

Child Support Orders with no Terminating Events (Effective April 1, 2014)

What is the Nova Scotia Maintenance Enforcement Program (MEP)?

It is a program run by the Nova Scotia Department of Justice to register, collect, and enforce court-ordered spousal and child support payments. These payments are known as maintenance. The MEP can only enforce orders that are clearly written and contain a specific dollar amount of support.

What does the Nova Scotia Maintenance Enforcement Program (MEP) do?

One of our roles is to enforce a court order.

We enforce

- support orders issued by or registered in Nova Scotia courts
- legal support agreements registered with Family Court or Supreme Court

We cannot

- determine the amount of ongoing support that must be paid
- change an existing order
- mediate disputes

The person paying the support (the payor) sends payments to us. We forward them to the person receiving the support (the recipient).

If the payments are not up to date, we can take action to enforce payments. We do this under the authority of the *Maintenance Enforcement Act*. The MEP staff person who enforces the support order is called the enforcement officer.

We try to be fair to both the payor and the recipient. We only work with the parts of the court order that deal with maintenance payments.

How long will the MEP enforce a court order if it includes a date for child support to end?

We will follow the court's instructions. The court may set a specific date or condition for when child support will end.

An example might be when the child reaches age 22 and is no longer a full-time student.

What if a court order does NOT include an end date for child support?

We will continue to enforce the order until either the payor or recipient tells us that support is no longer needed. It is up to the parties to let us know.

What happens when both parties agree that maintenance for a child is no longer required?

We can then end our enforcement. Both the payor and recipient must sign a notice to end maintenance for that child. This is our proof that we no longer have to enforce maintenance for a child.

What happens when only the payor thinks maintenance for a child is no longer required?

The payor should contact us to explain why maintenance for a child should end. We will then contact the recipient to complete a form about the child's circumstances. The recipient has 21 days to reply to us (35 days if they live outside Nova Scotia).

If we do not hear back from the recipient within the deadline, we may decline to enforce the part of the order that relates to the child for the period of time in dispute. If we decline to enforce the order, the recipient can restart the file by submitting a new enrollment kit to us.

If we hear back from the recipient within the deadline, we will forward a portion of their response to the payor. Their personal information will be removed.

When would the MEP enforce child support beyond the age of majority?

We would continue to enforce the order if the recipient says he/she continues to support the child financially and can provide **one** of the following:

- documentation from an educational institution confirming the child attends school full time
- certification from a medical doctor stating that the child cannot attend school or work full time, and is unable to leave the care of the parent with custody

If the recipient requests continued support for any other reasons, we would give the payor 21 days to dispute these reasons, in writing.

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If the payor disputes the reasons, we will notify both parties that they have one year to resolve the matter in court. During that time, we continue to enforce the order.

We stop enforcing **ongoing maintenance** if we do not receive a revised order from the court within one year and the parties remain in dispute.

We continue to enforce **arrears of maintenance**, if any, because these added up before the dispute.

Our decision does not change the actual order for maintenance. That may only be changed by order of the court. The amount is still due and owing, but the MEP will not continue to enforce the order when the parties remain in dispute.

What happens when a child no longer needs support but was included in a global order with other children?

We may enforce a reduced amount that supports the remaining children. We would calculate the new amount based on a formula.

This formula, found in the Child Support Guidelines table, is based on the number of remaining children and the payor's income at the time of the order.

The order must use the Child Support Guidelines, and the support owing must not have been different from these guidelines based on the payor's income.

NOTE: We send important, time-sensitive notices by mail requiring a signature on delivery. Please be sure to keep all contact information up to date.