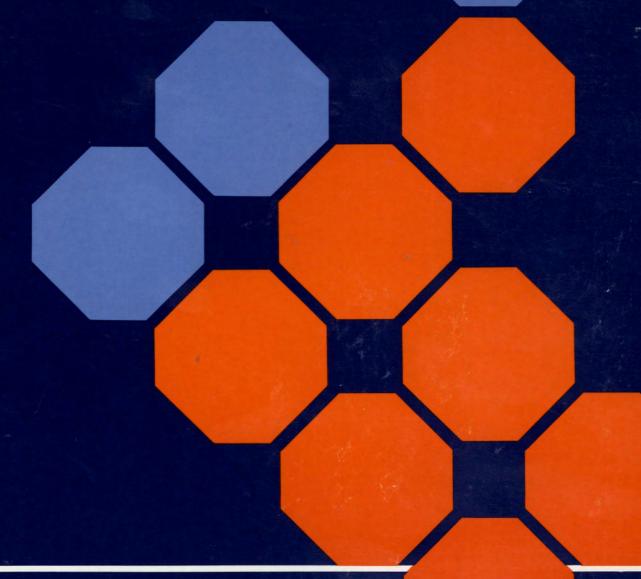


Ministère de la Justice Canada

Family Orders and Agreements Enforcement Assistance

Tracing Information Service



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Family Orders and Agreements Enforcement Assistance Tracing Information Service

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An explanation of Part I of the Family Orders and Agreements Enforcement Assistance Act, S.C. 1986, c. 5, and the Release of Information for Family Orders and Agreements Enforcement Regulations passed under that Act.

This instruction booklet is intended for use by Designated Recipients and Recipient Officers assigned pursuant to the above Act. However, it also contains relevant information for family court officials and lawyers, child welfare agencies, police forces and other provincial/territorial agencies or individuals involved with the enforcement of family orders and agreements.

The information in this booklet is intended for instructional purposes only and does not in any way override the above Act or Regulations.

Family Orders and Agreements Enforcement Unit Department of Justice P.O. Box 2730, Postal Station "D" Ottawa K1P 5W7

1-800-267-7777 TDD, for hearing- or speech-impaired: 1-800-267-7676

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Table of Contents

Introduction	1
The Legal Framework	2
The Act	2
Federal/provincial/territorial agreements	2
The Tracing Information Service	3
The Enforcement Unit	3
Federal information banks	3
Information limits	3
Information uses	3
The Pre-Application Process	4
Applications initiated by a spouse, parent or authorized	
individual or agency	4
Applications initiated by an authorized police force	5
Applications initiated by an authorized provincial/territorial enforcement service	5
Filling Out The Application	6
The cover	6
Part 1 — Recipient Officer information	6
Part 2 — Missing person(s) information	6
Missing person(s) No. 2, 3 and 4	7
Part 3 — Documents	7
Part 4 — Declaration	8
General information	8
Processing The Application	12
Verifying the application	12
The search process	12
The trace response	12
Safeguarding The Information	13
Using and exchanging the information	13
Maintaining confidentiality	13



Help Is Available	14
Questions And Answers	15
The legal framework	15
The tracing information service	15
The pre-application process	15
Processing the application	16
Safeguarding the information	16
Glossary	17



Introduction

Each year in Canada, thousands of marriages and common law relationships break down. The result is often separation or divorce, many times involving children.

Under the Canadian legal system, the *enforcement* of family orders is a provincial responsibility. Family orders may include:

- custody, where a person or persons (usually a parent) is awarded custody of the child or children;
- access rights, where a person (usually a parent) who
 is not awarded custody is
 granted regular access to
 the child or children; and
- support, where a person (usually a spouse or parent) is directed to provide monetary payments to help support dependents (usually the other spouse and/or the children).

As an alternative to these court orders, the spouses/parents may reach a mutual agreement on support, custody or access rights. Such arrangements are often referred to as spousal agreements.

Studies show that between onehalf and three-quarters of Canadian support orders are not followed, in whole or in part, every year. Custody and access orders are also frequently disobeyed. If a parent abducts a child contrary to a custody arrangement, a charge of parental child abduction can be laid under Section 250.1 or 250.2 of the *Criminal Code*. Until recently, no federal provisions existed to help trace missing children or persons who had breached family orders or spousal agreements. However, with the passage of the Family Orders and Agreements Enforcement Assistance Act in January, 1986, the federal government established the legislative framework for a tracing information service to assist in the enforcement of these orders, agreements and Criminal Code charges. Regulations governing the Release of Information for Family Orders and Agreements Enforcement have since been developed, and federal/provincial/territorial agreements have been signed to enable operation of the service.

This booklet outlines how the tracing information service works, who can apply for assistance, what information can be released and how that information is gathered. It also provides complete directions on filing an application for tracing information service assistance.

The Legal Framework

The Act

Part I of the Family Orders and Agreements Enforcement Assistance Act provides for the release of information from designated federal information banks to help locate persons who have breached family orders or spousal agreements. It also has provisions to help locate children who are missing as a result of a breach of a family order or agreement. Information may also be released to enforce a charge of parental child abduction under the Criminal Code. (Part II of the Act, which provides for garnishment of certain federal monies in order to pay support orders and agreements, will be implemented in the near future.)

Federal/provincial/ territorial agreements

Federal/provincial/territorial agreements are an essential element in the implementation of the Act. These agreements set out the terms and conditions for release of information from federal information banks. They also ensure the confidentiality of the information and name the organizations that are authorized to submit applications and receive the information. Further, these agreements stipulate that the information can only be used for the enforcement of family orders or agreements or parental child abduction charges.

The provincial/territorial institutions which are eligible to submit applications to the enforcement unit (and to receive such information) are outlined in an annex to each agreement. These Designated Recipients are selected at the discretion of the provincial Attorney General (or their territorial equivalent) and include courts, police forces and provincial/territorial enforcement services. The provincial Attorneys General or their territorial equivalent can provide a complete list of Designated Recipients in their province or territory.

Each Designated Recipient can authorize a *Recipient Officer* (or Officers) to act on its behalf in submitting applications for the release of information and in receiving that information. The Recipient Officer thus becomes the person responsible for filing applications, corresponding with the federal Enforcement Unit, receiving information released under the terms of the Act and ensuring that the information is treated in a confidential manner.



The Tracing Information Service

The Enforcement Unit

The federal Department of Justice has established a Family Orders and Agreements Enforcement Unit in Ottawa to implement the tracing and garnishment provisions of the Act. Within this Enforcement Unit, a tracing information service is now operational.

Federal information banks

The Enforcement Unit comes under the authority and direction of the federal Department of Justice. However, the federal information banks that can be searched under the Act are compiled and maintained by two other federal departments — Health and Welfare Canada and the Canada Employment and Immigration Commission.

The following Health and Welfare Canada information banks can be searched under the Act:

- Canada Pension Plan Computer Master Data;
- Canada Pension Plan Record of Earnings;
- Canada Pension Plan Records of Earnings Enquiries;

- Canada Pension Plan Social Insurance Number Validator;
- Canada Pension Plan Retirement and Survivors' Benefits (Individual);
- Canada Pension Plan Disability; and
- International Social Security

 Domestic and Foreign

 Benefits Computer
 Master Benefit Data.

The Canada Employment and Immigration Commission information banks which can be searched under the Act are:

- Record of Employment;
- Benefit and Overpayment Master File; and
- Social Insurance Number Registration.

Information limits

These files contain a variety of information on more than 16 million adult Canadians. However, only strictly limited information can be searched out and released to the Enforcement Unit. In response to a valid application, the following information can be provided:

the address(es) of the person who has breached a family order or agreement, or against whom a charge of parental child abduction has been laid;

- the name and address of the person's recent employers;
- the address of every child or children named in the application for tracing assistance (if any); and
- the name and address of the employer(s) of every child named in the application for tracing assistance (if any).

It is an offence to improperly release this information, punishable on summary conviction by up to six months imprisonment or a fine of \$1 000, or both.

Information uses

This information can then be used by a court or provincial/territorial enforcement service to locate a missing person so that a family order or agreement can be enforced. It may also be used by police forces to enforce a parental child abduction charge under Section 250.1 or 250.2 of the *Criminal Code* of Canada.

The information can only be released to a Recipient Officer. Information will not be released to an unauthorized individual.

The Pre-Application Process

Many different people and organizations can initiate the process of applying to the Enforcement Unit for tracing information. However, to ensure that an individual's privacy is protected, the final application must be completed and forwarded by a Recipient Officer. Further, information is released only to the Recipient Officer, who must keep it confidential; it cannot be released to Individuals outside the Designated Recipient, such as the spouse.

The pre-application process differs for each of the groups permitted to seek tracing information service assistance. As well, different documentation is required in each case.

Applications initiated by a spouse, parent or authorized individual or agency

An application for tracing information service assistance may be initiated by one of the persons named in a family order or spousal agreement, or by an individual or agency otherwise authorized to enforce the order or agreement (for example, welfare authorities).

To apply for assistance, the spouse, parent, individual or agency must:

- produce a family order or provide evidence of a legally enforceable spousal agreement on support, custody or access; and
- show that at least one provincial/territorial information bank in the province/territory

from which the application originates has been searched for the missing person's address or the address of his/ her employer before the application is made to search federal information banks.

The provincial/territorial banks which can be searched are outlined in each federal/provincial/territorial agreement. (For more information, contact your provincial Attorney General or the territorial equivalent.) This requirement can be waived if there are reasonable grounds to believe that the missing person or persons have left the province or territory.

If the missing person or persons cannot be located through provincial/territorial information banks, or if the person is believed to have left the province or territory, the spouse, parent, individual or agency may apply to an appropriate court for authorization to seek federal tracing information assistance. The court applied to must be empowered to enforce the family order or spousal agreement involved. The application to the court must be accompanied by:

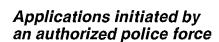
- a copy of the family order or spousal agreement to which the application relates;
- an affidavit* setting out the specifics of the alleged breach and disclosing what steps have been taken to locate the missing persons; and

proof that a designated provincial/territorial Information bank(s) has been searched, or a statement indicating the grounds for believing that the person(s) has left the province or territory.

If the above provisions are met, the court may authorize a Recipient Officer (usually a court official) to apply to the Enforcement Unit for tracing assistance. (The spouse, parent, individual or agency cannot be authorized to apply to the federal government for tracing information, nor can they receive this information.) The Recipient Officer's application to the Enforcement Unit must be accompanied by:

- a copy of the family order or spousal agreement that has allegedly been breached;
- the court authorization to apply;
- a copy of the affidavit submitted to the court in support of the application for authorization; and
- proof that a designated provincial/territorial information bank(s) has been searched, or that there are reasonable grounds to believe that the missing person(s) has left the province or territory.

^{*} A blank affidavit is included in each tracing information service application package.



Police forces may apply to the Enforcement Unit for assistance in tracing persons who are suspected of having abducted children under Section 250.1 or 250.2 of the Criminal Code. This process can begin only after an Information has been laid under the Criminal Code alleging that a child (children) under the age of 14 years has been abducted by the non-custodial parent. Moreover, to apply for assistance the police force must be listed as a Designated Recipient in the federal/provincial/territorial agreement.

Before seeking court authorization to apply for tracing assistance, a designated provincial/territorial information bank must have been unsuccessfully searched. (Again, this requirement may be waived if there are reasonable grounds to believe that the abducting person and/or the missing child or children have left the province or territory.)

In such cases, the *Criminal*Code Information must be filed
with an appropriate court, along
with an affidavit* indicating:

 what steps have been taken to locate the person; and providing proof that a designated provincial/territorial information bank(s) has been searched, or that there are reasonable grounds to believe that the missing person(s) has left the province or territory.

The court may then authorize a Recipient Officer in the police force to apply for tracing assistance.

The application to the Enforcement Unit must be accompanied by:

- a copy of the Criminal Code Information;
- the court authorization to apply;
- a copy of the affidavit submitted to the court in support of the application for authorization; and
- proof that a designated provincial/territorial information bank(s) has been searched, or that there are reasonable grounds to believe that the missing person(s) has left the province or territory.

Applications initiated by an authorized provincial/ territorial enforcement service

Enforcement services have been established in most provinces and territories to enforce support or custody orders and agreements. These services do *not* require court authorization to apply for tracing information service assistance. Applications must, however, be accompanied by a copy of the family order or agreement to which the application relates and an affidavit* that:

- alleges a breach of the family order or agreement;
- sets out the particulars of the breach;
- outlines what steps have been taken to locate the missing person(s); and
- discloses that a designated provincial/territorial information bank(s) has been searched or that there are reasonable grounds to believe that the person(s) involved has left the province or territory.

^{*} A blank affidavit is included in each tracing information service application package.



Filling Out The Application

Each request for tracing information service assistance must be accompanied by a completed application form. Tracing information service application packages, including a blank affidavit (TO2) and application form (TO1), are available from the Enforcement Unit.

In this section, detailed information is provided on completing an application (a sample of the affidavit is on page 9 and a sample of the form is on pages 10 and 11). Remember, only Recipient Officers are permitted to file applications.

Unless otherwise specified, all information requested on the application form is mandatory. Applications which do not provide all the mandatory information cannot be processed.

The cover

On the front of the application form (on the line over "name of organization"), the Recipient Officer indicates the organization on whose behalf the application is made. This organization must be a Designated Recipient.

Part 1 Recipient Officer information

01

Recipient Officers are required to provide their *surname only* on line 01.

02

Each Recipient Officer will be assigned a personal *identification number* by the federal Department of Justice. This is one of the safeguards to ensure that only authorized persons receive information under the terms of the Act. A Recipient Officer's identification number is entered on line 02.

03

Any document control or file number which the Recipient Officer has assigned to the application may be entered on line 03. Such a number is not necessary in order for the application to be validated.

04

Each application received by the Enforcement Unit is assigned an application control number. Unless you have previously corresponded with the Enforcement Unit on this specific application, you will not yet have been issued an application control number.

Part 2 Missing person(s) information

The application form provides space for information on four missing persons (one adult and up to three children). Missing person No. 1 is the adult who is being sought for breach of a support, custody or access order, or against whom a charge of parental child abduction has been laid. Additional missing persons would be a child (children) who has been taken by

a spouse in contravention of a custody or access order. If more than one missing adult is involved, provide information on the additional adult under Part 2 of a second form and attach it to the original application. The same applies if more than three missing children are involved.

The name(s) of the missing person(s) must correspond with the name(s) on the affidavit in support of the application.

05

The surname of Missing Person No. 1 — the adult being sought for breach of a child support, custody or access order, or against whom a charge of parental child abduction has been laid.

06

The first name of Missing Person No. 1.

07

The second name of Missing Person No. 1.

08

The Missing Person Code indicates the status of the missing person for purposes of the application. One of the following codes must be used:

A — A person in default of the support provision attached to the application.

B — A person believed to have a child or children in contravention of the custody provision attached to the application.



C — A person charged with an offense under Section 250.1 or 250.2 of the *Criminal Code*.

D — A missing child.

E — A person believed to have a child or children in contravention of the access right set out in the order or agreement attached to the application.

09

The sex of Missing Person No. 1: M (male) or F (female).

10

The date of birth should be provided even if only the month and year are known.

11

If available, the Social Insurance Number of the missing person should be provided.

12

The maiden name of the missing person's mother should also be provided, if available.

13 - 20

Lines 13 through 20 are to be completed only if Missing Person No. 1 has any known nicknames, aliases or additional Social Insurance Numbers that might help in the search.

Missing persons No. 2, 3 and 4

The instructions for completing the part on Missing Person No. 1 apply for each additional missing person. However, you should note that any additional missing persons will always be children, while Missing Person No. 1 is always an adult.

45

If you are providing information on more than one adult or three children, check this box and provide the additional information under Part 2 of a second application form, which should then be attached to the first form. As well, cross out the serial number on the second application form and write in the serial number of the first form.

Part 3 — Documents

Unless all the required documents have been included with the application, under the terms of the Act and Regulations a search cannot be undertaken. In Part 3 of the application, the Recipient Officer is required to check the appropriate box for each document included with the application.

46

A copy of the family provision (support, custody or access order or agreement). This is *not* required for applications filed by police forces.

47

A copy of the *Criminal Code* Information. (This is required from police forces in cases of alleged child abduction.)

48

An affidavit in support of the original application for court authorization to seek tracing information service assistance. This affidavit must be included with all applications except those filed on behalf of a provincial/territorial enforcement service. Use the affidavit included in each application package.

49

An affidavit in support of the application to the Department of Justice. This affidavit is to be completed by provincial/territorial enforcement services. Use the affidavit included in each application package.

50

The court authorization to seek tracing information service assistance. This authorization must be provided *except* where the application is filed on behalf of a provincial/territorial enforcement service.



Part 4 — Declaration

Recipient Officers are required to take note of the declaration in Part 4, sign the application on the line provided and complete lines 51 through 53 as indicated.

51

The Recipient Officer's surname.

52

The Recipient Officer's first and second names.

53

The Recipient Officer's title and position within the Designated Recipient organization.

The Recipient Officer should then sign and date the application.

General information

- Recipient Officers should retain a copy of each application and copies of the accompanying documents.
- Application forms should be typed or printed clearly in block letters.
- All information will be treated as confidential when received by the Department of Justice.
- Information and assistance on filing applications is available by contacting the Enforcement Unit at the address or telephone numbers provided on page iii.



TO2		TO2
FAMILY D	T IN SUPPORT OF AN APPLICATION UNDER PART I OF THE IRDERS AND AGREEMENTS ENFORCEMENT ASSISTANCE 1986, c. 5	AFFIDAVIT À L'APPUI D'UNE DEMANDE PRÉSENTÉE SOUS LE RÉGIME DE LA PARTIE I DE LA <i>LDI D'AIDE À L'EXÉCUTION DES DRIDDNNANCES ET DES ENTENTES FAMILIALES</i> , S.C. 1986, CH. 5
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or B	the particulars of the said breach are as follows:	décrite ci après (énoncar les circonstances de la violation):
		W. Harrison
	B. [] has had laid against him or her an information, pursuant to section	B. [] fait l'objet d'une dénonciation en vertu de l'article du Code criminet.
	the Criminal Code.	Gescar since 250 to 250 8
	e full name(s) of the missing child(ren) is (are):	2. [] Nom complet de l'enfant (des enfants) recherché(s):
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	or	ou
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	B. [] There are reasonable grounds to believe that the following person(s) has (have) left the province or territory:	B. [] If y a des motifs raisonnables de croire que la(les) personne(s)' suivante(s) a(ont) quitté la province:
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	The reasonable grounds are:	Ces motifs raisonnables sont les suivants;
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A Commi	ssioner, Justice of the Peace, Notary Public, etc.)	(Commissaire à l'assermentation, juge de la paix, notaire, etc)
	(Signature)	(bgrature)

Application: Family Orders and Agreements Enforcement Assistance

For the release of information under Part I of the Family Orders and Agreements Enforcement Assistance Act, S.C. 1986, c. 5, and under section 4 of the Release of Information for Family Orders and Agreements Enforcement Regulations.

Formulaire de demande: Aide à l'exécution des ordonnances et des ententes familiales

Demande de communication de renseignements en vertu de la Partie l de la Loi d'aide à l'exécution des ordonnances et des ententes familiales, S.C. 1986, ch. 5, et de l'article 4 du Règlement sur la communication de renseignements pour l'exécution des ordonnances et des ententes familiales.

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Processing The Application

Verifying the application

Applications for tracing information service assistance are processed by the Enforcement Unit. A document control number is generated for each application and is used in all future correspondence relating to the application.

If an application is incomplete, the Recipient Officer is sent a letter requesting that the missing information or documentation be provided before the trace can proceed. An application validation checklist will be enclosed with the letter, indicating what information is required.

The search process

After an application has been validated, the Recipient Officer is sent a letter acknowledging receipt of the application and informing him or her that the search process has begun. A search request is issued by the Enforcement Unit to Health and Welfare Canada and/or the Canada Employment and Immigration Commission asking that the approved information banks be searched for the addresses of trace subjects and the names and addresses of their employers. Information generated from the banks and directed to the Enforcement Unit is known as the search response.

The trace response

Any address information obtained from the search is then mailed by the Enforcement Unit to the appropriate Recipient Officer in a trace response letter. A letter is sent to the Recipient Officer whether or not the requested information has been found in the Health and Welfare Canada and/or Canada Employment and Immigration Commission information banks.

On receiving a trace response letter, Recipient Officers are required to return to the Enforcement Unit the acknowledgement stub located at the bottom of the letter.

Ideally, no more than 30 days should pass between receipt of an application and issuance of a trace response. However, this may vary. If a Recipient Officer does not receive a trace response within a reasonable period of time, he or she should contact the Enforcement Unit.

The Enforcement Unit will respond to written and telephone enquiries from Recipient Officers only — and only by indicating the status of the application. As well, important safeguards exist to ensure that the person making such an enquiry is authorized to do so.



Safeguarding The Information

Using and exchanging the information

Information released under the Act can be used only to enforce a support, custody or access order or agreement or a *Criminal Code* charge of parental child abduction. The information may be exchanged between Recipient Officers providing the purpose is to:

- help enforce the order, agreement or Criminal Code Information named in the application for the release of information; or
- help enforce another family order or agreement or charge of parental child abduction involving one of the persons named in the original order, agreement or Criminal Code Information.

The information can be shared with another Recipient Officer named in agreements between the federal government and any of the provinces or territories, or pursuant to your province's or territory's inter-provincial enforcement legislation and procedures.

If information is shared with another Recipient Officer, the originating Recipient Officer may confirm the status of the receiving Recipient Officer through the provincial Attorney General's office or the territorial equivalent. The originating Recipient Officer should receive written notice of receipt of the

information. Should the information be lost in transit, the originating Recipient Officer must immediately launch a search and inform the Enforcement Unit.

Maintaining confidentiality

Information released pursuant to the Family Orders and Agreements Enforcement Assistance Act must be kept confidential at all times. Should the Minister of Justice believe that confidentiality cannot be assured, the Minister may refuse to release information to the Recipient Officer or Designated Recipient.

Released information may be placed on court documents or orders to the extent necessary to enforce the support, custody or access order or agreement, or the *Criminal Code* Information.



Help Is Available

Information on the Family Orders and Agreements Enforcement Assistance Act, on the Enforcement Unit and on application procedures can be obtained by writing to the Family Orders and Agreements Enforcement Unit, Department of Justice, P.O. Box 2730, Postal Station "D", Ottawa K1P 5W7; or by phoning toll-free 1-800-267-7777 during regular working

hours (eastern standard time). The hearing- and speech-impaired can phone toll-free 1-800-267-7676 (Telecommunications Device for the Deaf). Information and assistance is also available from the offices of provincial Attorneys-General and their territorial equivalents.



Questions And Answers

Below are some questions that may initially arise on the tracing information service.

The legal framework

What is the difference between a Designated Recipient and a Recipient Officer?

Designated Recipients are organizations authorized by the provincial/territorial authority to receive information. Designated Recipients in turn authorize Recipient Officers to undertake the actual filing of applications and to receive the information generated.

What organizations may be appointed as Designated Recipients?

Courts, police forces and provincial/territorial enforcement services may be appointed as Designated Recipients at the discretion of the provincial Attorneys General or their territorial equivalent. As a result, Recipient Officers may be court officials, police officers or employees of provincial/territorial enforcement services.

What are provincial/territorial enforcement services?

These are enforcement services which have been established in most provinces and territories specifically to enforce family orders and agreements.

Does the Act apply if there was no marriage but only a common law relationship?

Yes, the Act does apply to common law marriages provided an enforceable family order or agreement has been breached or a charge of parental child abduction has been laid.

The tracing information service

Why is the information that can be released under the terms of the Act so limited?

The object of Part I of the Act is to help locate missing persons so that support, custody and access orders and agreements can be enforced. Release of any information other than the address of the missing person, the name and address of his/ her employer, the address of children involved in the application (if any) and the names and addresses of their employers would represent an unnecessary invasion of privacy.

Can grandparents, aunts and uncles be traced under the Act?

Any person who has a support obligation arising from a family order or agreement can be traced under the Act and Regulations. In terms of custody and access orders, if there are reasonable grounds to believe that a person other than a spouse or parent has possession of a missing child (children), tracing information on that person may also be released by the Enforcement Unit.

Is it possible that a search of the federal information banks might not turn up information on the missing persons?

Yes, it is possible that the approved banks will not contain the information requested. You may also find that information found in the banks is out-of-date (for example, the missing person may have changed addresses in the interim).

The pre-application process

Must the allegation of a breached family order or agreement originate with one of the parents named in the order or agreement?

Not necessarily. An allegation may originate with one of the parents, but it may also originate from an agency or individual charged with the authority to enforce the order or agreement.

Assuming that I am an authorized Recipient Officer, can I apply for tracing information service assistance at my discretion?

Only Recipient Officers operating under the authority of designated provincial enforcement services may apply for tracing assistance without special court authorization. All other Recipient Officers must have court authorization for each application, and must include that authorization with the other documentation.

Can I receive authorization to apply from any court?

Only courts with the jurisdiction to enforce the specific family order or agreement or the *Criminal Code* charge of parental child abduction may authorize you to apply to the Enforcement Unit.



What is the role of the police in tracing missing persons named in these applications?

Police forces are involved only in cases of alleged parental child abduction under Section 250.1 or 250.2 of the *Criminal Code*. In order for the police to become involved, a *Criminal Code* Information must be laid alleging that a child (children) under the age of 14 has been abducted by the non-custodial parent.

Processing the application

What should I do if the Enforcement Unit says my application is invalid?

If you receive a letter indicating that your application cannot be processed, you will also receive instructions on how to correct the error or omission on the application. Don't hesitate to call the Enforcement Unit for further direction or assistance.

If a search does not turn up any information, can I apply again at a later date?

You can apply as often as you feel is justified. Each application received by the Enforcement Unit will be treated as a new application.

What happens if I do not receive a trace response mailed to me by the Enforcement Unit? If you fail to receive a trace response within a reasonable time after submitting an application, you should contact the Enforcement Unit to determine the reasons for the delay.

As a Recipient Officer, can I be given the requested information over the telephone to save time?

No. You will receive a formal trace response letter from the Enforcement Unit. This letter will either provide the information requested or give the status of the search. You can, however, telephone to ask about the status of an application.

Safeguarding the information

Can I share information with another Recipient Officer?

You can share information (but only with another Recipient Officer or Designated Recipient) provided it will be used to enforce the same family order or agreement or parental child abduction charge, or to enforce another family order or agreement or parental child abduction charge involving one of the persons named in the original application. The information can be shared with another Recipient Officer named in agreements between the federal government and any of the provinces or territories, or pursuant to your province's or territory's inter-provincial enforcement legislation and procedures. You require written notice from the other Recipient Officer that the information has been received. Where you have reason to believe the information has been lost in transit, you must immediately launch a search to locate the information, and you must inform the Enforcement Unit. Contact

your provincial Attorney General's office (or the territorial equivalent) for more information on this matter, including confirmation of the status of a Recipient Officer.

What happens if I do not treat the trace response information in a confidential manner? The federal Minister of Justice

The federal Minister of Justice may refuse to send you further information if the Minister believes you cannot ensure the confidentiality of the information you have received.



Glossary

Access order: a court order granting a person (usually a parent) who is not awarded custody of a child or children regular access to the child or children.

Application validation: the process by which Enforcement Unit personnel check applications received from Recipient Officers.

Application validation checklist: the checklist used by the Enforcement Unit to ensure that applications are complete. If an application is invalid (missing information), this checklist will be mailed to the Recipient Officer indicating what further information or documentation is required.

Canada Employment and Immigration Commission: one of the two federal departments which maintain information banks which can be searched under the terms of the Act and Regulations.

Custody order: a court order granting a person (usually a parent) custody of a child or children following marriage breakdown.

Designated Recipient: organizations designated in the federal/provincial/territorial agreements as being authorized to receive information under the terms of the Act and Regulations.

Enforcement Unit, Family Orders and Agreements: administers the Family Orders and Agreements Enforcement Assistance Act and related regulations under the authority of the federal Minister of Justice. Family order: a court order stipulating support, custody or access provisions following marriage breakdown.

Family Orders and Agreements Enforcement Assistance Act: an act of the Parliament of Canada, Part I of which provides for establishment of a tracing information service to assist in the enforcement of family orders and agreements.

Family Orders and Agreements Enforcement Unit: see Enforcement Unit.

Federal/provincial/territorial agreements: agreements signed between the federal and provincial or territorial governments stipulating the responsibilities of each government vis-a-vis the tracing information service, Designated Recipients in each province/ territory, etc.

Health and Welfare Canada: one of the two federal departments which maintain information banks which can be searched under the terms of the Act and Regulations.

Provincial/territorial authority: the provincial/territorial signatory to federal/provincial/territorial agreements, usually the Attorney General or Minister of Justice.

Provincial/territorial enforcement services: services established by the provinces and territories to enforce support and/ or custody orders and agreements. Recipient Officer: the person authorized by the Designated Recipient to act on its behalf in filing applications for tracing information service assistance and receiving information from the Enforcement Unit.

Release of Information for Family Orders and Agreements Enforcement Regulations: regulations arising out of the Act which provide for the operation of the Enforcement Unit.

Search process: the process by which federal information banks are searched in response to requests from the Enforcement Unit.

Search request: the request from the Enforcement Unit to an information bank director at Health and Welfare Canada and/or the Canada Employment and Immigration Commission to furnish information on a trace subject.

Search response: The reply from an information bank director at Health and Welfare Canada and/ or the Canada Employment and Immigration Commission to the Enforcement Unit.

Spousal agreement: a legally enforceable agreement regarding support and/or custody and access.

Support order: a court order stipulating that a person (usually a spouse) provide another person (usually a spouse) with monetary payments to help support the dependent spouse and/or any child or children following the breakdown of a marriage or common law relationship.



Trace request: the part of an application which requests the tracing of a specific missing person.

Trace response: the response made by the Enforcement Unit to the Recipient Officer regarding a specific application for tracing information service assistance.

Trace subject: the individual(s) named in an application as the subject(s) of a requested search for information.

Tracing information service: the system used by the Enforcement Unit to issue search requests, receive search responses, etc.

Tracing unit: a sub-unit of the Enforcement Unit which operates the tracing information service on a day-to-day basis.