

Stay of Enforcement

A stay of enforcement (a “stay”) under section 32 of the *Maintenance Enforcement Act* is a court order which temporarily affects MEP’s ability to enforce a maintenance order. A stay does not cancel arrears or end the debtor’s obligation to pay ongoing maintenance. Unless the court order directs otherwise, a stay lasts nine months, and only applies to the enforcement of arrears, not to the ongoing amounts due. Once the stay ends, the debtor is still responsible to pay their court ordered maintenance, including amounts outstanding before and while the stay was in place.

Getting a stay of enforcement

Debtors may ask the court for a stay of enforcement order if MEP has a Support Deduction Notice in place. Before the court grants a stay, the debtor must show the court they tried to make a payment arrangement with MEP. If a payment arrangement is not made, the debtor must show the court there was a valid reason why the payment arrangement was not made. For information about applying to the court for a stay of enforcement, Alberta’s Resolution and Court Administration Services (RCAS) provides family law information, forms, court information and more through an easy-to-use online interactive information portal. In-person services may also be available. Visit www.rcas.alberta.ca for more information.

Collection actions during a stay of enforcement

A stay of enforcement only affects certain collection actions. Unless the court order directs otherwise, MEP can continue to collect the ongoing support amount through a Wage Support Deduction Notice, but will not collect amounts towards arrears. In most cases, the following collection actions will be removed and not placed while a stay is in place: credit bureau reporting, reporting to professional organizations, seizures under the *Civil Enforcement Act*, and hunting and fishing licence restrictions.

MEP can use the following collection actions even when a stay of enforcement is in place: Federal Support Deduction Notice, motor vehicle restriction, driver’s licence suspension, federal licence denial, writ at the Personal Property Registry, and Land Titles registration. While a stay is in place, MEP may also attach lump-sum amounts payable to the debtor, including inheritances, settlements, lottery winnings, or any other lump-sum amount not considered wages.

MEP does not charge default penalties or interest on amounts affected by a stay of enforcement. Making payments according to a payment arrangement prevents these charges on amounts not affected by a stay of enforcement.

Payment arrangement

MEP helps debtors make the best possible payment arrangement for their situation. Generally, a payment arrangement will require payment of the regular ongoing maintenance amount due according to the court order, and an additional amount toward arrears. The amount paid each month to pay off arrears can be negotiated with MEP staff, based on information about employment, income, assets and expenses shown on a sworn or affirmed *Statement of Finances* form, which is available on MEP’s website. In some cases, MEP may be able to make a temporary payment arrangement for an amount less than the court-ordered support amount. As payments are made according to the payment arrangement, MEP removes some collection actions.

For more information, refer to the Information Sheets *Varying or Changing Your Court Order*, *Payment Arrangements* and *Referrals to Resources* on MEP’s website.

- MEP has other Information Sheets, on a variety of helpful topics. To see them, visit MEP’s website at www.albertamep.gov.ab.ca.
- To contact MEP, phone 780-422-5555 or toll-free in Alberta at 310-0000.
- To view information about your MEP file, log in to *MEP Accounts Online* on MEP’s website and select “Account login”.