

**FINAL REPORT  
MAINTENANCE ENFORCEMENT PROGRAM  
REVIEW COMMITTEE**

**Improving Client Services for Families**

**May 2015**

## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>INTRODUCTION.....</b>	<b>2</b>
<b>PROGRAM OVERVIEW .....</b>	<b>2</b>
<b>REVIEW COMMITTEE .....</b>	<b>4</b>
<b>INFORMATION GATHERING .....</b>	<b>5</b>
<b>RECOMMENDATIONS.....</b>	<b>9</b>
Communication and Program Information .....	10
Enforcement.....	12
Court Orders .....	16
Staffing Structures & Skill Sets .....	18
Technology .....	19
<b>IMPLEMENTATION .....</b>	<b>20</b>
<b>SUMMARY AND CONCLUSION.....</b>	<b>21</b>
<b>APPENDICES</b>	
A - Staff Positions and Descriptions	
B - Terms of Reference of the Review Committee	
C - Overview of Survey Results	
D - CCJS Data for Program	
E - Enforcement Continuum Policy	
F - Implementation Schedule	

## EXECUTIVE SUMMARY

In 1992 the Law Reform Commission of Nova Scotia prepared a discussion paper and issued a final report on the enforcement of maintenance obligations. It recognized that many of the difficulties associated with a change in a family unit cannot be addressed only by change to the law. It recommended a government run automatic enforcement program to assist in reducing some of the barriers to access to justice.

The *Maintenance Enforcement Program* became operational on January 1, 1996. Since that time, the Program has undergone a number of operational changes and reviews. In the fall of 2014 the Minister of Justice initiated a review of the Program focused on client service and established the Maintenance Enforcement Review Committee.

The Review Committee met formally on ten occasions. It heard from clients, staff, members of the legal profession and other interested stakeholders. The Review Committee also considered and reviewed practices and policies of the Program and practices from other Canadian jurisdictions. The Review Committee would like to acknowledge and thank all of the people that it heard from over the course of this review. The insights and experiences that were shared with the Review Committee was invaluable in preparing this report.

In the report the Review Committee has identified five areas for improving client service:

- Communication and Program Information
- Enforcement
- Court Orders
- Staffing Structures and Skill Sets
- Technology

In each of the above areas, the report lists specific recommendations for change and/or further consultation. The suggestion for the timing of implementing these recommendations is intended as a tool to assist with prioritization of recommendations. It is quite possible that some recommendations may be implemented quickly and others may require more detailed analysis. However, the Review Committee believes that each of its recommendations will result in a more positive experience for clients and stakeholder of the Maintenance Enforcement Program.

## INTRODUCTION

The Maintenance Enforcement Program (the “**Program**”) is a critical component of the network of support mechanisms offered by the Province of Nova Scotia for families. This report provides suggestions for making improvements in the Program’s client services. The report sets out a number of areas for the Program to focus on in the coming months and years. Some improvements can be initiated and implemented in the short term and others will require a long term on-going effort with the support of numerous stakeholders. However, the Review Committee believes that focusing in the areas noted in this report will help the Program provide improved client service.

## PROGRAM OVERVIEW

Prior to 1996, enforcement of maintenance payments in the Province of Nova Scotia was largely the responsibility of individual recipients and was a court-delivered service. When an order for maintenance was issued, it was paid by the payor to the recipient through the courts. The courts acted as a conduit for payments. The remedies available to a person who was owed maintenance were similar to those of any other creditor with the addition of certain maintenance specific remedies such as default hearings, security orders and receivership. Nonetheless, it was the creditor’s responsibility to retain a lawyer, locate the debtor, start proceedings and follow through with the available remedies. The process could be time-consuming, expensive, and ineffective for many people involved.

In its 1992 report “*Enforcement of Maintenance Obligation*”, the Nova Scotia Law Reform Commission found the system in place to be confusing and inadequate.<sup>1</sup> The Law Reform Commission recommended an automatic government operated enforcement program. The intent of such a system was, in part to shift the onus for enforcing an order from the judgment creditor to the government.<sup>2</sup> In 1996 the *Maintenance Enforcement Act*<sup>3</sup> (the “**Act**”) was proclaimed in force and the Program became operational. Similar programs are operational in every province and territory in Canada.

The Program is intended to assist people who have maintenance orders enrolled in the Program (often referred to as “**recipients**”) to receive payments in full, on time and in accordance with the Act and Regulations. It also serves those who are ordered to pay support (often referred to as “**payors**”) by providing a conduit through which payments can be made and recorded by a neutral body. Responsibility for administration of the Act is delegated to the Director of Maintenance Enforcement (the “**Director**”) and all powers of the Act are vested in the Director.

Nova Scotia has an “automatic enrollment process” for maintenance orders.<sup>4</sup> Section 9 of the Act requires a court order for maintenance (child or spousal) be filed with the Program within five working days of the order being issued by the Nova Scotia Provincial Family Court or

Supreme Court (Family Division).<sup>5</sup> Upon receipt of an order, the Program contacts the recipient and the payor and forwards both parties an enrollment kit. If both the payor and recipient do not want their order enforced by the Program, they can make an application to opt-out within 10 days.

In addition to circumstances where both clients have made a request to opt out of the Program, there are a number of circumstances in which the Director can decide not to enforce an order. These circumstances are set out in Section 11 of the Act and include circumstances such as when a recipient is taking measures on their own to enforce an order, when the recipient takes payment directly from a payor and when the amount of the maintenance cannot be determined. Clients may also request to have their order withdrawn from enforcement by the Program under Section 12 of the Act or give the Director notice of the termination of maintenance obligation under Section 41 of the Act.

When an enrollment kit is received by either the payor or the recipient, the Program's policy requires it to be date stamped on receipt and reviewed within five days of receipt. After enrollment in the Program is completed, a file is assigned to an enforcement officer. When the Program was first started, all files were triaged during the enrollment process and regional coordinators were assigned the more challenging enforcement cases. In more recent years, files were randomly assigned to enforcement officers without regard to the complexity of the enforcement action required. In recent months, the Program has piloted an initiative to again have files reviewed before assignment to assess the complexity of the file. If payments are being made regularly on a file for 6 months, the file is transferred to an enforcement assistant for on-going monitoring and assistance. Files that have arrears are referred back to enforcement officers for enforcement action.

Clients can contact the Program through a number of entry points. The Interactive Voice Response ("IVR") system is an automated telephone system and in the 2014-2015 fiscal year the IVR had 246,712 logins from recipients and 6240 from payors. Clients can also contact the Program through a toll-free number, fax correspondence and MEP Online. MEP Online is a web-based program that provides secure automated information about accounts 24 hours a day. It provides information on any arrears, balance owing, current enforcement actions in place and the current status of a file. It is updated once a day, at approximately midnight. Through MEP Online clients may also access a correspondence tool to send a secure message to Program staff and receive a reply. The Program does not currently have walk-in services.

When the Program began, there were seven enforcement offices located throughout the Province: Amherst, Dartmouth, Kentville, New Glasgow, Truro, Sydney and Yarmouth. The Central Enrollment Unit and Payment Processing Unit were located in Halifax with the Director. The Antigonish and Yarmouth offices were closed in May 2002 and January 2006, respectively. Further consolidation occurred in September 2010, with the closure of the Truro office. In the spring of 2013, all remaining regional Maintenance Enforcement offices were closed and enforcement services were consolidated into one office location in New Waterford. The

Enrollment and Payment Processing Units together with the Director and policy staff remain in Halifax at the head office of the Department of Justice.

In 2007 the Program was the subject of an audit by the Auditor General. The Auditor General audit was a comprehensive audit of the Program and resulted in 18 recommendations covering the operational functioning of the Program, accounting methodologies, technology and statistical information. The Department of Justice accepted the recommendations of the Auditor General and an implementation plan was developed and completed over the following 5 years.

The Review Committee was advised by Program staff that on March 31, 2014 there were 14,575 cases enrolled in the Program. The Program currently has a staffing complement of 42.5 full time equivalent positions. An additional five payment processing staff report to the Finance and Administration Division of the Department of the Justice. A description of each of the staff positions and associated responsibilities are set out in Appendix A to this report.

## REVIEW COMMITTEE

In September of 2014, the Minister of Justice announced a client service review of the Program. The review was conducted by a committee consisting of the following individuals:

- Michelle Higgins, (Chair), Team Lead & Senior Solicitor, Department of Justice
- Christine D. Delisle-Brennan, Acting Ombudsman
- Valerie A. Pottie Bunge, Executive Director, Department of Justice
- Judy M. Crump, Director of Maintenance Enforcement, Department of Justice
- Nancy MacLellan, Associate Deputy Minister, Department of Community Services
- Gregory Penny, Executive Director, Department of Justice
- Samira Zayid, Solicitor, Nova Scotia Legal Aid

The Committee's mandate was to "review the client service delivery model of the Nova Scotia Maintenance Enforcement Program and to prepare a report to the Minister with recommendations for improving the client service model of the Program." The focus of the review was client service and, as part of its deliverables the Review Committee was asked to:

- consider the rationale and desired outcomes for the Program
- complete an environmental scan of the Program
- consult with clients
- consider roles and responsibilities of staff and the staffing structure
- identify policy options and recommendations for delivery of services

The Review Committee's mandate did not include a substantive review of the legislation that governs the Program. While certain aspects of our review touch on the provisions of the

*Maintenance Enforcement Act*, a formal review of the legislation was outside of the scope of this review and was not completed. Unlike the 2007 review completed by the Auditor General, this review did not involve an audit of files. A copy of the terms of reference of the Review Committee is attached as Appendix B.

## INFORMATION GATHERING

The Review Committee held its first meeting on September 25, 2014 and had a total of ten committee meetings over its six month mandate. At the outset, the Review Committee recognized the importance of gathering information from those individuals who work in the Program, the clients who are serviced by the Program and various other stakeholders who have interaction with the Program. There were no external consultants involved in the review or preparation of this report. All consultation, research and analysis were carried out by the Review Committee with some assistance from staff at the Department of Justice.

### Staff Input

Two members of the Review Committee travelled to New Waterford to meet with staff in the consolidated office and focus groups were held with the Program staff in the New Waterford office in early October.<sup>6</sup> Similar focus groups were also held with Halifax office staff and with the legal advisors to the Program. The purpose of these focus groups was to obtain staff perspectives on the challenges faced by the Program and the areas where there are opportunities for improvement in client service. In total we met with 34 staff of the Program.

As the group delivering the service to their clients, staff had good insight into areas that could improve client service. In our consultation with staff, four broad themes emerged as areas where improvements could be made:

- staff training / skill sets / resources
- use of available technology
- information about the Program
- partnerships / information sharing

### Client Input

While staff insight is important, as a client service review, the perspective of the clients receiving the service was critical. The Review Committee considered:

- various letters and email submissions received by the Department of Justice respecting client service issues
- the Program's data on complaints
- the nature of client complaints received and tracked by the office of the Ombudsman

The Review Committee also decided to hold a focus group for recipients and payors in Halifax. Some clients expressed concern that the focus group was only available in Halifax and that participants were not remunerated for their participation. The Review Committee appreciated that this option would not be workable for all participants, but felt it was important to hear directly from the Program's clients. To ensure all clients had an opportunity to express their views, a comprehensive on-line survey was also developed, the results of which will be discussed in more detail below.

The client focus groups were scheduled for January and were advertised via the Program, Nova Scotia Legal Aid, [www.ns.familylaw.ca](http://www.ns.familylaw.ca), the Legal Information Society of Nova Scotia, the Office of the Ombudsman and various women's groups throughout the Province. A focus group session was scheduled for payors and recipients. There were only minimal responses from payors and no payor was able to attend the session. However, a telephone interview was conducted with one payor. The payor that provided direct feedback expressed concern with the lack of communication with the payors and inconsistent messaging from staff. Concern was also raised with the general negative perception that is often associated with payors in the media.

The focus group for recipients was held in late January and attended by approximately 15 people. As with other groups, the focus of the session was on opportunities and challenges for the Program. The participants in the session expressed significant frustration with the Program and, in particular, with enforcement practices of the Program and its communication. It was suggested that consistent payments would allow for more stability for Nova Scotia families. Some participants suggested that financial stability could be achieved if the Program model was changed to one in which the Province pays all maintenance support orders to recipients and the Province is responsible for any arrears. Such a change would be a fundamental change to the structure of the Program, and is outside of the scope of consideration of the Review Committee.

Similarly, participants also had concerns about the significant time and costs associated with obtaining an initial court order for maintenance and any subsequent changes. The Review Committee agrees that the inability of clients to obtain a court order in a timely and cost-effective can be a significant barrier to accessing justice. It is an unfortunate reality of society that many in need of accessing the justice system cannot afford it. While the Review Committee recognizes access to justice as a pressing issue, the solutions to this large and complex issue, is outside of this review, which is limited to the client service delivery model of the Program.

The participants in the client focus group identified the following as the top challenges/opportunities for improved client service:

#### Top Challenges

- communication
- respect / attitude
- the *Maintenance Enforcement Act* does not support enforcement
- enforcement processes



### Top Opportunities

- standardized time frame for enforcement action – given to payors and recipients as part of enrollment kit
- better / increased communication with clients, agencies and other governments
- training for staff so they understand / respect clients
- create family stability by providing consistent payments

During the focus group, clients expressed a desire to ensure that Nova Scotian families have access to the financial resources that have been ordered by the courts. Clients wanted more and improved communication with the Program and a better understanding for everyone (payors and the general public) of the purpose of maintenance support and the role of the Program. Participants also indicated a need to be treated with respect, to have more enforcement action taken on orders and to have more consistency in the actions taken by Program staff.

### Survey

In addition to focus groups, the Review Committee prepared a comprehensive on-line survey for the public.<sup>7</sup> The survey was available from mid-January to mid-February 2015 and sought feedback on enrollment, payment processing, enforcement, communications, and program information. In total we heard from 270 people through the survey. The survey provided respondents the opportunity to make suggestions for improvement and raise concerns not specifically addressed in the survey. In total, we received 753 suggestions for improvements. An overview of the survey results is contained in Appendix C. The feedback in each area suggested that there was significant room for improvement. However, the majority of people completing the survey indicated that they were satisfied or very satisfied with enrollment application process. Enforcement, communication, and program information were the areas that received the lowest satisfaction scores.

### Client Consultation Committee

The Committee liaised with the Client Consultation Committee which became operational in October 2014. The Client Consultation Committee consists of recipients and staff advisors and its purpose is to provide input on how to improve the client experience in the Program and help foster and sustain a culture of client service and innovation in the Program. The Review Committee consulted with the Client Consultation Committee to obtain feedback on the form of the survey and to get a better understanding of their client experiences and suggestions for improvements. The client members of the Client Consultation Committee identified the following as the top challenges/opportunities for improved client service in the Program:

#### Top challenges for delivering client service

- information / communication is lacking
- the Program is reactive not proactive
- stigma associated with being in the Program
- court time and costs are excessive
- lack of client contact

#### Top opportunities for improvement in client service

- awareness of the Program in the community
- focus on regularized collection and on arrears
- communication and relationship with clients (phones and on-line)
- on-line support with a focus on the children

#### Legal Profession

The final focus group that was conducted was with members of the legal profession. In total we heard from 12 lawyers in this focus group. While not all clients have legal representation, in many instances at least one of the parties to a proceeding will be represented by legal counsel or will have received advice from a lawyer during court proceedings. Lawyers have regular interaction with Program staff and offer a unique stakeholder perspective on client service. Notification of this focus group was done through the Nova Scotia Barristers' Society and through communication with the Canadian Bar Association, Family Law Section.

Similar to the other focus groups, communication was an area identified as requiring improvement. During the course of the focus group, the participants expressed frustration with policies that required them to provide written consent from their clients to communicate with the Program. This additional step resulted in delays and increased costs for their clients. Following the focus group session, this issue was brought to the attention of the Director of Maintenance Enforcement as an example of where a small change in policy could improve client service. The Review Committee is pleased to note that a change to the policy has been implemented to address this concern. The areas identified as top challenges and opportunities for this group were:

#### Top challenges

- consistency of enforcement / competency of staff
- record keeping
- access to staff and file information
- information about the Program – how it works
- timelines of enforcement

### Top opportunities

- better use of technology
- complement of well-trained staff
- more clear policy and procedures that are transparent and available
- clear information to payors about possible enforcement actions to come and information to recipients about program limits
- more information sessions about MEP

### Presentations and Research

The Review Committee also benefited from a number of presentations from various staff, including the Director of Maintenance Enforcement, the Manager of Financial Services, Enforcement Coordinators and the lawyers that provide legal advice to the Program. The Committee has also met with staff at the Department of Community Services, Income Assistance Division to gain their perspective on the Program and their views on opportunities for better coordination of client service.

In addition to the foregoing, the Review Committee has reviewed a number of the Program's policies. We also considered practices and policies utilized in other jurisdictions across Canada.

As noted above, each Canadian jurisdiction has some form of a maintenance enforcement program. Each year the Canadian Centre for Justice Statistics ("CCJS") releases data based on an annual survey of Maintenance Enforcement Programs. The survey includes data from the Newfoundland and Labrador, Prince Edward Island, New Brunswick, Alberta, Yukon and Nunavut. CCJS provides several options for analyzing MEP statistics which can result in different statistics being produced for different groups (i.e., total cases vs. total active cases). The most recent information available from CCJS is for the 2013/2014 fiscal year and was released February 24, 2015. This survey provides a valuable insight into the Program's performance and its use of enforcement mechanisms. Appendix D to this report includes copies of selected data tables related to enforcement mechanisms utilized by various programs. A detailed overview of the survey for all report jurisdictions can be found at [www.statcan.gc.ca/cansim](http://www.statcan.gc.ca/cansim) under the subject crime and justice and the subset for civil and family law.

## **RECOMMENDATIONS**

As the Review Committee considered the Program's mandate and heard from its clients and staff, it was clear that the Program provides a valuable service to families with support orders. Since its inception it has assisted families in processing court ordered payments and agreements for support. For some of its clients, the Program works well and is an efficient means of getting maintenance payments from the payor to the recipient. However, for other clients, particularly those that are not receiving regular payments or who have significant payments in arrears, the

Program has considerable room for client service improvement. When the Program is not able to enforce an order, interaction (or lack thereof) with the Program can become an additional source of frustration for both payors and recipients.

A number of themes quickly emerged in our review and were consistently raised by the various stakeholders with whom the Review Committee consulted. The Review Committee believes that focusing on the areas identified in this report will improve the client's experience with the Program.

In almost any program, no matter the degree of its effectiveness in delivering client services, there is always room for improvement. The Maintenance Enforcement Program is no exception. Over the last number of years, the Program has focused its efforts on responding to the recommendations of the Auditor General's 2007 report, which recommended better internal policies, procedures and accounting processes. It has also focused efforts on the significant changes associated with its move to a consolidated enforcement office. While significant training was provided to assist with the transition to this new location, the impact of this change on client service was considerable and the relative inexperience of enforcement staff remains a challenge for the Program. In addition to continuing to improve internal procedures, the Program needs to focus on external relations with the clients it serves.

The Review Committee has grouped our recommendations into five broad categories:

- Communication and Program Information
- Enforcement
- Court Orders
- Staffing Structures and Skill Sets
- Technology

Each of these categories represents an area where changes should be explored and improvements considered. Ensuring that maintenance orders are enforced can be a difficult task, but it is a very important one. In order to deliver this service effectively and efficiently, the Program must ensure that its clients and stakeholders also have the required information to make informed decisions and that Program staff have the information and tools necessary to deliver the Program's legislative mandate.

### Communication and Program Information

A common thread through this review and the recommendations of the Review Committee is the importance of good communication and an understanding of the Program. Communications need to be clear, timely, consistent, targeted, and in some cases, repeated. The Program impacts multiple stakeholders: recipients, payors, child beneficiaries, employers, court staff, judges,

lawyers, reciprocal jurisdictions, and Department of Community Services. It is critical that accurate, up-to-date and consistent information is available to all stakeholders about the Program and is communicated in a variety of mediums.

As indicated in the Program Overview section of this report, clients can interact with the Program and obtain Program information from a variety of sources. The medium that clients and stakeholder choose to obtain information may be dependent on the client's personal preferences, the status of their case and the information that is required at any given time. Clients want to know more information about what the Program can do, what it cannot do and when they can expect the Program to take action. It is important that everyone understand and have reasonable expectations about enforcement of orders. Clients need to know that some orders, despite best efforts of the Program will not be able to be enforced. In these cases, clients need to understand the options that are available to them.

A final aspect of communication that has been considered is the appreciation for the circumstances of the clients and stakeholders that are interacting with the Program. The emotional and financial consequences of a breakdown on a family unit cannot be overstated. In addition to facing significant financial hardship, clients of the Program may need various other community supports. It is important for Program staff to appreciate the unique circumstances of their clients and be aware of various government and community assistance to which clients can be referred. Program staff must have strong relationships and work with various government and community agencies that support their mutual clients to ensure the best possible delivery of client services. Program resources and staff should be able to refer clients to third party community partners that can provide them assistance.

#### Focus Areas:

- A. The Department of Justice should ensure that comprehensive material is available to the public (including clients and potential clients) outlining the Program's mandate, the purpose of child and maintenance support, the roles of the recipient/payor, and what the Program can/cannot do. This information should be available in a variety of mediums and should be shared with families at the earliest opportunity, including at the Parent Information Program, to ensure that all parties have reasonable expectations about the Program.<sup>8</sup>
- B. The Program is operated under a legislative regime, but many day-to-day decisions are guided by policies. It is important that clients understand the policies that guide Program staff. Plain language fact sheets should be developed outlining key policies, such as the Program's enforcement policy. These fact sheets should be made readily available to clients.
- C. The Program should review its website and consider a more user friendly client service focus. The web site should include additional FAQs, fact sheets, targeted

information for lawyers, recipients, payors, and employers, and client resources that will assist clients and stakeholders in self-accessing the information they need.

- D. Irrespective of the status of a client's file, continuing contact with the Program is important. An annual statement of account should be provided to clients and clients should be advised of the enforcement officer/assistant responsible for their case.
- E. Clients require differing information at different times through the enforcement process, based on the status of their specific circumstances. The Program should provide targeted information to clients to coincide with the enforcement action being taken at any given time. For example, if a garnishment is being initiated, clients should be advised how a garnishment is issued and the impact it may have on receipt of payments and income.
- F. The *Maintenance Enforcement Act* mandates client confidentiality. This is a critical aspect of the Program. However, the prohibition on disclosing client information can diminish the Program's ability to serve its clients. It may be beneficial to explore the benefit/risks of sharing limited client information to community partners, such as Department of Community Services and the Office of the Ombudsman, as well as legal advisors. This may require legislative changes.
- G. In addition to facing significant financial hardship, clients of the Program may need various other community supports. It is important for Program staff to appreciate the unique circumstances of their clients and be aware of various government and community assistance to which clients can be referred. Program staff and resource information should be able to refer clients to third party community partners that can provide them assistance.

## Enforcement

Enforcement of an order is the key function of the Program and when we spoke to clients it was one of the areas in which there was great frustration. The Review Committee has heard from clients who do not understand when staff will take enforcement action or the progress that is being made on enforcement. Clients have all expressed concern that not all available enforcement actions are being utilized. Some clients of the Program and Program staff have expressed the need for additional enforcement tools. For example, we heard suggestions that the Program should have the authority to revoke provincial professional licenses.

In many ways, the enforcement function of the Program is similar to a collection agency, with some important exceptions. First and foremost, unlike traditional collection agencies, the

Program has a whole host of statutory tools to assist with collection that is not available to a normal creditor seeking to enforce a judgment. However, with these additional tools come additional obligations. The Director is a statutory decision maker and as such, has an obligation to act in accordance with principles of natural justice. Natural justice includes the right to notice, the right to be heard and the right of an unbiased decision maker. These are essentially principles of fairness that the Director must use when making decisions under the Act.

The enforcement action taken by Program staff on any given file is guided by the Program's "Enforcement Continuum Policy". It is critical to the operations of the Program and guides staff in taking enforcement action on a file. A copy of this policy is attached to this report as Appendix E. This policy was created in 2012 and was most recently revised in 2014. As the Program utilizes a new caseload management tool, the Director of the Program anticipates further changes to this policy to align it with their practices.

Enforcement actions can be grouped into two broad areas: administrative and court proceedings. Program staff have a significant range of administrative mechanisms to enforce a judgment. The enforcement mechanisms available to staff are much more expansive than the rights of a creditor in a civil matter. For example, Section 31 of the Act allows the Program to issue a notice requiring any person, including the payor, a recipient, a corporation, a public body or the Crown to provide information that may assist with enforcing an order including providing information respecting income wages, assets, residence, liabilities, tax returns, etc. This is a significant tool in gathering information to enforce an order. Other available administrative mechanisms include:

- demands for information (these orders can be served on any person that may have information that would assist with enforcement)
- traces
- collection calls
- demands for payment
- suspension of driver's licenses and permits
- suspension of hunting licenses
- denial/cancellation of federal licenses, includes passports and federal professional licenses
- garnishments
- interception of federal funds
- pension attachment
- seizure of bank accounts
- liens against real and personal property
- order to provide financial information
- demands information from records of the courts

The vast majority of actions taken by various programs across the country in 2013-2014 were administrative in nature. For example, in 2013-14 the CCJS data from reporting jurisdictions indicate a total of 373,896 enforcement actions were taken; 365,804 were classified as administrative. In the Program, administrative actions can commence within seven days of a defaulted payment.

While there are significant administrative actions that Program staff can take to enforce an order, in some cases these steps are not sufficient. In addition to administrative actions, the Act also allows for the Director to seek a court hearing when a payor is in default. Section 37 of the Act includes a whole host of remedies that the court can order, unless it is satisfied that the payor has a valid reason for being unable to make the payment. The range of remedies that the court can order includes:

- payment of all or part of the arrears
- security
- bond
- periodic reporting to the court
- garnishment
- judgment
- execution order
- reporting of future address changes and employment changes

The Act also allows for the possibility of imprisonment, intermittent or continually, for up to six months. While this remedy is at the far end of the enforcement continuum, it is an available remedy that can be requested by the Director and granted by the court. Irrespective of the remedy sought by the court, requiring a payor in default to appear before the courts is a significant tool. In appropriate circumstances the Director should consider requesting the court to make such orders.

In each of 2011-2012 and 2012-2013, CCJS data indicates there was only one form of “court action” taken in Nova Scotia. In 2013-2014 the CCJS data indicates there were no court enforcement actions taken in Nova Scotia. In contrast, New Brunswick had a total of 478 court related actions in 2013-2014. While court enforcement may not be the first “tool” to be employed in any case, it is an important tool that should be utilized in appropriate circumstances.

Initial enforcement action may be a telephone call and/or a default letter. If there is no response to the initial action within 14 days, staff will issue a notice of federal interception (“NOFI”), make a demand for financial information from the payor and/or issue a notice of garnishment (“NOG”). However, any of the above actions can be hampered if Program staff do not have the requisite information about a payor. For example, in order to issue an NOFI, staff need several key identifiers about the payor. This information is not always included in the enrollment kit information or available from the recipient. In some cases when enforcement action is required,



the Program is unable to locate the payor (and sources of income) and cannot utilize federal tracing resources because they do not have key identifiers. When there is a requirement to take enforcement action, it is sometimes too late to get this information from the payor and resulting enforcement action is delayed.

In some cases, despite taking every available enforcement action, the Program will not be able to collect on an order. For example, when a payor is receiving income assistance from the Province, incarcerated, or lives in a non-reciprocating jurisdiction, the Program cannot collect. In other cases, payors may have underground sources of income that cannot be attached or the Program may not be able to locate the payor. These circumstances are unfortunate and recipients and their families suffer as a result. However, in these circumstances, additional tools are not necessarily the answer. The Review Committee is satisfied that the existing legislative mechanisms for enforcing judgments are sufficient when used appropriately.

Some of the concerns raised by clients may be addressed through the provision of additional and better information about enforcement actions, as recommended earlier in this report. However, the Review Committee believes that taking some targeted actions respecting enforcement may assist the Program (and in turn its clients) in enforcing orders and collecting maintenance.

#### Focus Areas:

- A. Staff need to understand the options for enforcement that are available. There should be on-going training to ensure that enforcement staff have a comprehensive understanding of the expansive powers that are available to them.
- B. Staff training should be followed by on-going monitoring of all files in default/arrears to ensure that staff are taking all available actions and that this is being done in a timely manner. Each case will require a determination by staff of the most appropriate enforcement action to be taken. When administrative actions are not resulting in collection, other options need to be utilized. The Program must make an effort to increase its use of court enforcement mechanisms in appropriate cases when administrative actions are not resulting in collection.
- C. A running log of enforcement actions taken on each file should be available to clients so clients can understand and evaluate the steps taken to enforce payment of their orders.
- D. The revocation of a driver's license is an existing enforcement tool, but its use can be hampered by the inability of the Program to serve a payor.<sup>9</sup> The Program should work with the Registrar of Motor Vehicles to implement a protocol for refusing to renew licenses and permits when a payor is in persistent arrears and

all payors should be advised of this possible outcome as part of the enrollment process. This is a powerful tool and is used significantly less in Nova Scotia than in other reporting jurisdictions.<sup>10</sup>

- E. Historically, files have been randomly assigned to various enforcement officers without consideration of the complexity or issues involved in enforcement. During the course of this review, there have been efforts to assign specific categories of cases to staff with special skills. The Review Committee feels that this is beneficial. While all enforcement staff should have a solid understanding of the Program from enrollment through to enforcement, there should be a focus on building strength to deal with complex and challenging enforcement cases.

## Court Orders

A court order is the foundation for all subsequent enforcement actions. It can often take a considerable amount of time and money to get a court order. When clients have an order issued, they expect the Program will be able to enforce it. However, the Program has inherent limitations; it does not (nor should it) have the authority to modify an order of the court or apply its own interpretation to an order.

When an order is issued that does not quantify the amount of support, the Program may not be able to enforce it. The Review Committee has heard considerable frustration with the inability to enforce “special expenses” and address changes in a client’s income. Special expenses, which are also known as Section 7 expenses, are expenses that are necessary because they are in the child’s best interests and are reasonable based on the family’s previous spending patterns. Examples include:

- child-care expense
- medical and dental insurance premiums
- health-care needs (i.e., orthodontics, medication or eye care)
- post-secondary education expenses
- extracurricular activities

An order may often indicate that expenses such as hockey fees or braces are to be “shared equally” by the parties. While on its face, the overall intention may be clear; it is not sufficient for the Program to enforce. The Program must have information that can be quantified and clearly indicates to whom the money is payable and when it is payable.

The Review Committee also heard about the difficulties associated with changes in income. In some cases, clients were making regular payments until they lost their job and had a significant decrease in income. In other cases, there was an increase in income of the payor. In either case, the Program does not have the authority to change the order. This can cause hardship and frustration for everyone involved. The Committee was pleased to learn that the Department of

Justice has expanded the Administrative Recalculation of Child Maintenance Program and staffed the associated position. This program allows orders issued under the *Maintenance and Custody Act* and the *Divorce Act*, to seek a recalculation of the maintenance orders based on a change in annual income without the need to return to court. This is a positive step forward and will reduce time lines for adjusting payments. It is important that this information is communicated to clients and that they understand how to apply to get this recalculation. Making the program available is a good step, but communication of its existence is vitally important to its success.

Focus Areas:

- A. It is imperative that all stakeholders, the courts, lawyers, and community legal support workers, understand the importance of using the recommended form of orders and the limitations of the Program to enforce a non-compliant form of order.<sup>11</sup> The Department should work with its partners to ensure there is adequate training and knowledge respecting the form of orders that can be enforced by the Program.
- B. In order to access federal government assistance in enforcement, such as interception of payments and searches, certain key information about a payor is required. Unfortunately, in many cases this information is not available when it is needed. It would be beneficial to explore whether court orders could include additional information, such as date of birth, mother's maiden name, etc. to assist with enforcement actions and to ensure that the requisite information needed for enforcement is available to the Program before enforcement action is required. Waiting until enforcement action is required to gather this information is too late.
- C. The enforcement of "special expenses" (also known as Section 7 expenses) remains problematic and a source of frustration for clients and staff. The expenses (which can include costs such as childcare costs, extracurricular activities, etc.) often vary from year to year and are not a set amount, and therefore cannot be enforced by the Program without the agreement of both parties. While the Review Committee does not have a solution to this problem, it recommends that this issue be brought forward to be discussed at the federal/provincial/territorial table of Directors of Maintenance Enforcement for further consideration.

## Staffing Structures & Skill Sets

The Review Committee had the opportunity to meet with many of the staff that deliver the Program. While many of the staff are relatively new to the Program, a few have been with it for many years. Staff have a diverse background and range of experiences, but are all committed to assisting families get the financial support that has been ordered.

As noted in the Program overview, the Program has a current staffing complement of 42.5 full time equivalent positions plus several staff in head office that work via the Division of Finance and Administration. Most staff are located in New Waterford and are supervised by one of three Enforcement Coordinators located in the New Waterford office. The Director and the Manager of Policies and Compliance are both based out of Halifax. Over the last several years the caseload average of enforcement officers have decreased from 606 in 2013 to 444 at the end of March 2015.<sup>12</sup> Despite this decrease, when we met with enforcement staff, they had concerns about the size of their caseloads.

While the Program has undergone considerable change as a result of the consolidation of enforcement offices into one central location, there has been little change with respect to the staffing structure of the Program. The Review Committee believes it would be beneficial to take a closer look at staff structure and the skill sets required of the various positions. The enforcement staff have benefitted from significant training programs during the transition to New Waterford. However, continuous learning is important and additional targeted training may assist in addressing some of the concerns raised by staff and clients.

### Focus Areas:

- A. A permanent senior management position in New Waterford should be considered to focus on client relations and oversee the day-to-day management of enforcement staff.
- B. No matter how much information is available on-line or through the IVR, clients need to be able to directly contact the Program staff in a timely manner. Without this ability, client frustration tends to grow and problems increase. There is a need to have dedicated staff to respond to client telephone inquiries and direct clients and stakeholders to the appropriate resources. The Review Committee appreciates that in order to implement this recommendation, reorganization of current staff and/or additional staffing resources may be required.
- C. Many of the clients who come into contact with the Program and its staff are facing pressures from other aspects of their lives. It is recommended that client service training, “Handling Conflict on the Telephone”, currently scheduled for May, 2015 be supplemented with training in empathy skills and skills to

deescalate crisis situations. The qualification and job description of these staff should be also reviewed and modified as necessary to ensure that staff responding to inquiries have the right skill set to assist the clients and that the Program is recruiting candidates with the skills essential to delivery this important service.

- D. A policy should be developed to deal with file transitioning. This policy needs to recognize the importance of notifying a client when they are being assigned a new case worker and how to minimize any disruptions or delay associated with file transitions.
- E. As part of its caseload analysis, the Program should complete a file review and determine its actual active files to ensure that active files are distributed appropriately among staff.

## Technology

Over the last few years, the Program has made significant gains in the use of technology, including the MEP Online and options for electronic banking. However, technology is constantly changing and there may be opportunities to use existing technology to deliver more effective service. It is also imperative that as technological advances are made, clients and stakeholders are made aware of the changes so they can better take advantage of them.

The Program has invested in upgrades to the IVR and MEP Online systems and installed a toll-free line for live telephone calls during business hours. Despite these investments, one of the most persistent concerns raised by clients and stakeholders during our review was the inability to get the information that was required in a timely manner. Clients and lawyers expressed frustration with being unable to reach Program staff by phone and with the return telephone model employed by the Program.<sup>13</sup> Communications between the Program and its stakeholders need to be reflective of the age in which we live. Many people prefer to get their information on-line and via email; decreasing numbers of people have land-line telephones and less people use postal mail services.

### Focus Areas:

- A. Program staff carry a significant case load. In order to optimize staff's time, the Program has recently developed a Caseload Analysis Tool. It is recommended that continued enhancements be made to the case management system to enable staff to efficiently generate the necessary documents to move a file along the enforcement continuum and that the Program should measure the effectiveness of the Caseload Analysis Tool to ensure it is operating as intended.

- B. Since the Program began a significant amount of clients have moved toward on-line banking for payment (63%) and receipt of maintenance payments (89%). Automatic payment processing is both cost and time effective, and allows the money to make its way to recipients more quickly. It is recommended that the Program actively promote the benefits of this option with an aim to have annual increases of 2-4% in automatic payments in each of the next two fiscal years. The Program should also move toward a mandatory model of on-line payments for all new recipient enrollments in the Program commencing March 31, 2016.
- C. Both payors and recipients should be notified electronically of payments received by the Program.<sup>14</sup> When a payment is received and logged into the system, an automatic notice should be generated to the payor acknowledging receipt and to the recipient notifying them that the payment is being processed.
- D. Following the issuance of a court order, clients are sent an enrollment kit. Over the last year, the Program has made significant gains in simplifying the enrollment application and reducing the time to process this application. It is recommended that the Program move towards the completion and submission of the initial application on-line by way of a fillable form to further reduce processing times.
- E. The creation of the MEP Online is a valuable tool for allowing clients to access up to date file information. It is recommended that the Program increase awareness of this tool and to explore opportunities to expand the accessibility of this tool and the Programs website to clients using various types of platforms.
- F. The Program should explore the possibility of expanding its communications with clients via email and the increased use of cellular telephones for call-backs.
- G. Staff regularly use the same letters and forms. The Program should ensure it has available appropriate templates and other automated technologies to assist enforcement staff in minimizing administrative time and potential errors associated with manually creating correspondence.

## IMPLEMENTATION

Since the Program was started almost 20 years ago, it has undergone several reviews and considerable change. This Review Committee is recommending additional changes that it believes will help improve client service. Some of these changes are already in progress. However, the Review Committee is cognizant that the changes it is recommending cannot be implemented overnight.

In making each of its recommendations, the Committee has considered the impact that the recommendation will have on client service, staffing resources and the time necessary to complete such a change. The proposed timelines for implementation and priority of each of the recommendations are set out in Appendix F. These timelines are meant to provide the Department of Justice with roadmap for ascertaining the priority of each of the recommendations. However, the Review Committee recognizes that some of the recommendations will overlap each other and that as recommendations are explored there may be operational benefits to considering certain items at different stages. In assessing the timelines of implementation of these recommendations, the Review Committee recommends the Department consult with the Client Consultation Committee. This group of clients offers a unique client perspective and will be valuable in the implementation of many of these recommendations.

Finally, the Review Committee also believes that is important to continue to monitor the effectiveness of these areas of focus. Consideration should be given to repeating the client survey that was conducted as part of this review in 24 months. A follow up survey will measure improvements in client service and ensure the Program has information about any areas identified by clients as needing attention.

## SUMMARY AND CONCLUSION

The *Maintenance Enforcement Act* was established, in part, in recognition of the need to provide collection assistance to families that are entitled to maintenance support. The Program provides a valuable service to Nova Scotia families. However, it is not a guarantee that court ordered maintenance payments will be made. The ability of the Program to enforce an order is, in part, driven by the practices and procedures of the Program. However; equally important, is the ability and willingness of a payor to comply with the order. In some cases, payors will not have the resources to comply with an order and in other cases they may have sufficient resources to allow them to evade an order. Both scenarios are unfortunate and in both cases, it is the recipients and their families that bear the impact.

While this is the reality, even in the most difficult cases, there are ways to improve the services delivered to clients. Through better communication and information about the Program and enhanced use of technology and training, the Review Committee believes the Program can meet its mandate and provide enhanced client services. It is the Review Committee's hope that information gathered through this review will assist the Program in providing better services to Nova Scotia families.

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<sup>1</sup> Law Reform Commission of Nova Scotia: Enforcement of Maintenance Obligations-Final Report, 1992.

<sup>2</sup> Ibid, p.21

<sup>3</sup> *Maintenance Enforcement Act*, SNS 1994.-95, c.6

<sup>4</sup> The Nova Scotia model, which is also referred to as an “opt-out” registration system, is also used in New Brunswick, Quebec, Ontario, Manitoba and Newfoundland. Prince Edward Island, Saskatchewan, Alberta, British Columbia, Yukon, Northwest Territory and Nunavut have an “opt-in” program. In these latter programs, the payor or recipient is required to complete registration to access the services.

<sup>5</sup> The Program also enforces maintenance orders from a number of other provinces and foreign countries with which Nova Scotia has entered into a reciprocal enforcement agreement. Requests for enforcement from reciprocal jurisdictions are processed within 20 business days.

<sup>6</sup> In order to ensure full and open participation in the focus groups, at the outset of all focus groups held with staff, clients and stakeholders, the groups were advised that their comments would not be attributable to any specific individual. Following each focus group, the participants were provided with the notes from the session and given the opportunity to provide any clarifications before the information was considered by the Review Committee.

<sup>7</sup> The survey was anonymous.

<sup>8</sup> Parent Information Program (often referred to as PIP) is a mandatory program for most court applications involving children. It assists parties involved in a custody or access court proceedings to support their children during the court process. It is offered at most Family Courts and at the Supreme Court (Family Division).

<sup>9</sup> The issuance of motor vehicle suspensions has decreased significantly between 2009-2010 (379) and 2013-2014 (188), in part as a result of a policy change requiring notice be served on the payor, satisfying the notice requirement of administrative law.

<sup>10</sup> CCJS data indicates that in 2009 – 2010 Nova Scotia initiated 379 motor vehicle license/permit suspensions and actively put in place 217 suspensions. In 2013 – 2014 these numbers had declined to 188 and 57, respectively. In contrast, in 2013 – 2014 New Brunswick initiated 831 and put in place 337. While the Review Committee was not able to ascertain any effectiveness of this tool in securing maintenance payments, it is used much more regularly in other Canadian jurisdictions.

<sup>11</sup> For orders issued in the Nova Scotia Supreme Court (Family Division), the form of order is contained in the Nova Scotia Supreme Court Practice Memorandum – Family Proceedings, Nova Scotia Civil Procedure Rules. In the Provincial Court Family matters, the form of orders are made under the consolidated Family Court rules and forms made pursuant to the *Family Court Act*.

<sup>12</sup> The Program advises decrease in average caseload is partially as a result of the changes in staffing over the transition to a consolidated enforcement office in New Waterford.

<sup>13</sup> Historically, when a client requested a return phone call via the IVR, they were required to leave a landline telephone number. If staff call back via the IVR, the IVR system is unable to leave a message on a voicemail, as the system requires the person answering the phone to make a selection from an automated menu of options.



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<sup>14</sup> While in most cases a payor will be personally making the payment, payments also come from various third parties such as employers, banks and the federal government.

# **Appendix A**

## **Staff Positions and Descriptions**

## Appendix “A” – Staff Positions and Descriptions

### **Halifax office:**

The Director is responsible for the operation of the Program in accordance with the *Maintenance Enforcement Act* and the *Interjurisdictional Support Orders Act* and other applicable provincial and federal legislation.

An Assistant to the Director is responsible for the operation of the administrative functions for the Program, record-keeping, responding to inquiries from clients and stakeholders.

### **Enrollment Unit:**

#### Manager of Policy and Compliance

This position was created in 2010 in response to a recommendation of the Auditor General report 2007. The Manager of Policy and Compliance is accountable for the development and implementation of policies and procedures, the development, implementation and evaluation of compliance measures to ensure the verification of data, policy compliance, audit functions and file review processes, for oversight of changes to the Program’s computerized case management system, and for the supervision and oversight of the Program’s Central Enrollment Unit. The position description was updated in 2011 to include oversight of the Enrollment Unit, to resolve an historic management gap in the program.

#### Operations Analyst (1)

The Operations Analyst position was created in 2012 by reallocating existing resources to respond to the program requirement for business expertise in developing and implementing changes to the case management system and the IVR system. The Operations Analyst is responsible to identify operational system deficiencies and opportunities for process improvements.

#### Registration Officer (1)

The Registration Officer is responsible for providing input in the development of policies and procedures for the Central Enrollment Unit of the Program, and for overseeing their implementation to ensure the proper enrollment of maintenance orders. The Registration Officer is also responsible, as Designated Authority Delegate, to receive and log applications under the *Interjurisdictional Support Orders Act* and provisional applications under the *Divorce Act* for the establishment or variation of support orders and provide updates on the status of these applications as required. This latter function is apart from her Program function, requiring strict controls on information.

### Enrollment Clerks (2.5)

Enrollment Clerks are responsible for the registration of maintenance orders, creating a case file and establishing a payment schedule. Clerks respond to inquiries from clients through the enrollment process.

### **Central Payment Processing Unit:**

#### Manager of Financial Services

This position was created in 2009 in response to a recommendation of the Auditor General report 2007. The Manager of Financial Services is accountable for the overall fiscal management of the Program including budget control and management of the trust account. The position oversees the payment unit.

#### Financial Coordinator (1)

The Financial Coordinator is responsible for coordinating, administering and evaluating the accounting system for the Program and for developing financial services with banking institutions.

#### Payment Clerks (3)

The payment clerks are responsible for receiving, verifying and processing all payment transactions.

### **New Waterford office:**

#### Coordinators (3)

The position description was last updated in 2006, with the stated overall purpose suggesting the position “is accountable for Maintenance Enforcement Program operation and management, which is responsible for the registration, collection, monitoring, and enforcement of court ordered maintenance”. An update is required to reflect the requirement of the consolidated structure in the New Waterford office. The three Coordinators share equal responsibility and operate as front line supervisors, with heavy operational demands.

#### Enforcement Officers (22)

Enforcement Officers have historically been hired for their collections skills. The position description emphasizes requirements of judgement, independent decision-making, discretion, negotiation and analytical skills. The position description was updated in 2008 when the position was reclassified.

#### Enforcement Assistants (6)

Enforcement Assistants are responsible for the general administration of the enforcement office, responding to telephone inquiries, and managing a caseload of Current Account cases (cases that are up to date with no arrears for at least 6 months). The position description was updated in 2011. While their responsibilities have not changed since that time, the percentage of their time devoted to telephone inquiries has increased since the transition of the toll free Client Service line to New Waterford in July 2013. Since that time the program has been examining the best means of establishing an appropriate balance for case work and client calls.

#### Interjurisdictional Support Order Enforcement Officers (ISOE) (4)

The ISOE Officer position was a new classification in 2011. Two existing Enforcement Assistant positions were redeployed as ISOE Officers to alleviate the historically high caseloads where the program has requested a reciprocal jurisdiction enforce on our behalf. ISOE Officers are responsible for managing cases in which the payor resides outside Nova Scotia and the case is being enforced by an enforcement agency in a reciprocal jurisdiction.

# **Appendix B**

## **Terms of Reference of the Review Committee**

## **Terms of Reference**

### **Nova Scotia Maintenance Enforcement Program Review Committee**

#### **Purpose**

The Committee was established by the Minister of Justice to review the client service delivery model of Nova Scotia Maintenance Enforcement Program (“MEP”) and to prepare a report to the Minister with recommendations for improving the client service model of the MEP.

#### **Scope of Review**

The review will examine the internal operations of the MEP and its ability to deliver its services to clients in a timely and efficient manner. The specific mandate includes the following:

1. Consideration of the rationale and desired outcomes for the MEP.
2. An environmental scan of existing MEP, including participation rates and collection and compliance rates, including arrears.
3. Consultation with clients on the ability of the MEP to deliver its services.
4. Consideration of the roles and responsibilities of MEP staff and the impact of the staffing structure on client service.
5. Identification of policy options and recommendations for best practices for delivery of maintenance enforcement services.

#### **Membership**

The Committee will be chaired by a lawyer with the Legal Services Division of the Department of Justice and will have representatives from:

- MEP Program, Department of Justice
- Information Management Division, Department of Justice
- Finance Division, Department of Justice
- Department of Community Services
- the Nova Scotia Family Law Bar
- Ombudsman’s Office

As is necessary, the Committee will request input and support from government staff and clients. From time to time the Committee may form working groups to address specific issues and allow it to carry out its mandate within the specified time lines.

## **MEP Client Consultation Committee**

The MEP Client Consultation Committee includes MEP clients from across Nova Scotia with a wide perspective of client experiences. It has been established to seek input on new programs and initiatives related to client service.

The Committee will consult extensively with the MEP Client Consultation Committee to gain a better understanding of client experiences and suggestions for client service improvements. Feedback from the MEP Client Consultation Committee will be a standing item for consideration at each meeting of the Committee.

## **Meetings and Activities**

The Committee will hold its first meeting on or before September 30, 2014 and will meet monthly thereafter in Halifax. The Committee will meet in person and will also utilize video conferencing services to ensure optimal participation in its meetings.

As necessary, the Committee and its working groups will gather information from clients across the Province, including at the MEP Offices in Halifax and New Waterford.

Specific activities of the MEP Review Committee will include:

- Meeting with MEP staff to discuss roles, responsibilities and suggestions for increased efficiency and effectiveness in service delivery.
- Reviewing staff training programs.
- Meeting with and reviewing feedback from the MEP Advisory Group.
- Reviewing client surveys and other client feedback.
- Reviewing the 2007 Auditor General's report and the Department of Justice response.

## **Deliverables**

The Committee will deliver an interim report to the Minister by December 31, 2014 and a final report on its finding on or before March 31, 2015. The final report will include:

- An overview of the MEP, including its deliverables.
- An identification of best practices for maintenance enforcement services.
- Identification of the MEP challenges and opportunities for improvement in client service.
- Feedback from clients on the ability of the MEP to deliver its mission.
- Recommendations for short and long term strategies to achieve increased ability to effectively deliver maintenance enforcement services in Nova Scotia.



# **Appendix C**

## Overview of Survey Results



# MEP Online Client Survey Results OVERVIEW



# Background

- Online survey which ran January 6 to February 10, 2015 with the number of respondents varying between 221 to 270 depending on the question.
- No personally identifying information was collected.
- 27 questions grouped by topic areas
  - Enrollment
  - Payment processing
  - Enforcement
  - Communication
  - Availability/quality of program information
  - Overall satisfaction with different program areas
  - Background information on respondent.
- Online surveys have possible limitations:
  - Representativeness
  - Quality/integrity of information collected versus other methods



# Respondent Characteristics

## Role

- Large majority were recipients (92%)

## County of residence

- Responses from all NS counties except for Richmond and Victoria.
- 36% of respondents from Halifax and 17% from Cape Breton

## Currently enrolled in program

- Large majority of respondents (99%) were currently enrolled

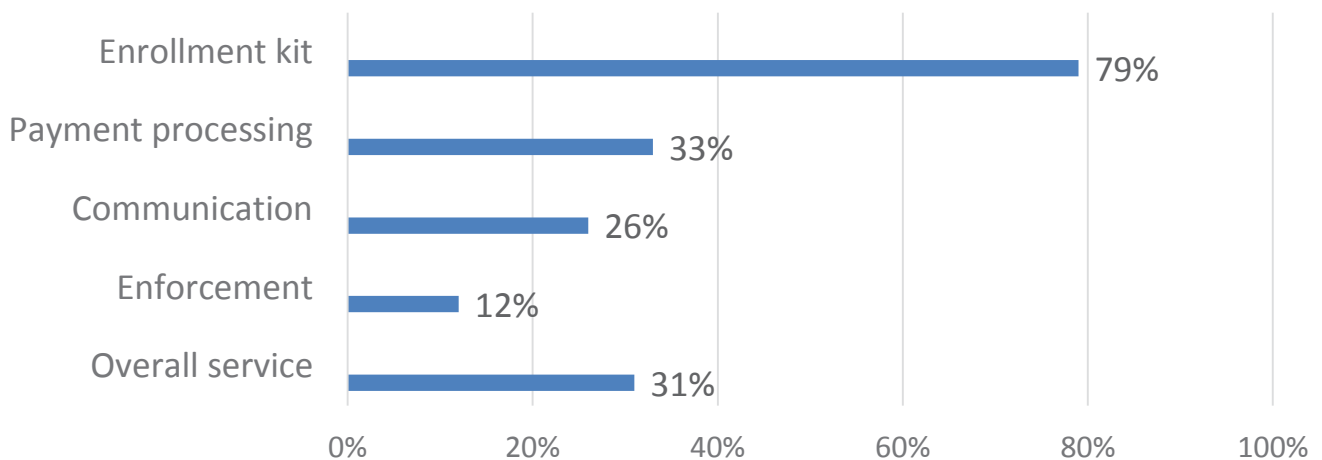
## Length of time enrolled

- More than three-quarters (77%) of those completing the survey had been in the program 3 years or more.



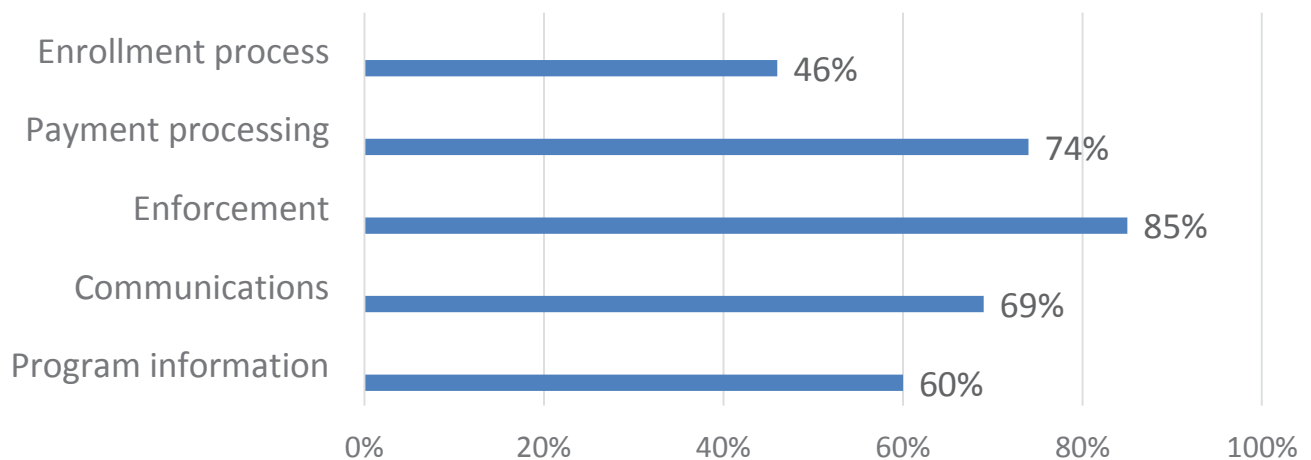
# Overall Satisfaction by Program Area

Percent respondents – ‘Very satisfied’ or ‘Satisfied’ by  
Program area



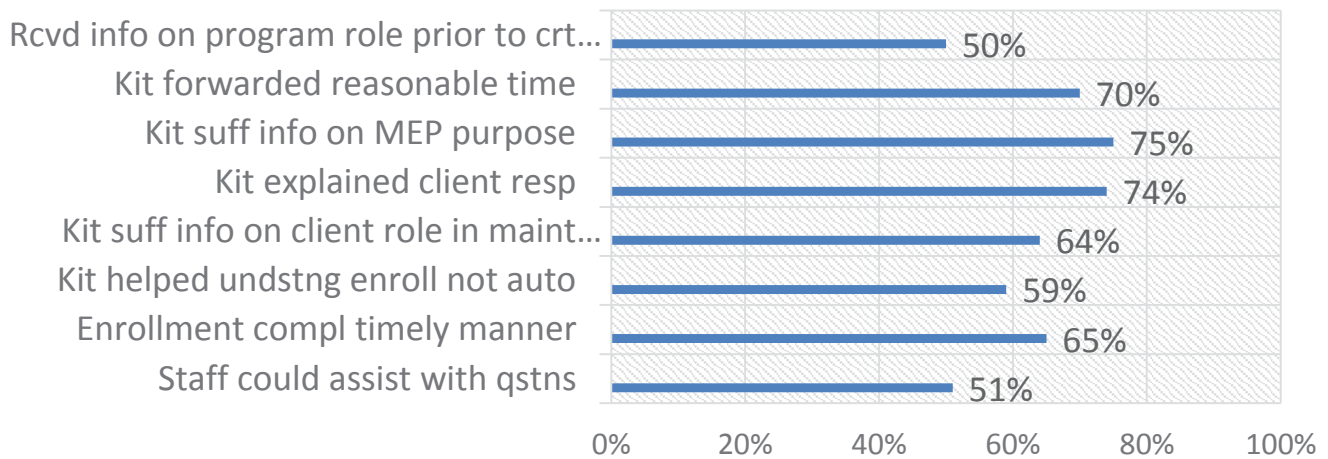
# Importance to Improve Program by Area

Percent respondents indicating that it is 'Very important' for improvements to be made in that area

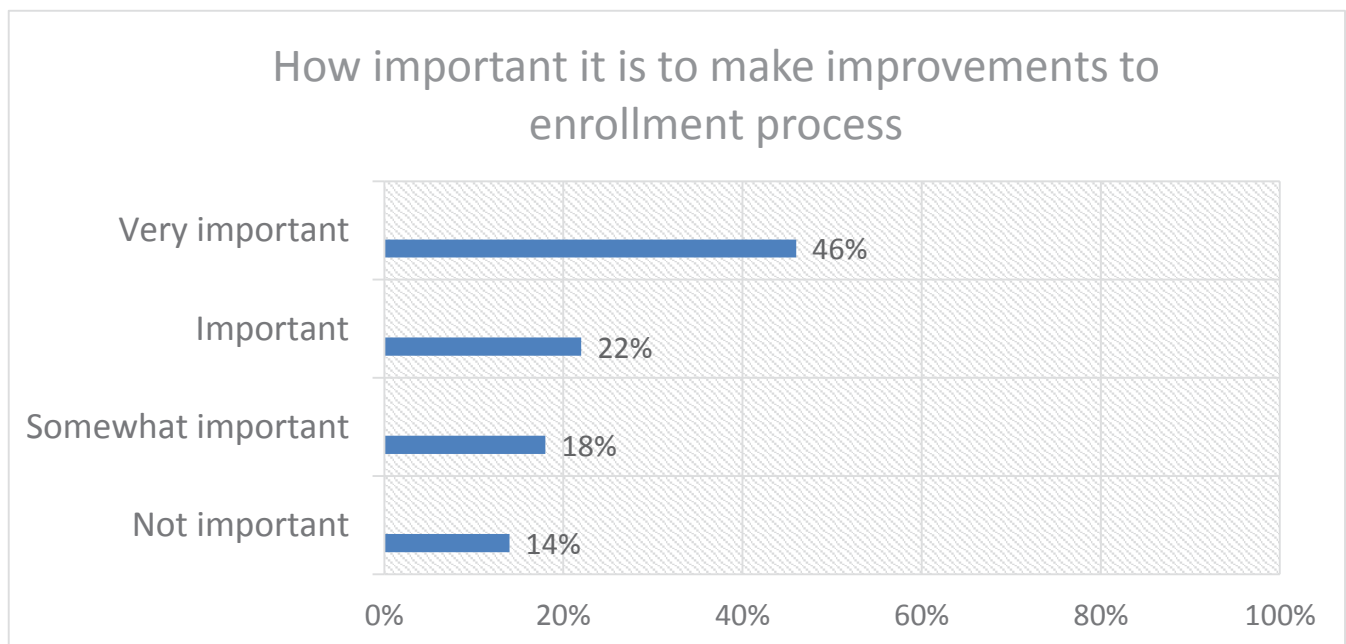


# Enrollment

Percent respondents – ‘Strongly agree’ or ‘Agree’ with statement about enrollment



# Enrollment





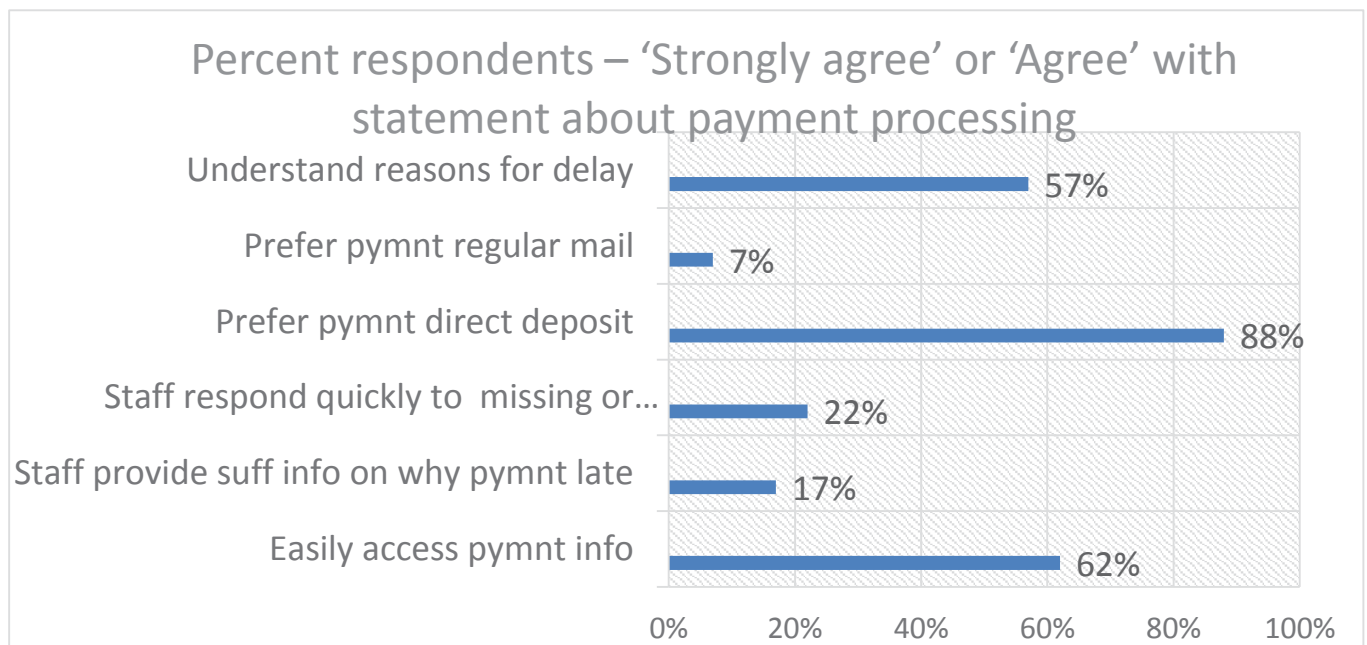
# Suggestions for improving Enrollment

## - Themes

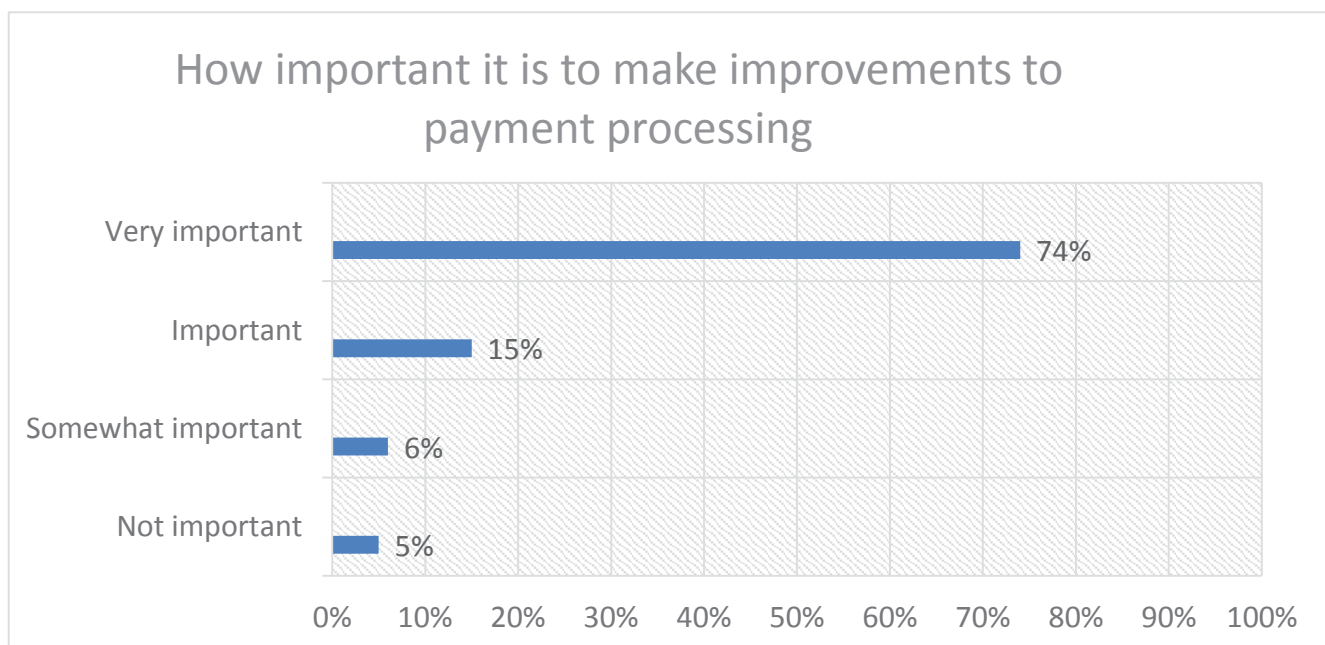
- Better turnaround times/quicker process
- Being able to communicate directly with staff either by phone or walk-in office
- More proactive approach by program in dealing with clients
- Simplified forms/process
- Better customer service
- Make better use of technology e.g., have an option for online enrollment, etc.



# Payment Processing



# Payment Processing



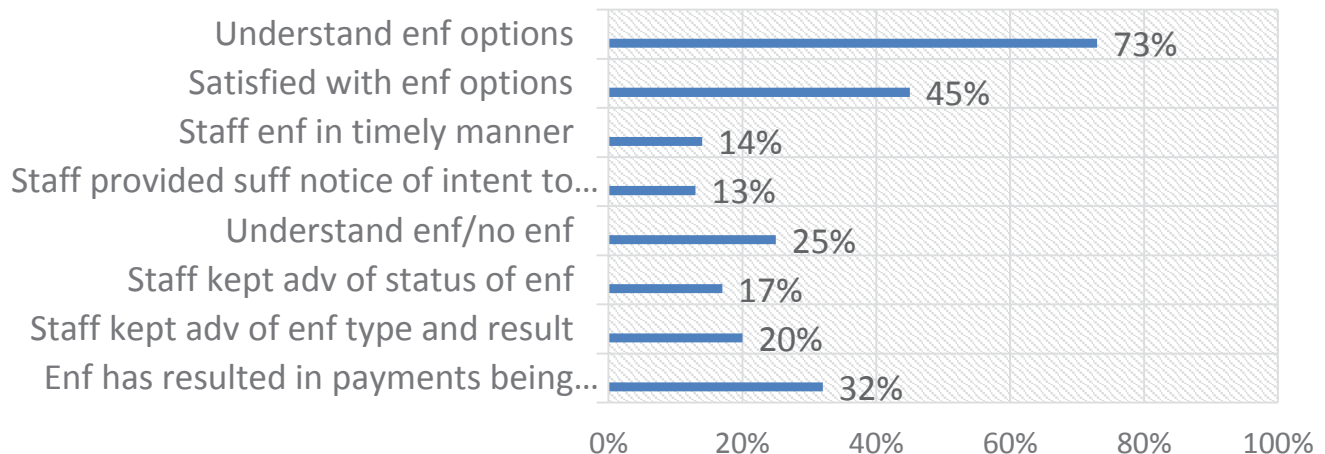
# Suggestions for Improving Payment Processing – Themes

- Have staff communicate back to you in a timely manner
- Be able to communicate with staff directly
- Have accurate up-to-date information on-line
- Better timeliness in the processing of payments
- Better customer service
- Make online system easier to access
- Have more staff to improve customer service
- Better enforcement practices

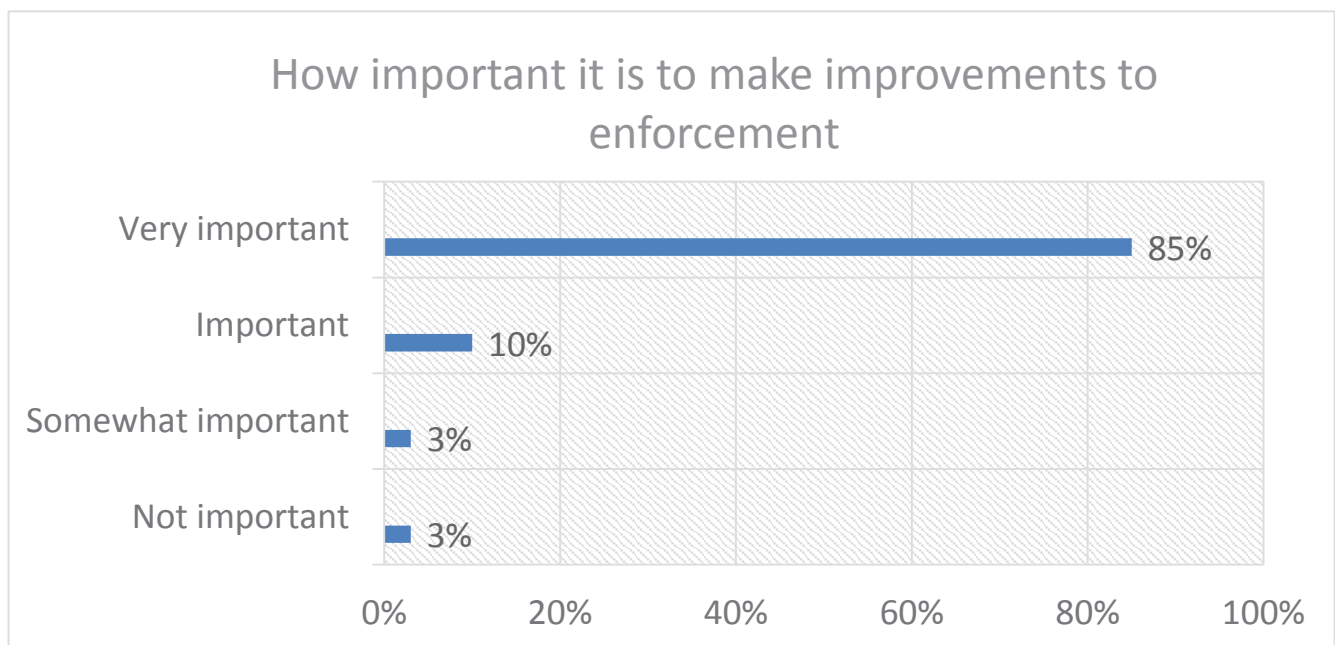


# Enforcement

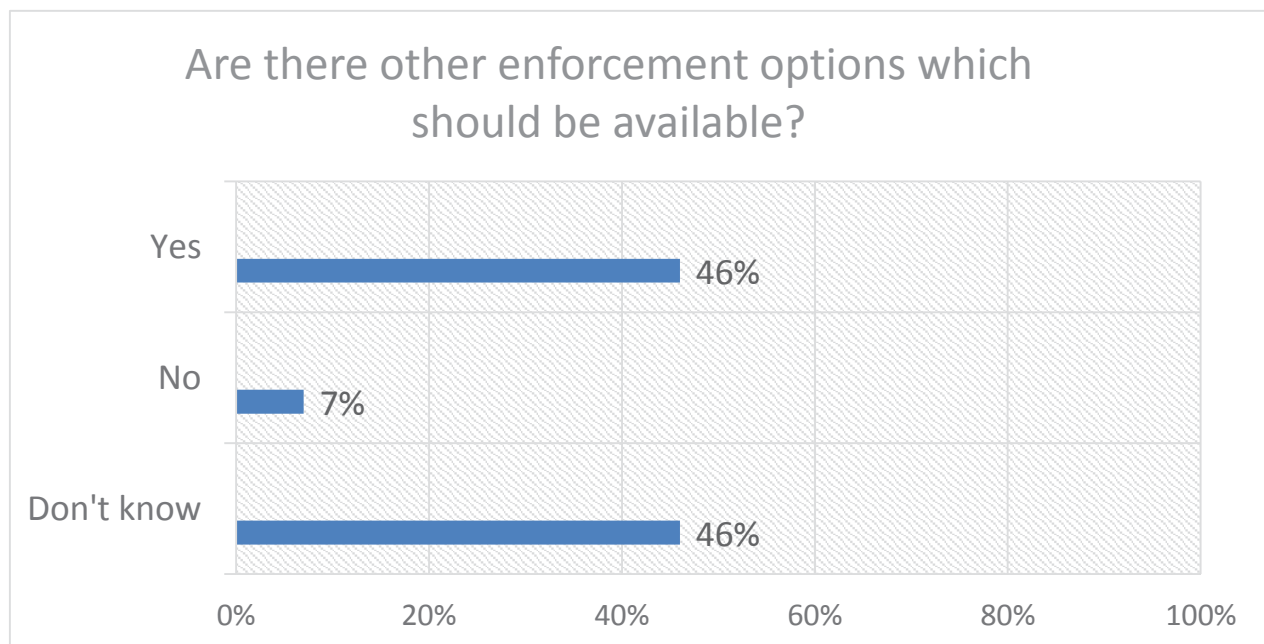
Percent respondents – ‘Strongly agree’ or ‘Agree’ with statement about enforcement



# Enforcement



# Enforcement



# Suggestions for Improving Enforcement – Themes

- Have a more aggressive approach to enforcement with harsher penalties for non-payment
- More proactive approach in dealing with enforcement issues and less onus on recipient
- Better communication/information on what enforcement actions have been taken
- Better client service
- Have more staff/resources



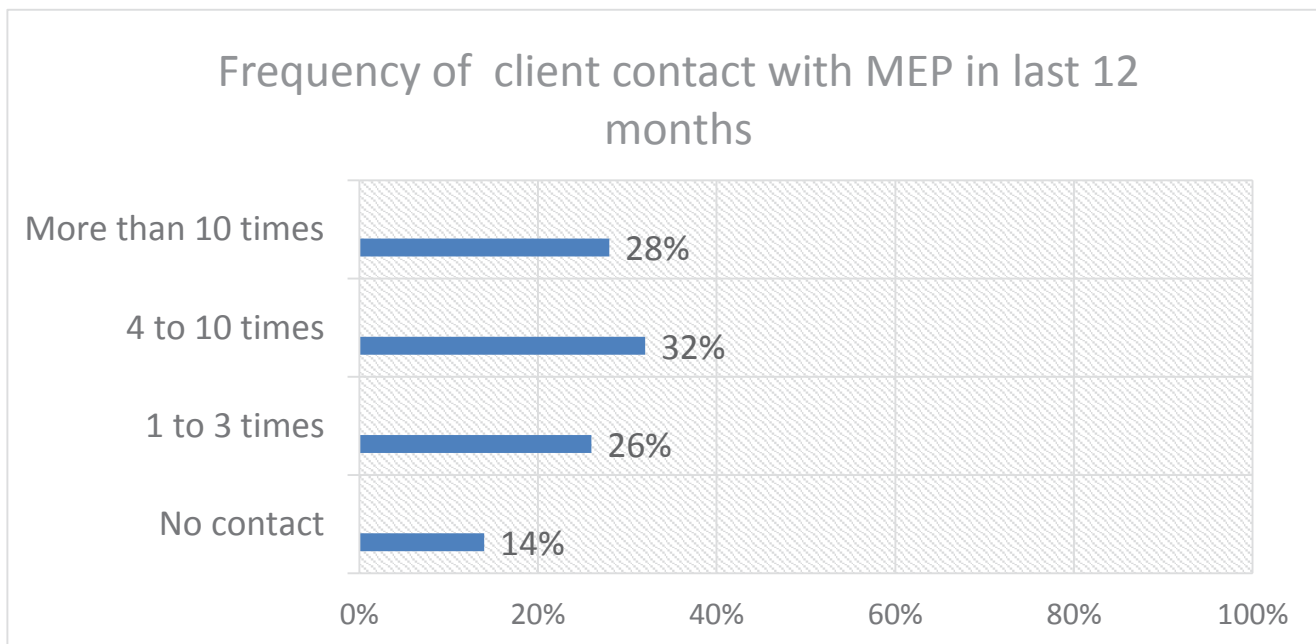


## Other enforcement options suggested by respondents

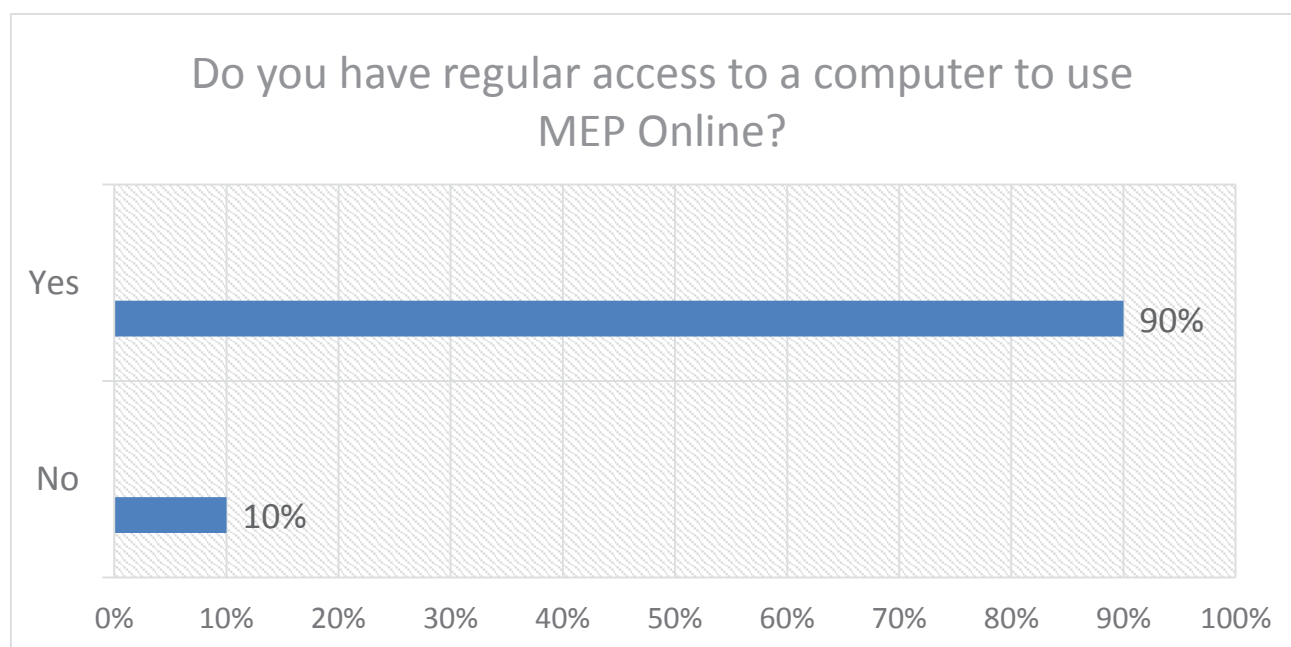
- Make better use of existing options and/or be more effective in enforcement work
- Have delinquent payors arrested, appear before a judge and/or jailed
- More investigative work undertaken by the program and/or information sharing
- Seize payor property and assets
- More use of license or passport suspension
- Better communication by program with payee about enforcement action
- Report non-payment to credit rating institutions
- Publicly identify delinquent payors
- Garnish payor's current spouse



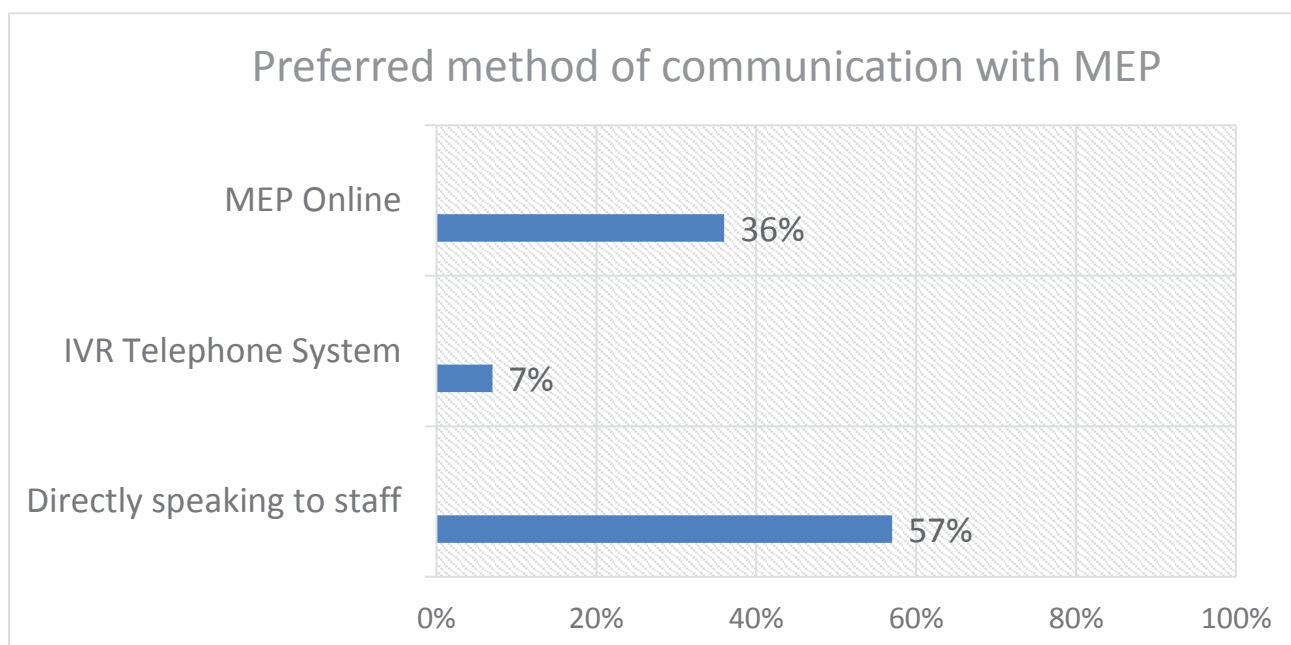
# Communication



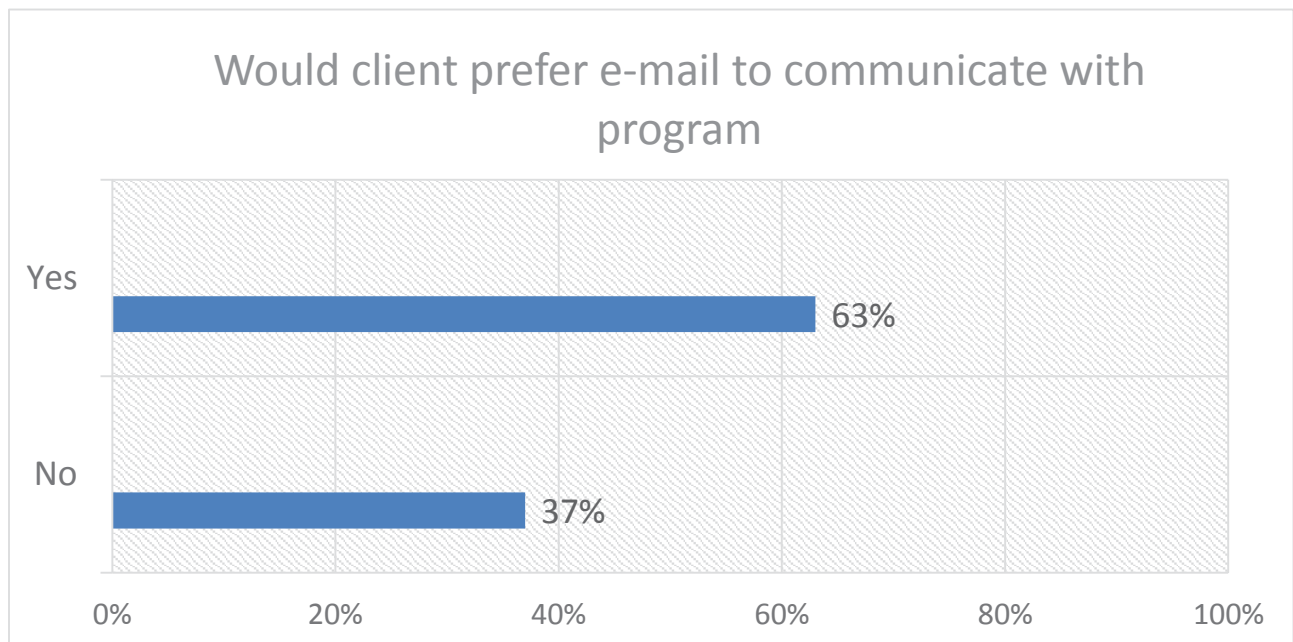
## Communication



# Communication

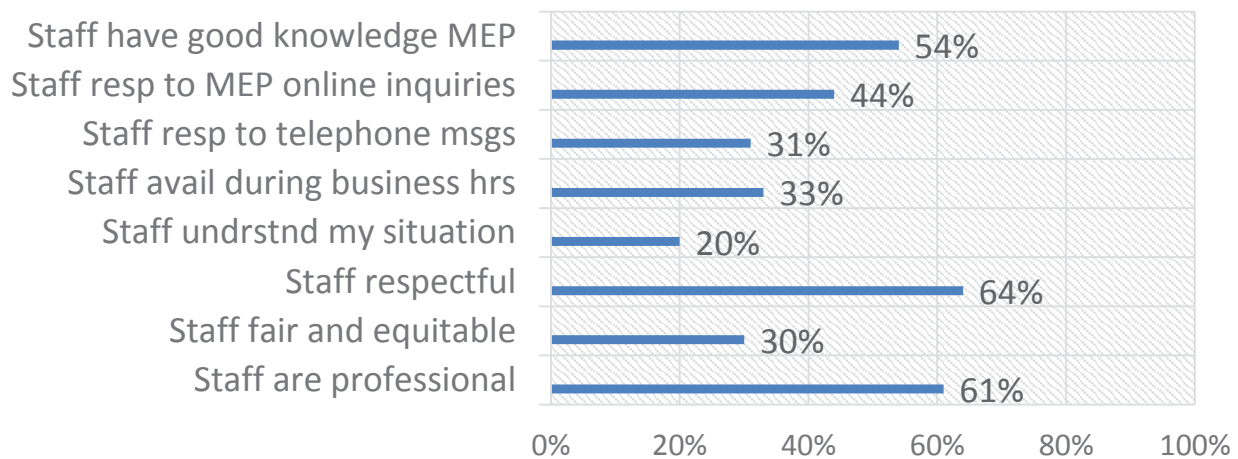


# Communication

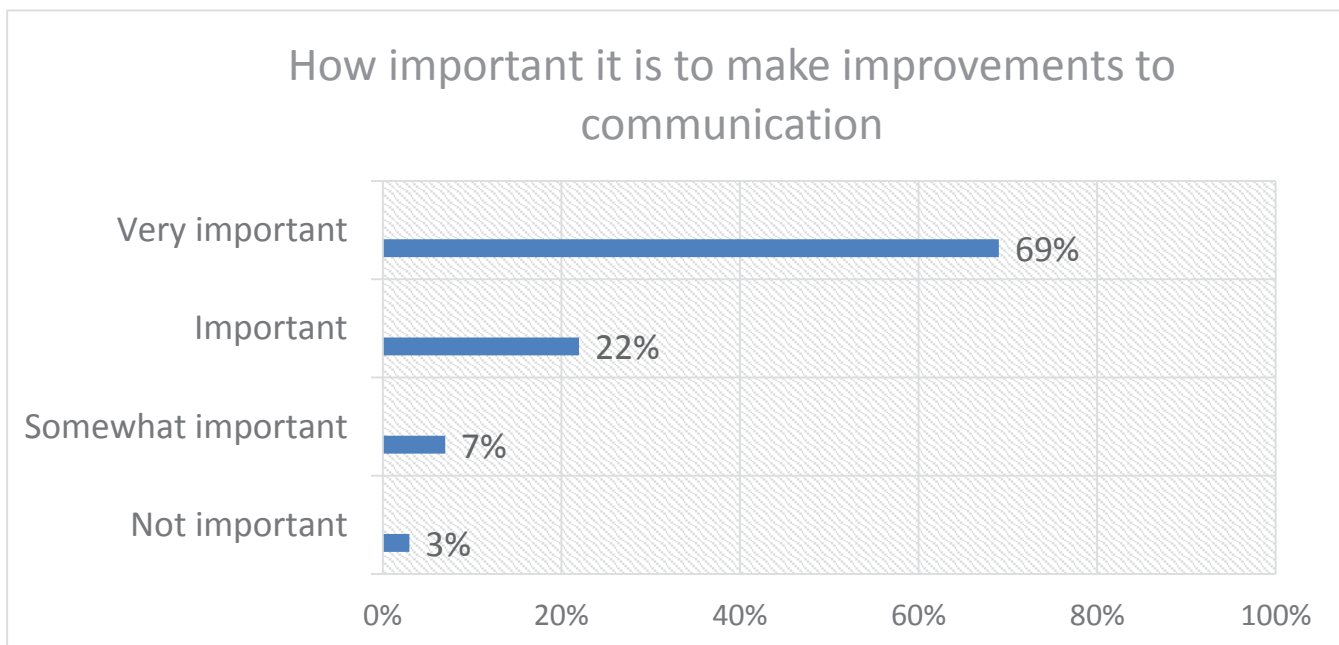


## Survey Results – Communication

Percent respondents – ‘Strongly agree’ or ‘Agree’  
with statement about communication



# Communication



## Survey Results – Suggestions for Improving Communication

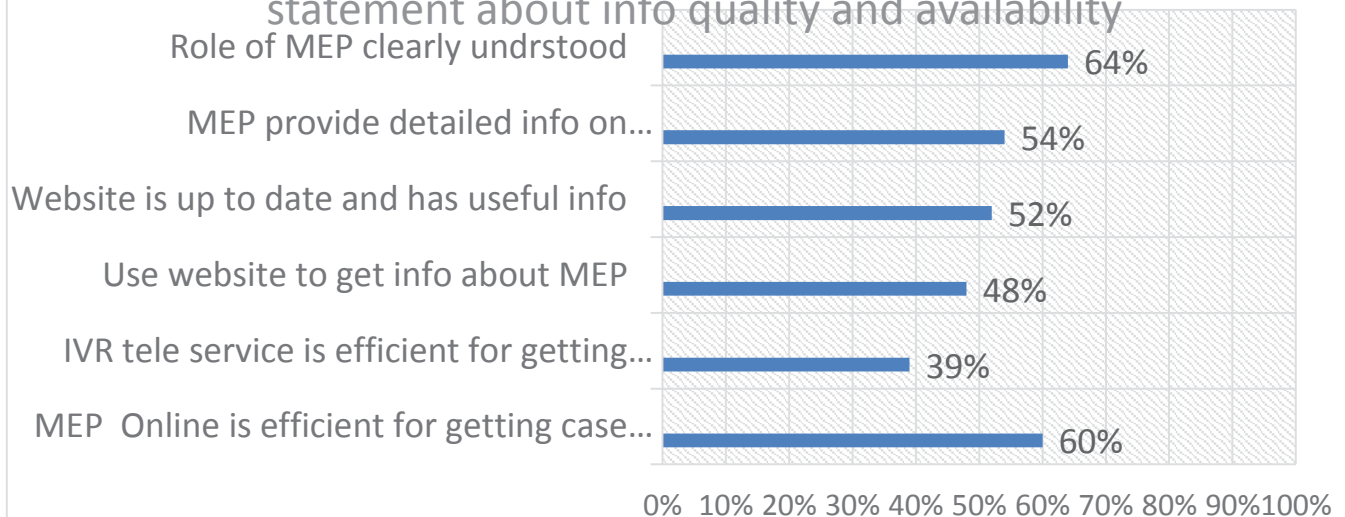
- Better more timely follow up with clients
- More staff/resources
- Better client service
- Be able to contact staff directly/local offices
- Better clarity/completeness in information provided
- Improvement needed for online system
- Proactive in providing information to clients



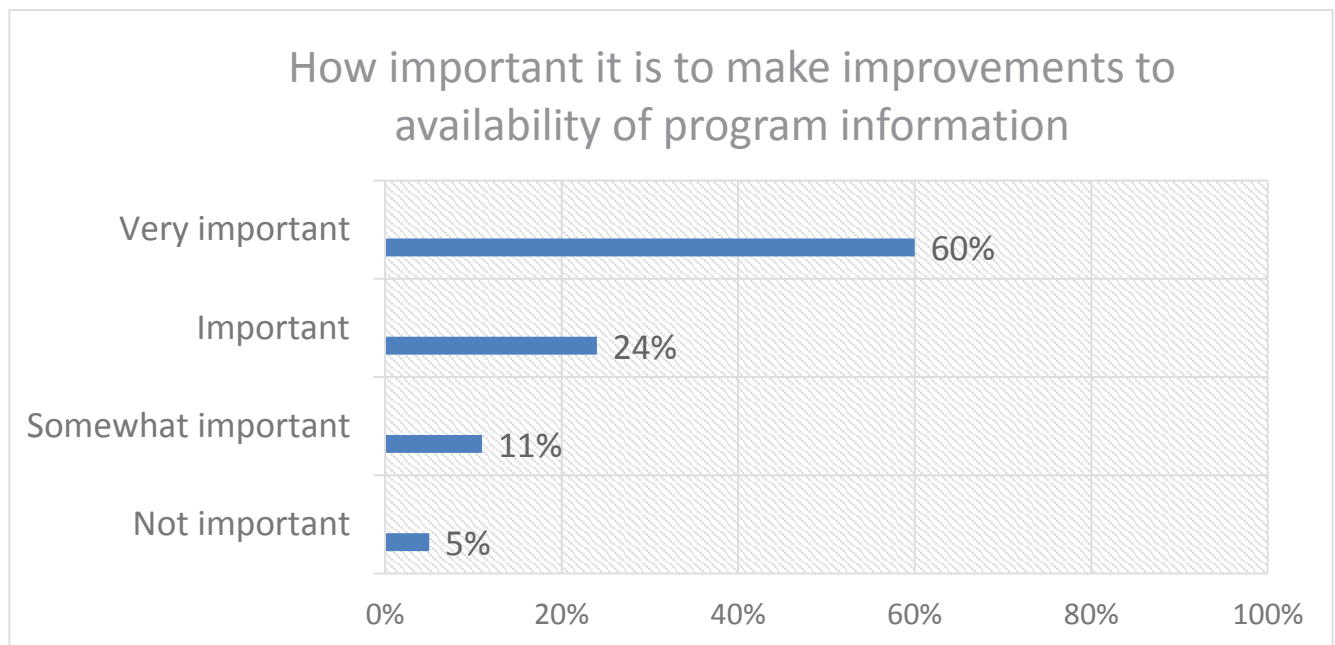


## Survey Results – Info Quality & Availability

Percent respondents – ‘Strongly agree’ or ‘Agree’ with statement about info quality and availability



# Program Information



## **Suggestions for Improving Information Availability/Quality**

- Modernize info-line and phone system
- Resolve technical issues with current system
- Have more accurate up-to-date case information available
- Provide information on what the program can and can't do
- Better inform clients about the website so they are aware of it
- Have more training for staff
- Have staff that you can speak to directly to get information



# **Appendix D**

CCJS Data for Program

## Statistics Canada

[Home](#)[> CANSIM](#)**Table 259-0001<sup>1</sup>****Survey of Maintenance Enforcement Programs (SMEP), by annual caseload annual (number)**

<b>Data table</b>	Add/Remove data	Manipulate	Download	Related information	Help
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**Data table**

The data below is a part of CANSIM table 259-0001. Use the [Add/Remove data](#) tab to customize your table.

**Selected items [[Add/Remove data](#)]**

**Interjurisdictional support order status = Total interjurisdictional support order cases**

Geography	Enrolment events	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
<b>Canada<sup>2</sup></b>	<b>Cases enrolled on April 1</b>	94,410	101,630	100,750	99,080	99,035
	<b>New enrolments</b>	10,340	10,915	10,860	10,790	10,555
	<b>Re-enrolments<sup>£</sup></b>	3,545	4,145	3,930	3,920	2,715
	<b>Cases closed<sup>z</sup></b>	13,905	16,065	16,280	14,905	14,690
	<b>Cases enrolled on March 31</b>	101,630	100,495	99,330	99,040	98,830
<b>Nova Scotia</b>	<b>Cases enrolled on April 1</b>	17,995	17,365	16,745	16,495	16,480
	<b>New enrolments</b>	1,980	1,825	1,915	1,730	1,705
	<b>Re-enrolments<sup>£</sup></b>	740	760	760	670	475
	<b>Cases closed<sup>z</sup></b>	3,355	3,220	2,935	2,415	2,210
	<b>Cases enrolled on March 31</b>	17,370	16,745	16,490	16,485	16,635

[Back to original table](#)**Footnotes:**

1. As a result of the random rounding methodology, some small differences can be expected in the corresponding values between tables. In most jurisdictions, cases enrolled in the beginning, plus ne

enrolments and re-enrolments, less cases closed should equal the number of cases enrolled at the end. There will be some differences due to factors that include random rounding procedures and changes in interjurisdictional support order status. In some jurisdictions, however, not all termination records are captured by the Survey of Maintenance Enforcement Programs (SMEP), so this equation does not balance for them. For further definition of terminology used in the table, consult the Glossary of terms: <http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3324&lang=en&db=imdb&adm=8&dis=2>.

2. The Canada total includes only the jurisdictions that report data to the Survey of Maintenance Enforcement Programs (SMEP). Nova Scotia, Alberta, Yukon and the Northwest Territories have reported data for every fiscal year since 2005/2006. Prince Edward Island began reporting data in 2007/2008, New Brunswick in 2008/2009, Saskatchewan in 2009/2010, Newfoundland and Labrador in 2010/2011 and Nunavut in 2011/2012. Data for Nunavut are not available for 2012/2013 or 2013/2014.
3. In New Brunswick, new enrolments are slightly undercounted because the enrolment record is not received by the survey.
4. Data for cases enrolled on April 1 in Alberta are not available for 2005/2006.
5. In the Northwest Territories, some termination records for cases closing in the fiscal year are not picked up by the Survey of Maintenance Enforcement Programs (SMEP).
6. All re-enrolments during the fiscal year are counted. If a case re-enrolls multiple times, each re-enrolment is included in the count.
7. All closures during the year are counted. If a case is closed multiple times, each closure is included in the count.
8. In Saskatchewan, some termination records for cases closing in the fiscal year are not picked up by the Survey of Maintenance Enforcement Programs (SMEP). New enrolments are slightly undercounted because on occasion the enrolment record is not received by the survey.
9. In 2011/2012, Prince Edward Island administratively closed a significant number of inactive files from their program. As a result, the number of cases enrolled decreased considerably in 2011/2012 and the number of cases closed increased.
10. Due to a system limitation, all cases closed in Newfoundland and Labrador have a non-interjurisdictional support order (non-ISO) status (both parties living within the jurisdiction), even though the case may have had an ISO-in or ISO-out status (one of the parties living outside the jurisdiction) throughout the history of the case.
11. Data for Nunavut are not available for 2012/2013 or 2013/2014.

**Source:** Statistics Canada. *Table 259-0001 - Survey of Maintenance Enforcement Programs (SMEP), by annual caseload, annual (number)*, CANSIM (database). (accessed: 2015-05-04)  
[Back to search](#)

Date modified: 2015-02-24

## Statistics Canada

[Home](#)[> CANSIM](#)**Table 259-0010<sup>1</sup>**

**Survey of Maintenance Enforcement Programs (SMEP), number of enforcement actions by fiscal year quarter**  
 annual (number)

<b>Data table</b>	Add/Remove data	Manipulate	Download	Related information	Help
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**Data table**

The data below is a part of CANSIM table 259-0010. Use the [Add/Remove data](#) tab to customize your table.

**Selected items [Add/Remove data]**

**Fiscal year quarter<sup>8</sup>** = Total for fiscal year

Geography	Type of enforcement action	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Canada <sup>2</sup>	Total enforcement actions	341,055	345,749	334,499	369,048	373,896
	Total administrative actions	333,456	338,839	327,048	359,688	365,804
	Maintenance enforcement program trace	30,570	31,006	24,385	22,510	21,721
	Federal trace, initiate	10,259	10,186	10,579	12,035	12,561
	Federal trace, put in place	7,227	6,535	6,416	8,349	9,339
	Federal trace, withdraw	158	1,139	1,108	482	261
	Demand for information from payor	21,760	22,490	20,722	22,547	22,349
	Demand for information from others	3,598	5,142	5,492	5,293	5,649
	Demand for payment	7,990	11,930	10,233	10,238	12,137

<b>Geography</b>	<b>Type of enforcement action</b>	<b>2009-2010</b>	<b>2010-2011</b>	<b>2011-2012</b>	<b>2012-2013</b>	<b>2013-2014</b>
	<b>Voluntary payment arrangement</b>	11,479	13,895	12,850	14,455	13,785
	<b>Interception of federal funds, initiate</b>	16,370	17,140	16,067	15,721	16,676
	<b>Interception of federal funds, put in place</b>	12,885	13,606	12,414	12,061	12,738
	<b>Interception of federal funds, suspend</b>	19	115	93	112	100
	<b>Interception of federal funds, withdraw</b>	14,728	15,507	14,398	14,028	13,602
	<b>Jurisdictional garnishment, initiate</b>	58,248	56,726	59,240	71,401	73,975
	<b>Jurisdictional garnishment, put in place</b>	3,960	4,277	4,297	3,987	3,791
	<b>Jurisdictional garnishment, suspend</b>	3,317	4,029	3,976	4,030	3,845
	<b>Jurisdictional garnishment, withdraw</b>	48,163	41,164	38,043	50,825	53,357
	<b>Federal garnishment, initiate</b>	120	118	117	82	101
	<b>Federal garnishment, put in place</b>	42	49	43	53	38
	<b>Federal garnishment, suspend</b>	10	7	10	8	11
	<b>Federal garnishment, withdraw</b>	69	114	98	94	89
	<b>Land registration, put in place</b>	959	1,546	1,653	1,524	1,334
	<b>Land registration, discharged</b>	655	707	739	823	783
		6,425	6,278	6,187	6,590	7,182



Geography	Type of enforcement action	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
	Personal property lien, put in place					
	Personal property lien, discharges	5,705	6,132	6,982	7,387	7,551
	Writ of execution	130	109	127	90	98
	Collection calls	1,566	2,280	5,118	4,465	3,623
	Credit bureau reporting	2,262	2,263	1,989	2,764	2,569
	Examination of payor	298	182	134	73	16
	Motor vehicle intervention, initiate	22,665	21,698	19,927	20,174	21,167
	Motor vehicle intervention, put in place	3,851	5,339	4,731	5,066	4,750
	Motor vehicle intervention, withdraw	16,983	16,129	17,115	18,207	18,544
	Federal license suspension, initiate	7,720	9,191	9,009	9,671	9,921
	Federal license suspension, put in place	3,118	3,467	3,256	3,579	3,341
	Federal license suspension, withdraw	6,439	6,948	7,473	9,954	8,000
	Other maintenance enforcement program enforcement actions	3,708	1,393	1,985	955	482
	Total master/court administrative actions <sup>18</sup>	80	415	417	123	146
	Default hearing, summons to appear		332	291	0	0
	Default hearing, hearing		0	0	0	0
	Default hearing, disposition	80	83	126	123	146

Geography	Type of enforcement action	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
	Total court enforcement actions before a judge <sup>12</sup>	641	701	1,966	634	631
	Default hearing, summons to appear	350	378	253	220	257
	Default hearing, hearing	133	224	248	190	191
	Default hearing, disposition	95	80	105	152	130
	Other court enforcement actions	63	19	1,360	23	19
	Unknown type of enforcement actions <sup>13</sup>	5,829	4,494	5,035	7,047	6,951
Nova Scotia <sup>3, 12</sup>	Total enforcement actions	17,230	18,464	20,203	14,161	13,155
	Total administrative actions	17,230	18,464	20,202	14,160	13,155
	Maintenance enforcement program trace	246	190	158	56	3
	Demand for information from payor	1,068	1,369	1,218	515	152
	Demand for payment	2,662	2,441	2,227	1,906	1,980
	Voluntary payment arrangement	88	70	58	43	65
	Interception of federal funds, initiate	2,296	2,308	2,226	1,642	2,148
	Interception of federal funds, put in place	1,282	1,525	1,306	784	871
	Interception of federal funds, suspend			..	..	..
	Interception of federal funds, withdraw	2,253	2,326	2,209	1,649	1,764
		2,135	2,100	2,115	1,824	2,006

Geography	Type of enforcement action	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
	Jurisdictional garnishment, initiate					
	Jurisdictional garnishment, put in place	1,422	1,520	1,481	1,181	1,065
	Jurisdictional garnishment, suspend	278	262	259	181	215
	Jurisdictional garnishment, withdraw	1,912	2,011	2,008	1,673	1,699
	Federal garnishment, initiate	54	44	46	36	38
	Federal garnishment, put in place	36	33	23	43	18
	Federal garnishment, suspend	2	3	5	7	4
	Federal garnishment, withdraw	23	52	39	43	37
	Land registration, put in place			..	..	..
	Land registration, discharged			..	..	..
	Collection calls			2,499	1,527	668
	Examination of payor	166	182	134	73	16
	Motor vehicle intervention, initiate	379	388	269	189	188
	Motor vehicle intervention, put in place	217	235	109	68	57
	Motor vehicle intervention, withdraw	320	336	373	231	119
	Other maintenance enforcement	391	1,069	1,440	489	42

Geography	Type of enforcement action	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
	<b>program enforcement actions</b>					
	<b>Total master/court administrative actions <sup>18</sup></b>			..	..	..
	<b>Total court enforcement actions before a judge <sup>12</sup></b>			..	..	..
	<b>Default hearing, summons to appear</b>			..	..	..
	<b>Default hearing, hearing</b>			..	..	..
	<b>Default hearing, disposition</b>			..	..	..
	<b>Other court enforcement actions</b>			..	..	..
	<b>Unknown type of enforcement actions <sup>13</sup></b>	0	0	1	1	0

[Back to original table](#)

### Symbol legend:

.. Not available

### Footnotes:

1. Interjurisdictional support order-out cases are excluded. Some jurisdictions occasionally report an action to the Survey of Maintenance Enforcement Programs (SMEP) that is categorized as not available. Although the action is not reported in the data table, it is included in the total and subtotal figures. Thus, the aggregation of all actions in the table may be slightly lower than the subtotals or totals. For further definition of terminology used in the table, consult the Glossary of terms: <http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3324&lang=en&db=imdb&adm=8&dis=2>.
2. The Canada total includes only the jurisdictions that report data to the Survey of Maintenance Enforcement Programs (SMEP). Nova Scotia, Alberta, Yukon and the Northwest Territories have reported data for every fiscal year since 2005/2006. Prince Edward Island began reporting data in 2007/2008, New Brunswick in 2008/2009, Saskatchewan in 2009/2010, Newfoundland and Labrador in 2010/2011 and Nunavut in 2011/2012. Data for Nunavut are not available for 2012/2013 or 2013/2014.
3. In Nova Scotia, tracing actions are only counted if they are still in place at the end of the reference month. If an action is initiated and completed in the same month, then the action is not captured by the Survey of Maintenance Enforcement Programs (SMEP). It is estimated this limitation significantly undercounts tracing actions in Nova Scotia. Other enforcement actions include wildlife license restrictions, personal property liens, federal license denials, federal traces and default hearings.
4. In New Brunswick, Maintenance Enforcement Program (MEP) traces, federal traces, federal interceptions, federal license suspensions and other court enforcement actions are performed by the MEP, but are not currently tracked by their information system, so data on these actions are not

- reported by the survey. New Brunswick does not have the legislative authority to undertake land registration, personal property liens, writ of execution or examination of payor enforcement actions
6. In Yukon, garnishments of bank accounts are captured under the other enforcement action category
  7. In the Northwest Territories, demands for payment cannot be distinguished from demands for information. Both enforcement actions are captured under the demand for information from payor category. If a jurisdictional garnishment, a motor vehicle intervention or a federal license suspension are initiated and terminated in the same month, only the termination is captured. Thus, the number of garnishments, motor vehicle interventions and federal license suspensions initiated are undercounted. Federal garnishments initiated are captured under the Other enforcement actions category. Personal property liens cannot be distinguished from land registration actions. Both enforcement actions are captured under the land registration category.
  8. Quarters correspond to the fiscal year. April to June is the first quarter and January to March of the following calendar year is the fourth quarter.
  11. In Saskatchewan, personal property liens cannot be distinguished from land registration actions. Both enforcement actions are captured under the "land registration" category.
  12. In Prince Edward Island, please note the following for enforcement data before 2010/2011: i) Personal property liens cannot be distinguished from land registration actions. Both enforcement actions are captured under the "land registration" category. ii) Maintenance Enforcement Program (MEP) traces and collection calls are captured under the 'other enforcement action' category. In 2010/2011, Prince Edward Island adopted a new information system, and a number of actions that used to be reported are currently not available.
  13. Only one unknown action is counted per case.
  14. In Alberta, garnishments are considered initiated and put in place by the same enforcement step. A steps are captured once, under the garnishment initiated category. Other enforcement actions include hunting and fishing license restrictions.
  15. In Newfoundland and Labrador, garnishments are considered initiated and put in place by the same enforcement step. All steps are captured once, under the garnishment initiated category. Terminations of federal garnishments are captured under the terminations of jurisdictional garnishments category. Examinations are done, but as part of the court process or through demand for information.
  16. Since 2012/2013, a change in reporting has led to an increase in the number of enforcement actions reported to the Survey of Maintenance Enforcement Programs for Alberta.
  17. The number of enforcement actions for Nova Scotia is under reported for 2013/2014. NSMEP is currently working to improve system reporting of enforcement statistics.
  18. Number of court administrative actions may be underreported since not all provinces and territories are able to report the information, or the process may not apply in the jurisdiction due to legislative practices. For example, in some jurisdictions default or committal hearings proceed before a judge, not a master.
  19. Number of court enforcement actions before a judge may be underreported since not all provinces and territories are able to report the information, or the process may not apply in the jurisdiction due to legislative practices. For example, in some jurisdictions default or committal hearings proceed before a master, not a judge.

**Source:** Statistics Canada. *Table 259-0010 - Survey of Maintenance Enforcement Programs (SMEP), number of enforcement actions by fiscal year quarter, annual (number)*, CANSIM (database). (accessed: 2015-05-04)

[Back to search](#)

Date modified: 2015-02-23

# **Appendix E**

## **Enforcement Continuum Policy**

## **POLICY**

Time sensitivity as well as continuous, uninterrupted enforcement is critical to capturing funds when they are available. The Maintenance Enforcement Program (MEP) has a duty to enforce an ongoing maintenance obligation in a manner that is in the recipient's (RC) interest as beneficiary under the Order and timely enough to meet the objective of the *Maintenance Enforcement Act (MEA)*. Enrollment, enforcement actions, and enforcement processes generally must move according to a schema that operates within days to weeks, to ensure an unimpeded flow of monthly/regular payments.

Apart from the very limited and exceptional circumstances referenced in policy 5.3C, there is no authority under the *MEA* for a hiatus in enforcement while the file is enrolled with the program.

## **LEGISLATION**

*Maintenance Enforcement Act, 1994-95, c.6, s.1., s. 6; 7; 9; 10; 11(1)(2); 17; 19; 25; 27; 28; 29; 30; 34; 35; 42.*

## **OVERVIEW**

The Director of Maintenance Enforcement (DOME) is created by statute and authorized to act in accordance with the *MEA*. DOME functions as an administrative tribunal. Inherent in this role is the obligation to act in accordance with administrative fairness, or rule of "natural justice", which normally includes the right to notice, the right of an opportunity to be heard, and the right of an unbiased approach to decision making. Any practices or procedures put in place must be fair to both sides.

Operational timelines in maintenance enforcement must be able to meet the legislative objective, which is generally to collect monthly/regular Court ordered amounts on an ongoing basis.

The timelines DOME imposes on the MEP must be consistent with the various timelines imposed by legislation on others obligated to assist the Director's role. The statutory obligations of the payor (PY), RC, employers, and the Court, contemplate a rapid turnaround of days:

- the Court must file all Nova Scotia maintenance orders within five (5) days (s. 9);
- once filed, DOME must enforce those orders, if they are enforceable, in the same manner as if she/he were the RC (s. 6);
- regulations require the RC and PY to opt out within the first ten (10) days (Regulation to s. 10);
- barring a limited set of circumstances, DOME must continue to enforce the order so long as the maintenance obligation continues;
- an employer under a garnishment has ten (10) days to advise if a PY is terminated or begins employment;
- the PY must advise the program within ten (10) days of changing employment;
- the PY and RC have ten (10) days to advise of a change of address;
- a defaulting PY must complete and file relevant financial information within fourteen (14) days (s. 34).

## **PROCEDURE**

### **Enrollment**

- All Court Order packages and enrollment kits received at the Central Enrollment Unit (CEU) will be date stamped, reviewed and data entered by the MEP within five (5) business days of receipt (see policy 3.1).
- All transmittals from reciprocal jurisdictions (RJ) will be reviewed and supporting documentation requests completed (if required) within twenty (20) business days of receipt (see policy 3.1).
- Both parties must be given the opportunity to confirm the balance of arrears (the PY to provide receipts for any direct payments to the RC since the order was issued).



- Parties are required to provide all information necessary either for enrollment or opting out within ten (10) days. This short timeframe lessens the likelihood of a change in the PY's employment or either parties' address between the issuance of the Order and the commencement of enforcement.
- The enrollment kit will highlight any obligations on the part of the parties upon which the program will rely during enforcement, e.g., updating addresses, contact information, employment changes.
- Once enrollment information is received, the file must be assigned to an Enforcement Officer (EO) in sufficient time to accommodate enforcement by the time the next payment is due, no longer than one (1) month after the Order is received by the program from the Court.

### **Initial Enforcement Action**

- Enforcement actions generally follow a progression of enforcement (see Addendum A). The EO may modify the order of actions if justifiable reasons are noted on the Running Record (RR). Due to the principles of administrative fairness, as enforcement actions proceed, there is a greater requirement for defined reasonableness.
- Initial enforcement action will be commenced within seven (7) days of a defaulted payment (collection call, default letter [see policies 6.2]).
- Where there is no response to collection calls or a default letter within fourteen (14) days:
  - contact should be made with the RC to obtain information for possible garnishments and s. 31 demands (e.g., for employers, banking institutions, or in relation to assets), if this information cannot be located in the file;
  - contact will be attempted with the PY for resolution through a Voluntary Payment Arrangement (VPA), in order to capture the next pay period (see policy 6.12);

- tracing will be initiated for possible employment sources (see policy 5.18).
- If no employer or financial institutions are located within fourteen (14) days of default, and the PY has not responded to attempts by the program to contact him/her and enter into a VPA:
  - a s.34 demand for financial information should be mailed to the PY (see policy 6.4A);
  - a Notice of Federal Interception (NOFI) will be put in place (see policy 6.5);
  - a Notice of Garnishment (NOG) should be put in place with any known employer or banking institution, in order to capture the next pay period (see policy 6.9).

#### **More Extensive Enforcement Action**

- If there is no response to a demand for financial information within the fourteen (14) days permitted under the *MEA*, an examination should be scheduled and notice served on the PY (see policy 6.4B). Notice of Motor Vehicle Suspension (see policy 6.8) and Notice of Federal Licence Denial (see policy 6.13) should be served at the same time so the PY has full opportunity to provide evidence relevant to the issue of revocation and the EO has the information to determine if these actions are appropriate.
- If at all possible, the examination should be held prior to third defaulted payment coming due, or at least within the first three (3) months of default, unless a VPA is reached with the PY in the meantime or the arrears have been paid.
- The purpose of the examination is to bring the PY before the program very early on in a default situation to:
  - provide opportunity to explain his/her default;
  - collect information that will provide further enforcement leads;
  - encourage a VPA;

- keep the PY in close contact with the program;
  - provide an opportunity to issue s.36 directions;
  - send a strong message very soon after default that the program is continuing to move the enforcement process along with increasingly serious enforcement measures (e.g., revocations, asset seizure (investments), pensions/RRSP collapse).
- If a VPA is reached, it should carry the condition that if the PY misses any payment under the agreement by more than ten (10) days, further enforcement action will take place.
- All directions to the PY following an examination should carry the condition that the PY advise the EO within two (2) days of filing an application to vary.

If the PY fails to attend the examination, the EO will follow up by telephone on the day of the examination and by letter within five (5) days on further action and possible warrant of arrest for the non-appearance under s.34 (see policy 7.4).

### **Consideration of Court Enforcement**

- Where all administrative enforcement actions have been exhausted, the EO will consult with the Coordinator when considering a default hearing as an enforcement action (see policy 7.2).

### **When all Administrative Enforcement Action Has Been Attempted**

- If the criteria for initiating a s.37 default hearing are not met, and pension attachment (see policy 7.1) is not possible, a letter will be sent to the RC indicating that all administrative enforcement actions have been attempted. (See Addendum A to policy 5.12, Active Review Cases (Active-R).)
- A BF will be set to provide an annual update in writing to the RC if the circumstances of the file have not changed.

## **Tracing**

- If at any point in the enforcement process the PY's whereabouts are unknown refer to tracing policy 5.18.
- As there is no authority for a hiatus of enforcement, tracing must be initiated without delay.
- Once all tracing efforts have been exhausted, including multiple s.31 demands, consideration must be given to referral to Public Safety Investigations (see policy 6.15).
- If Public Safety Investigations fail to locate the PY, a letter will be sent to the RC indicating that all administrative enforcement actions have been attempted, the program will retain a NOFI on the file where possible, and the file will be reviewed annually for additional information that may assist with enforcement. Where there is insufficient information available to initiate a NOFI, the file will be placed at INAC-TRC for review for additional information that may assist this enforcement action (see policy 5.12).

### **Reviewed and Signed:**

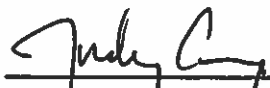
  
**Director: Judy Crump**

  
**Date:**

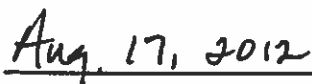
## Enforcement Progression

Enforcement Action	Facilitating Action
Collection Call	At any point, as needed
Default Notice	
Notice of Federal Interception (NOFI)	
Voluntary Payment Arrangement (VPA)	At any point, as needed
Section 31 Demand (banks, possible employers, others)	At any point, as needed
Trace (if address/employer unknown)	At any point, as needed
Garnishment (NOG)	
Section 34 Demand	
Section 35 (Examination) - Notice served in conjunction with:	
Section 30 (RMV revocation) Request for Federal License Revocation (FLD)	
Section 60(B) (DNR revocation)	
Section 29 Land Search registration (Lien)	
Referral to Public Safety Investigations Unit	
Section 37 Default Hearing	
Pension Attachment	
Seizure of Assets	

Reviewed and Signed:



Director: Judy Crump



Date:

# **Appendix F**

## Implementation Schedule

## Appendix F – Implementation Schedule

Recommendation	Time line for Implementation
<b>Communication</b>	
A. Program information	6 – 18 months
B. Policy fact sheets	6 – 18 months
C. Updated website	6 – 18 months
D. Statements / staff contact	6 – 18 months
E. Targeted enforcement information	18 – 36 months
F. Review of information sharing	18 – 36 months
G. Referral to third party resources	6 – 18 months
<b>Enforcement</b>	
A. Enforcement training	6 – 18 months
B. Increased utilization of existing mechanisms	6 – 18 months
C. Enforcement statements	6 – 18 months
D. Driver's license	18 – 36 months
E. Focus on building experts	18 – 36 months
<b>Court Orders</b>	
A. Training on forms of order	6 – 18 months
B. Additional information from courts / enrollment	6 – 18 months
C. Special expense consultation	18 – 36 months
<b>Staffing Structure &amp; Skill Sets</b>	
A. New Waterford - Manager	6 – 18 months
B. Dedicated telephone staff	6 – 18 months
C. Empathy skill / training	6 – 18 months
D. File transitions	18 – 36 months
E. File review	6 – 18 months
<b>Technology</b>	
A. Case management enhancements	3 – 5 years
B. On-line banking	18 – 36 months
C. Automatic notices	6 – 18 months
D. On-line enrollment	6 – 18 months
E. Expansion of MEP – on-line	6 – 18 months
F. Increase use of e-mail and mobile phones	6 – 18 months
G. Templates and form letters	6 – 18 months