

## Arrears and Other Charges

### What are arrears?

If maintenance payments are not made when due under a court order or agreement, the amount of unpaid support is referred to as arrears. For example, if an order requires a maintenance payment of \$300 per month and the payor pays only \$100, then there are arrears of \$200. Extra expenses or court costs included in the order or agreement are also considered arrears if not paid when due. Under the Maintenance Enforcement Act, arrears may be enforced whether they accumulated before or after a client registers with the Maintenance Enforcement Program (MEP).

To avoid penalties and interest charges, MEP expects arrears to be paid in full. If this is not possible, payment arrangements must be made with MEP staff. Arrangements are based on a payor's sworn Statement of Finances. For more information see MEP's information sheets on the website.

### Why have arrears or other charges been added to my file?

Some common reasons why charges may be added to a file are:

- a new court order increases maintenance back to a previous date
- a new court order awards a lump sum of maintenance or court costs to be paid
- the recipient claimed section 7 expenses that the support order requires the payor to pay, such as costs of child care, medical treatment, extracurricular activities or education
- an Affidavit of Arrears is received from the recipient or Government of Alberta claiming unpaid maintenance for a time period that has passed. The government is involved when recipients receive Income Support (social assistance) benefits

MEP either writes or phones payors to notify them of new charges that are added to their files.

### What is an Affidavit of Arrears?

An Affidavit of Arrears is a legal document that declares the total amount of arrears owed. This affidavit must be sworn or affirmed in front of a Commissioner for Oaths or a Notary Public. Recipients must provide an Affidavit of Arrears to claim arrears that accumulated before registering with MEP. Forms are available on the MEP website.

### What if I disagree with the arrears claimed?

Resolve this with MEP quickly to prevent unnecessary enforcement actions. Find out how the arrears were calculated by asking MEP to provide you with a copy of a Calculation of Arrears Worksheet or Statement of Account, which shows the month's maintenance was or was not paid. Please provide details why the arrears amount is not correct, including proof of any payments made directly to recipients. As proof of payment, MEP accepts written documentation signed by recipients, and copies of both the fronts and backs of cleared cheques. These documents need to show specifically what the payment was for (child support, expenses, spousal support, etc.), and state the month for which the payment was made. Staff may also contact recipients for more details before making a decision on whether the arrears can be reduced.

If MEP does not have enough proof to reduce arrears, payors may apply to court to reduce or cancel support arrears. If you want more information regarding the legal options for your situation, you may wish to seek legal advice. If you currently do not have legal representation, assistance is also available to you through Court and Justice Services (CJS). Their website is <http://www.alberta.ca/court-and-justice-services.aspx>. CJS provides a range of resolution and court supports for people involved in legal disputes, including family law matters.

### When can arrears or other charges be added?

MEP registers files with or without arrears. Recipients may send an Affidavit of Arrears to MEP at or after registration. Affidavits of Arrears may be sent to MEP even after a child is no longer eligible for ongoing maintenance payments, as long as the arrears accumulated when the child was still eligible to receive child support.

Other charges may be added to MEP files from time to time. For example, MEP may receive claims from a recipient or payor for section 7 expenses payable under a court order or agreement. These expenses are added to the file if proof of payment is provided and the court order or agreement allows MEP to collect them. You are encouraged to regularly monitor your file on MEP Accounts Online or the MEP Info Line to ensure file information is accurate.

## How can I tell if arrears or other charges have been added to my file?

When arrears are added to a file at the time of registration, they appear on the client's statement of account as Total Declared Arrears for arrears claimed by the recipient or Total Subrogated Arrears for arrears claimed by the government (Crown). Any arrears or other charges added after the file is registered are shown as an adjustment on the statement of account with comments about the adjustment.

- The MEP has other Information Sheets, on a variety of helpful topics. To see them, visit the MEP's website at [alberta.ca/mep](http://alberta.ca/mep)
- To contact the MEP, phone 780-422-5555 or toll-free in Alberta at 310-0000.
- To view information about your MEP file, go to the MEP's website at [alberta.ca/mep](http://alberta.ca/mep) and select "MEP Accounts Online"