

### Child Status Reviews

The MEP collects and disburses child support and other expenses as directed by the courts. Changes in a child's circumstances may affect whether the MEP will collect support under the terms of the existing court order. When a change in child circumstance occurs, the MEP conducts a Child Status Review to make this determination.

This Information Sheet provides general information about how the MEP reviews child status, including when a child's status changes before they reach the age of majority. For specific information on how the MEP manages maintenance for adult children, see the Information Sheet on the MEP website.

The information provided here is not intended to be legal advice. Only the courts can decide if maintenance should be paid for a particular child at a particular time. The MEP's role is to enforce court-ordered child support, including making an administrative determination of when it stops collecting maintenance on behalf of a child. This is not a legal decision and does not affect a creditor's right to collect maintenance through other means.

### Child Status Review Process

A Child Status Review occurs when the MEP receives information from the debtor, creditor, or a third party that a child's status has changed. Creditors and debtors should inform the MEP as soon as possible if anything happens that affects whether support is payable for that child. Circumstances that may affect support collection depend on the wording of the court order, and could include the child moving to the care and control of the other parent (or to the care and control of a third party), and the child becoming financially independent of their parents.

Debtors can request a Child Status Review through the left-hand menu of their MEP Accounts Online.

If a creditor wishes to stop support collection for a child, they can notify the MEP in writing of their decision. No other documentation is required in this situation.

When the MEP requests a Child Status Report, the creditor must return it to the MEP within 30 days for Alberta residents, or within 60 days if they live outside Alberta. Creditors are expected to provide the completed Child Status Report located on the MEP website and any supporting information indicated in the Report. Failure to return the completed Child Status Report by the due date may result in the MEP ending collection for that child. Once received, the MEP staff compare the Child Status Report with the court order to determine whether to continue collecting maintenance, and send a letter to both parties to inform them of the outcome.

### Payments while a Child Status Review occurs

While a child's status is being reviewed, the debtor must continue paying maintenance for that child. In order to prevent overpayment, the MEP retains those payments in trust until a decision is made. If the Child Status Review results in the MEP continuing to collect support for the child, the funds in trust are released to the creditor. If the MEP stops collecting, the funds are returned to the debtor.

### Adjustments made after a Child Status Review

If a Child Status Review shows the child remains dependent on the party receiving support, the file will not be adjusted, and the MEP will continue to collect support as before.

If the review results in the MEP stopping support collection for a child, the MEP adjusts the amounts charged, unless this is not possible based on the terms of the order. When the order sets out a specific amount payable for each child, the MEP stops collecting the amount for that child. When the order sets out one amount payable for several children, the MEP is able to reduce or "step down" the amount collected if the debtor's income is stated in the order and the maintenance amount was granted in accordance with the Child Support Guidelines, or the maintenance amount has been recalculated by the Child Support Recalculation Program.

### Impact of not telling the MEP of a change in child status

Overpayment to a creditor can occur when the MEP receives information about a change in child status long after it has happened. This can cause confusion and hardship for both parties. Creditors and debtors should inform the MEP as soon as possible if a change in their child's circumstances affects the support for that child.

The MEP manages overpayments in two ways:

- When there are arrears on the file, the MEP reduces the arrears by the amount of the overpayment.
- When there are other support amounts that will continue to be payable, the MEP can adjust or "offset" the file by deducting the overpayment from the monthly amount that is received, until the overpayment is paid off.
- When there are no other amounts that will continue to be payable, the MEP can ask the creditor to repay to the MEP the overpayment amount. Any funds collected are given back to the debtor. The MEP will also provide a letter to the debtor stating the amount of the overpayment, should the debtor wish to pursue court or other collection action.

## Resuming Support Collection

When seeking to have support collection resume for a child under the age of majority:

- If the child left the creditor's care, then came back to the creditor's care, and the MEP file remained active, a new court order is not required but a new Child Status Report must be provided.
- If the MEP ended collection of child support and closed the file, and the creditor provides a new court order that requires the debtor to pay maintenance, the new order and a new registration package must be submitted.
- If the child moves from one party's care to the other party's care, a new court order and a new registration package are required.
- If the file was previously closed due to a Child Status Report and supporting documents not being returned by the due date, the MEP may reopen the file when the Child Status Report and supporting documents are provided. The creditor may be asked to provide a new registration package and pay a \$205 re-registration fee.

There are different provisions for children over the age of majority. Please consult the MEP's Information Sheet available on the website for more information.

## Relevant legislation that deals with child support

The *Divorce Act*; the *Family Law Act*; the *Domestic Relations Act*; the *Parentage and Maintenance Act*; and the *Interjurisdictional Support Orders Act*.

### Do you have questions about the above legislation and child or spousal/partner support?

Alberta's Court and Justice Services (CJS) provides family law information, forms, court information and more through an easy-to-use online interactive information portal. Visit their website at [alberta.ca/court-and-justice-services.aspx](http://alberta.ca/court-and-justice-services.aspx) for more information.

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| <ul style="list-style-type: none"><li>• The MEP has other Information Sheets, on a variety of helpful topics. To see them, visit the MEP's website at <a href="http://alberta.ca/mep">alberta.ca/mep</a></li><li>• To contact the MEP, phone 780-422-5555 or toll-free in Alberta at 310-0000.</li><li>• To view information about your MEP file, go to the MEP's website at <a href="http://alberta.ca/mep">alberta.ca/mep</a> and select "MEP Accounts Online"</li></ul> |
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