

What to do if you cannot make your support payments

The MEP recognizes that changes in financial circumstances can affect a debtor's ability to comply with the terms of a maintenance order or agreement. If you are a debtor and you cannot make your maintenance payments, it is critical that you call the MEP as soon as possible to discuss your file. When a file is in arrears, the MEP is required to pursue collection action. Keeping the MEP informed may help your MEP file stay in the best possible position so you do not wind up with mounting collection action against you and so you can avoid default penalties on your file.

The MEP cannot change a court order, and the amount of support the court has ordered you to pay can only be changed by the court. Debtors may apply to the court to change the amount of their ongoing support payments, to reduce or cancel support arrears, or to establish a repayment schedule for any missed payments. If you want more information regarding the legal options for your situation, you may wish to seek legal advice. Resolution and Court Administration Services provides a range of resolution and court support for people involved in legal disputes. Visit <https://www.alberta.ca/rcas.aspx> for more information.

If you have made an application to the court because you cannot afford the support amounts required from you, the MEP may be able to make a temporary payment arrangement with you for an amount less than your current court order. Some collection actions can be prevented and/or suspended if you pay according to a temporary payment arrangement. You will need to provide the MEP with copies of your filed court documents and a sworn or affirmed *Statement of Finances*.

Debtors may also ask the courts for an order postponing certain collection action by the MEP, known as a *stay of enforcement*. Please be aware that there are time limits on the maximum length of a stay that may be granted and that a stay does **not** stop certain collection actions (such as Federal Support Deduction Notices, motor vehicle restrictions, driver's licence suspensions, or Personal Property Registry or Land Titles registrations). Again, debtors are encouraged to obtain legal advice to determine what limitations may apply to stays of enforcement in their particular case.

If you are not considering returning to court, but you are having trouble keeping up with your payments, the MEP may be able to help you make the best possible payment arrangement for your situation. To do this, the MEP will require that you fully disclose your financial situation. This is done by submitting a sworn or affirmed statement of your employment, expenses, income and assets in a *Statement of Finances*. At minimum, a payment arrangement needs to cover the regular support amounts that are due according to your court order, and some amount toward arrears. The amount you pay each month to settle your arrears can be negotiated with the MEP staff, based on your financial position as shown in your completed *Statement of Finances*.

More information is available by referring to MEP's Information Sheets: *Varying or Changing Your Court Order* and *Referrals to Resources*.

- 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".