

Maintenance Enforcement Program

Enforceable Orders and Agreements

FACT SHEET

This fact sheet contains information about the details that must be included in a court order or an agreement for maintenance so that the Maintenance Enforcement Program can take action to collect unpaid family support.

The *Maintenance Enforcement Act* gives the Director of Maintenance Enforcement and the staff of the Maintenance Enforcement Program (MEP) the authority to collect money owed under a maintenance order or agreement. You must have an enforceable order or agreement if you want to register with the MEP.

The director can only collect amounts that are clearly set out in an enforceable order or agreement. Sometimes the parties have to go back to court or draft new agreements or orders to provide more clarity about the support or expenses they are entitled to receive or are required to pay in order for MEP to act on their behalf. Enforceable orders and agreements must contain all the information listed below.

Child Support and Special and Extraordinary Expenses

By law, orders and agreements for child support must include:

- The names of the people paying and receiving child support;
- The names and birth dates of the children covered by the order or agreement;
- The income of the people whose income is used to determine the amount of child support; and
- The amount determined by the Child Support Guidelines table for the number of children set out in the order.

It would also be very helpful to include the following amounts in the order if they apply:

- The amount determined for a child at the age of majority or older (note: the age of majority varies between jurisdictions – it is 19 in Yukon);
- The amount of any lump sum payment or other scheduled amount payable; and
- The date on which the lump sum or first payment is payable and the day of the month or other time when subsequent payments are to be made.

If there was an outstanding amount of child support payable at the time the order or agreement was made (arrears), the amount due must be specified in the order or agreement. If the order or agreement contains a special payment schedule for arrears, the MEP must follow that schedule.

Please note that the MEP cannot currently “recalculate” child support amounts. The parties are responsible for changing orders or agreements to update the amount of child support that is payable. For example, if the paying parent’s income changes, the parties may go to court to change the order to reflect this change.

In order to enforce amounts claimed as “special and extraordinary expenses”, the order or agreement must also include:

- The details of these expenses;
- The name of the child for whom the expenses must be paid; and
- The amount OR the percentage of the expenses each party must pay when the amount of the expenses cannot be determined in advance.

The more specifically these expenses are defined, the more likely it is that the MEP will be able to accept and enforce claims for special and extraordinary expenses. The MEP may not enforce claims for such expenses if the expenses are not clearly eligible according to the order or agreement and/or the Child Support Guidelines.

It is easier to collect special and extraordinary expenses if an annual budget is assigned for all or part of these expenses. A percentage of the budget payable can then be collected and disbursed on a monthly or other regular schedule. This method makes it more efficient and predictable for the parties and MEP staff.

Example: \$240.00 has been budgeted annually for special activities for Johnny.

Johnny’s parents equally share the cost of special activities.

\$240.00 per year at 50% (half) = \$120.00

\$120.00 divided by 12 (months in a year) = \$10.00

MEP will collect and disburse \$10.00 per month towards those expenses.

Spousal Support

Orders and agreements for spousal support must include:

- The names of the people paying and receiving spousal support;
- The amount of lump sum payment or other scheduled amount payable; and
- The date on which the lump sum or first payment is payable and the day of the month or other time when subsequent payments are to be made.

FOR MORE INFORMATION, CONTACT THE MAINTENANCE ENFORCEMENT PROGRAM

address: Law Courts Building, 1st Floor, 2134 Second Ave, Whitehorse.

mail: Box 2703 (J-3M) Whitehorse, Yukon Y1A 2C6

phone: 867-456-5437

outside of Whitehorse (toll free) 1-800-617-5347

fax: 867-393-6989

e-mail: justmep@gov.yk.ca

website: www.yukonmep.ca

