

Maintenance Enforcement Support Agreement Form Instructions

Check Your Eligibility

The Maintenance Enforcement Support Agreement form is used to make an agreement for child, spousal, or adult interdependent partner support. Do **NOT** use an agreement if you already have a court order for the same type of support. Also, do **NOT** use an agreement if you have already signed a previous agreement for the same type of support under the *Parentage and Maintenance Act*, *Income Support Recovery Act* or *Income and Employment Supports Act*. However, you can use a Maintenance Enforcement Support Agreement for maintenance that a previous agreement or court order does not cover. For example, when you have a court order for spousal support, you may make an agreement for child support.

Getting Legal Advice and Assistance

You may wish to seek legal advice about completing an agreement in your situation, especially if you are sharing or splitting custody. You do not need to have a lawyer complete the form on your behalf.

MEP's *Referrals to Resources Information Sheet*, available at MEP's website, provides information on how to access legal, counselling, mediation, and education services.

If you have general questions, Court and Justice Services provides a range of resolution and court supports for people involved in legal disputes, including family law matters. Visit Court and Justice Services at www.alberta.ca/court-and-justice-services.aspx for more information.

Completing the Agreement Form

Please read all instructions carefully. Do not cross out or add clauses to this agreement. If any section does not apply to your situation, write "N/A" in the space provided.

Court File, MEP File, and Party Information

At the top of the first page, enter your Court file number and/or your MEP file number, if you have one. To enter the Judicial Centre, go to the "Court of King's Bench Location And Sittings" section of the Alberta Courts website, available online at albertacourts.ca/kb/about/locations-and-sittings. Use the map of Alberta to determine which Court of King's Bench jurisdiction you live in, and fill in the name of the city marked on that part of the map. If you live in a jurisdiction that has two cities on its part of the map, fill in the name of the city that is closest to where you live.

The "Recipient" is the person who receives payments made under the agreement. Print the first, middle, and last name of that person in the "Recipient" line. The "Payor" is the person who makes child, spousal, and/or adult interdependent partner support payments under the agreement. Print the first, middle, and last name of that person in the "Payor" line.

Section 1: Type of Maintenance

- Check the first box when the agreement is for spousal or adult interdependent partner support. By checking this box, you are declaring there has never been a court order requiring the Payor to pay spousal or adult interdependent partner support to the Recipient.
- Check the second box when the agreement is for child support. By checking this box, you are declaring there has never been a court order, or an agreement under the *Parentage and Maintenance Act*, the *Income Support Recovery Act*, or the *Income and Employment Supports Act*, requiring the Payor to pay support to the Recipient for any of the children listed in the agreement. Write the names and birthdates of each child covered by the agreement in the correct space. If you have more than four children to list, attach a separate page to the agreement with the full name and birthdate of each additional child.

If this agreement is intended to cover both types of support, then check both boxes.

Section 2: Previous Maintenance Enforcement Support Agreements

- Check box "a" if this is the first Maintenance Enforcement Support Agreement you have made together for child, spousal or adult interdependent partner support.
- Check box "b" if this agreement replaces an earlier Maintenance Enforcement Support Agreement and you want MEP to stop enforcing the earlier agreement and only enforce this new one. Fill in the details of the earlier agreement in the provided space.

- Check box "c" if this agreement amends an earlier Maintenance Enforcement Support Agreement and you want MEP to enforce both the earlier agreement and this new one. Provide the details of the earlier agreement. If there are differences or conflicts between the two agreements, the terms of the most recent agreement will be used. To avoid confusion, it is recommended you have only one agreement registered with MEP whenever possible.
- **Please note that you cannot use a Maintenance Enforcement Support Agreement to replace or amend a court order.**

Section 3: Guideline Income

The Department of Justice has created easy-to-use tools to determine basic child support amounts. These tools are based on the official tables in the *Federal Child Support Guidelines* which are federal and provincial rules intended to guide the courts in determining the amount of child support. The Child Support Guidelines are available at <http://laws-lois.justice.gc.ca/eng/regulations/sor-97-175/index.html>. To find the base amount of child support to be paid based on the payor's income and number of children, refer to the Tables for the jurisdiction where you reside.

- If you decide to use the Guidelines for your agreement, complete this section by filling in the Payor and Recipient's income. If you need help determining your guideline incomes, contact [Court and Justice Services](#).
- If you decide NOT to use the Guidelines, and instead agree to a different amount for child support, write "N/A" in the spaces for this section.

The Child Support Recalculation Program (RP), available online at www.alberta.ca/child-support-recalculation, is a service that recalculates the amount of child support that the Payor must pay under a court order or support agreement every year. This helps keep the amount of support consistent with changes in the incomes of the Payor and Recipient. You may want to register your agreement with RP to avoid having to submit a new agreement if the income of the Payor or the Recipient changes.

Please note: If you choose not to use the Guidelines, you will not be eligible for the Child Support Recalculation Program.

Section 4: Base Child Support

The "base child support" is the amount of child support paid to the Recipient for basic needs of the child(ren), such as food, shelter, and clothing. Additional expenses, such as extracurricular activities, are entered later in the agreement (see Section 6).

- At "a" fill in the total amount of base child support to be paid to the Recipient each month. If you choose to use the Child Support Guidelines, contact [Court and Justice Services](#) if you need help calculating the monthly base amount.
- At "b" fill in the date(s) each month when payment of child support will be made. The Payor may pay the full amount in one monthly payment or in two equal monthly installments. If using two equal payments, please select the 1st and the 15th of the month.

Section 5: Adjustment of Child Support by the Director of Maintenance Enforcement

This section sets out how child support payments will be adjusted when children become ineligible (e.g. a child is no longer financially dependent on the Recipient). Fill in the new amount of child support you expect MEP to collect when one or more of the children become ineligible. You may refer to the Child Support Guidelines to set the new support amount for the child(ren) remaining, or agree on a different amount. If you need more space for this section, provide the required information for each additional expense on an attached page.

Section 6: Additional Expenses Relating to the Child(ren)

This section deals with additional expenses not covered by the base child support amount, such as:

- costs of child care while the recipient is at work
- health-care costs not covered by insurance (for example, orthodontics, counselling, medication or eye care)
- medical and dental insurance premiums
- extraordinary expenses for primary, secondary, or other education programs
- post-secondary education expenses
- extracurricular activities

Decide how the cost of these additional expenses is to be divided between the parents, and when the Payor will pay their portion. Payment options include once a month, once every year, or a one-time payment. Parents may agree to different schedules for different additional expenses (e.g. child care is paid monthly, but eye care is paid yearly). If you need more space for this section, provide the required information for each additional expense on an attached page.

- When one or more expenses will be paid monthly, check the box next to “Monthly Payments”. Fill in the total amount of the monthly expense payment, the day of the month on which the payment is due to MEP, and the date when the first payment is due. In the columns below, break down each item included in the total monthly expense payment, including the name of the child, the type of additional expense, and the amount the Payor is contributing to the expense.

When one or more expenses will be paid yearly, or once only (one-time), check the box next to “One-time or Yearly Payments”. Print the first name of each child for whom expenses are to be paid. Describe the expenses for each child and the amount to be paid.

- When an expense is a one-time payment, check that box and fill in the due date of the payment. When the expense is paid once each year, check that box and fill in the due date of the payment.
- For more information about Section 7 Expenses, refer to MEP’s *Section 7 Expenses Information and Report* in the [Forms section](#) of MEP’s website.

Section 7: Termination of Child Support and Expenses

This section sets out when child support is to end. The Canadian *Divorce Act* and the Alberta *Family Law Act* provide different options. You are encouraged to speak with a lawyer to fully understand each option.

- Check box “a” if child support is to end when a child is no longer a child of the marriage under the federal *Divorce Act*. This Act defines a “child of the marriage” as a child of two spouses or former spouses who is under the age of majority and has not withdrawn from their charge, or is an adult child under their charge but unable “by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessaries of life”. The child still being a full time student is a common “other cause” accepted by the courts.
- Check box “b” if child support is to end when a child is no longer a child under the *Alberta Family Law Act*. A “child” under this Act means a person who is under the age of 18 or is 18 years of age or older who is under his or her parents’ charge and is unable, by reason of illness, disability, being a full-time student as determined in accordance with the prescribed guidelines, or other cause, to withdraw from his or her parents’ charge to obtain the necessaries of life.
- Check box “c” if you are providing your own criteria for the end of child support. This may be a particular date in the future, or it may be when a specific thing happens (e.g. child graduates from university). Fill in the date or conditions you have chosen for *each* child named in the agreement. Please be as clear as possible.

Section 8: Monthly Spousal or Adult Interdependent Partner Support

- At “a”, provide the total amount to be paid to the Recipient each month for spousal or adult interdependent partner support.
- At “b”, enter the date(s) each month when payment of support will be made. The Payor may pay the full amount in one monthly payment or in two equal monthly installments. If using two equal payments, please select the 1st and the 15th of the month.

Section 9: Termination of Spousal or Adult Interdependent Partner Support

- If you want support to stop on a specific date, check box “a” and fill in the date when you want the support to stop being paid.
- If you want support to stop for a particular reason instead of on a specific date, check box “b” and fill in the reason (e.g. “Spousal support will stop when the Recipient graduates from university.”) Please be as clear as possible.

Section 10: One-Time Spousal or Adult Interdependent Partner Support

When the Payor will pay spousal or adult interdependent partner support in a single one-time payment, or when the Payor will pay a one-time payment as well as an ongoing monthly amount, fill in the amount and the date when the one-time payment is to be made to MEP.

Section 11: Enforcement by the Director of Maintenance Enforcement

By signing this agreement, the Payor and Recipient consent to registering the agreement with MEP. The Payor will make their payments directly to MEP and the Program will forward the payment to the Recipient. Please read this section carefully before signing.

Section 12: Date of Agreement

In the spaces provided, fill in the date the agreement was made, the city or town where it was made, and the addresses of both the Recipient and the Payor.

When signing the agreement:

- Make two (2) photocopies of the agreement so you have three copies in total.
- Arrange for a witness to observe the signing of the document. A witness must be someone other than the Recipient and the Payor. The same person may act as a witness for both parties.
- The Recipient and the Payor sign all three (3) copies of the agreement in front of their witness. They also print the date when each signed and their full name in the space provided.
- The witness(es) must sign all three (3) copies where indicated, and prints the date the Payor or Recipient signed. The witness also prints their full name in the space provided.

The Recipient and Payor should each keep an original signed copy. The remaining original signed copy should be sent to MEP along with a completed Registration Package (for more information on registering the agreement, see below).

Affidavits of Execution for the Recipient and the Payor

After the agreement is signed, the witness(es) must complete the Affidavit of Execution for the Recipient or Payor that they acted for. When one witness is used for both the Recipient and the Payor, that witness completes both Affidavits.

Once the parties have completed the Affidavits, the witness(es) must then see a Commissioner for Oaths for the Province of Alberta to sign the Affidavit and swear an oath (or affirm) they saw the Recipient and/or Payor sign the agreement.

Commissioner for Oaths are available free of charge at courthouses and elected officials' offices. Banks, law offices and registry offices also have Commissioner for Oaths but may charge a fee for this service.

Registering Your Agreement

Send an original, signed copy of the agreement, including the Affidavits, with a completed Registration Package to MEP. This may be done by either the Recipient or the Payor.

If you are the Recipient, please complete the Creditor Registration Package. If you are the Payor, please complete the Debtor Registration Package. These packages are available on MEP's website at alberta.ca/mep. You may also request a package be sent to you through the MEP Info Line by calling 780-422-5555 or toll free by dialing 310-0000 first.

Once your documents and completed Registration Package have been received by MEP, the Program files the original agreement with the Alberta Court of King's Bench. MEP then contacts both parties in writing to tell them that enforcement of their agreement has begun.

If you need more information about the Maintenance Enforcement Support Agreement process, contact Court and Justice Services at www.alberta.ca/court-and-justice-services.aspx.