will not enforce the arrears for the duration of the Plan so long as Jill pays the \$150 a month.

As soon as possible, Jill makes an appointment with a [Child Support Guidelines Officer](#), who will assist Jill to complete a court application to ask a judge to change the support amount she has to pay.

Approximately 60 days into the Payor Compliance Plan, the Judge makes an Order that says that Jill has to pay \$117 dollars in support based on her current income of \$16,000, and the judge forgives the arrears that accumulated since the date Jill lost her job. The Payor Compliance Plan with MEP is over and Jill must pay \$117 a month going forward.

If the judge had disagreed with Jill's request to pay less child support, then MEP would cancel the Payor Compliance Plan, return to full enforcement on the \$431 a month owed under the existing Order, and work to collect the arrears that built up in the two months since the Plan started.

*For more information about entering into a Payor Compliance Plan, [see Policy 702](#).*

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

MEP understands that a Payor's financial situation can change, sometimes resulting in financial hardship for the Payor.

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.

To apply for a new Order, contact a [Child Support Guidelines Officer](#) at (902) 368-6220. Child Support Guidelines Officers provide a free government service to assist with the process of getting a new court Order.

MEP is an order-based program, so if your Order says that you owe support, support arrears will continue to accumulate on your file. Even though MEP can't take your support money if Social Assistance is your only source of income, we can still take certain enforcement actions, such as requiring you to come to court (for a default hearing) to tell a judge why you haven't applied for a new court Order.

While you apply for a new court Order, your MEP Officer may agree to a **short-term** Payor Compliance Plan to give you time to ask the court to change your Order (*see question #39 to learn more about Payor Compliance Plans*). During the Payor Compliance Plan period, MEP agrees to not take any enforcement action. It is possible that the court may agree to reduce some of the support arrears that have accumulated on your file.

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 through which a volunteer can assist Payors to file their income taxes for free. Please contact your Enforcement Officer for more details.

## **Enforcement**

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

The short answer is because we don't need your permission to take these funds. You are legally obligated to pay the support that you owe and if you don't pay it, we are allowed to intercept (take) the money that is paid to you - like your wages, tax refund, and HST cheque. We put interceptions in place when our records show that you are behind in your support payments.

We want to work with you to try to get you to pay the support that you owe in full and on time. We have policies that allow us to decline to take enforcement steps in the event that you are applying to the court to change your support amount (*see question #39 to learn more about this*). But, if you're not paying the support that you are ordered to pay for your children or your former spouse we will take your tax refund or wages. If you are not paying, we consider various enforcement options, and choose the action we think is most suitable.

When your Order is enrolled in MEP, we are obligated to do everything we can to collect it. **If you owe support money, we will take enforcement actions to collect support payments. We do not need to notify you prior to taking action.**



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

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

When an Order is registered with MEP, we are responsible for enforcing that Order. This means that we have authority to take certain actions to make sure that you make your support payments in full and on time. One action that MEP can take against a Payor who is behind in their support payments is to “intercept” (take) money owed to the Payor by the federal government. When MEP places a federal interception on a Payor, money that is owed by the federal government to the Payor will be paid 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) or Old Age Security (OAS) payments

MEP will place a federal interception on Payors that have arrears outstanding for 45 days or more.

When MEP places a federal interception on a Payor, the federal government charges a fee of \$38 per year, which the Payor has to pay.

There is a 6 to 8 week processing period from the time MEP applies for a federal interception until MEP may begin to receive money owed to the Payor by the federal government.

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

- The Payor no longer owes any support arrears
- The interception has been in place for 5 years (which is the maximum amount of time an interception can stay in place under the law; however, if the Payor still owes arrears after five years, MEP will automatically renew the interception); or
- The Payor’s support Order is no longer enrolled with MEP.

**43. 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 your monthly amount to be paid toward your arrears (if you owe arrears). It is our priority to collect the full amount of the support that you owe each month and to collect any arrears that you haven't paid. This means that if you have money coming in from something like a tax refund, we will take all of it if it pays off some or all of your arrears.

**44. My 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 that a MEP staff person would review your ledger to make sure that it is correct. If, through the audit, we find that an error was made on the ledger, we will take steps to correct the error.