



Department of Justice  
Canada

Ministère de la Justice  
Canada

Family Orders and  
Agreements Enforcement Assistance

## ***Interception Service***



Canada

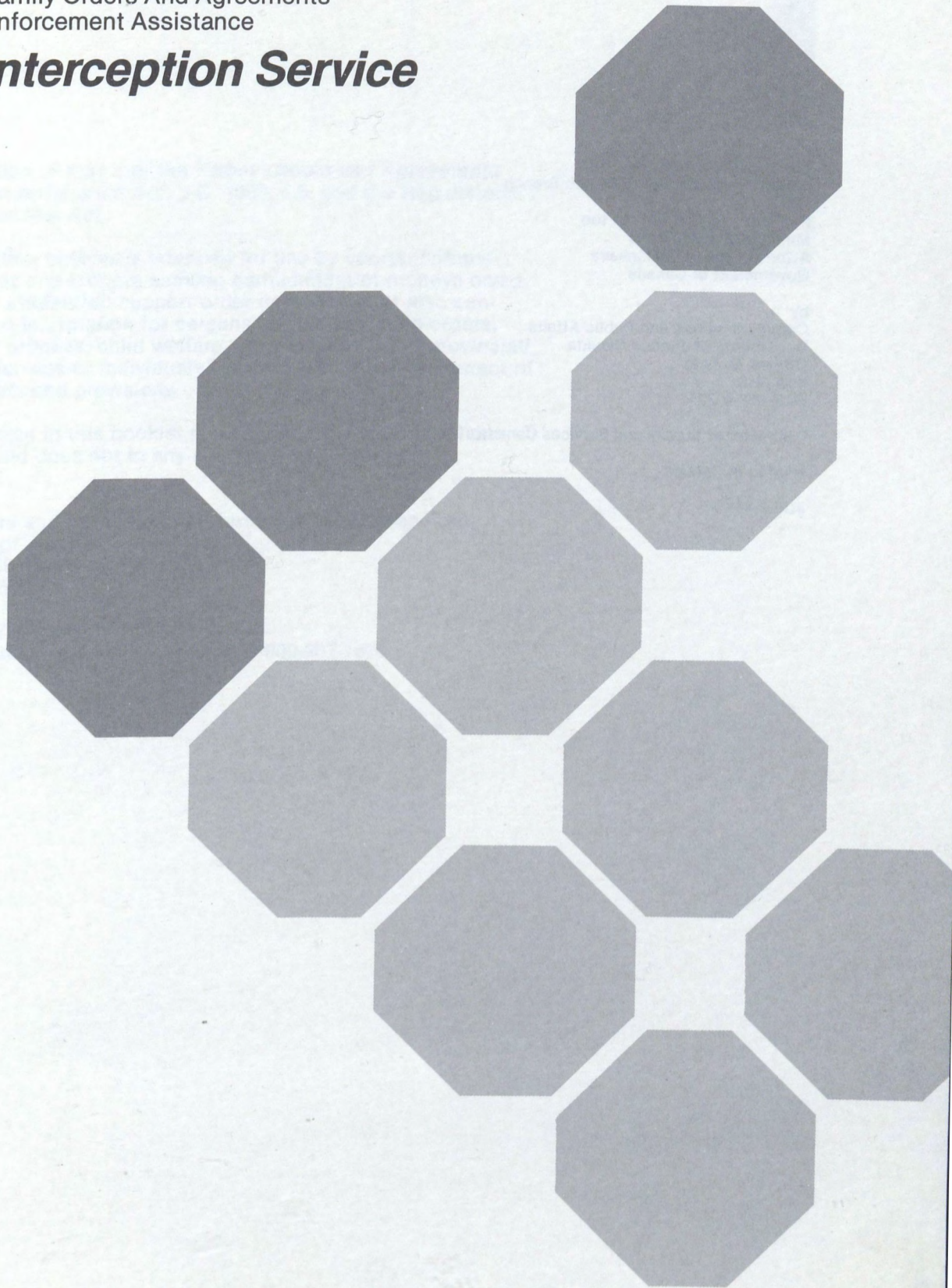




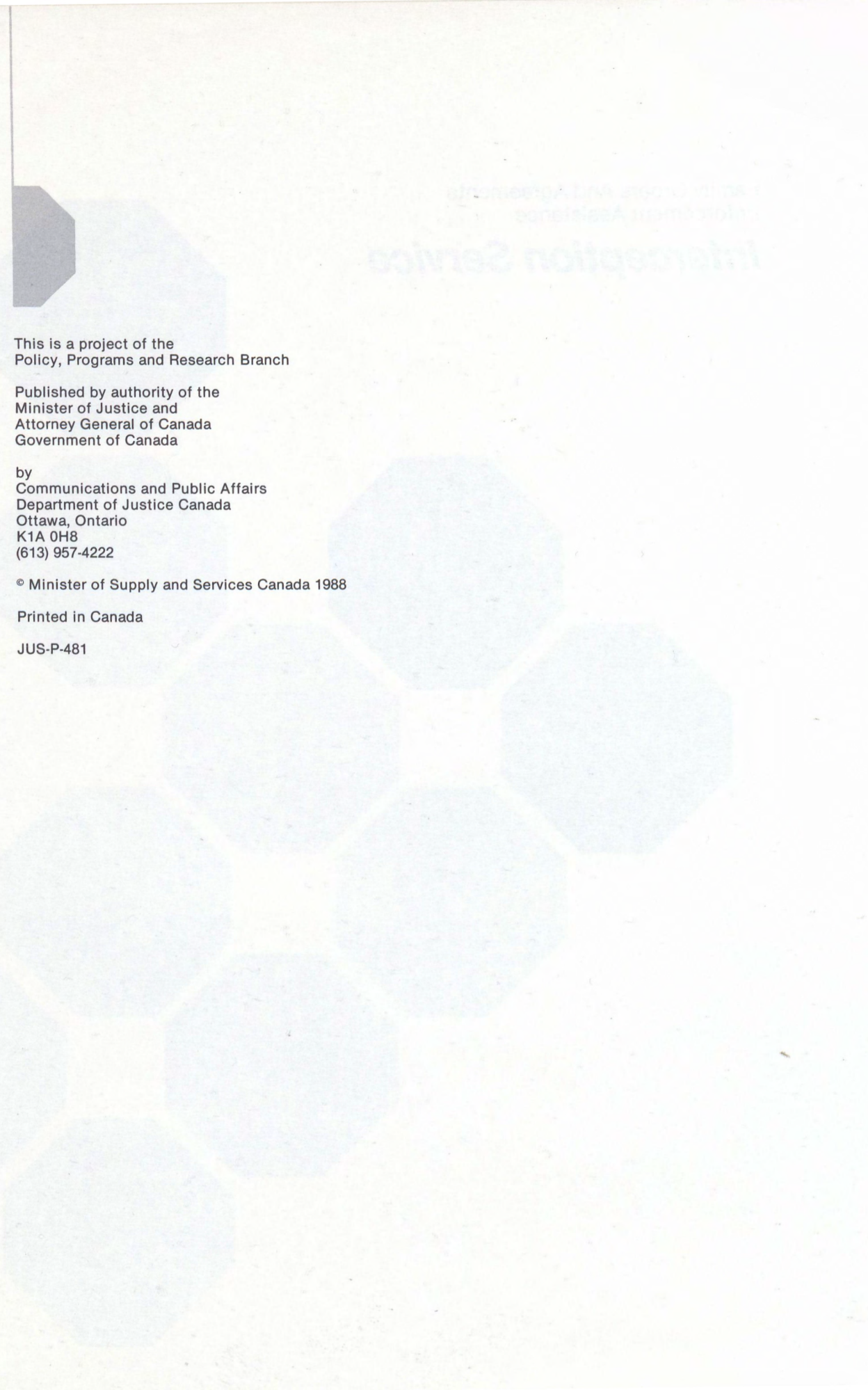


Family Orders And Agreements  
Enforcement Assistance

## ***Interception Service***







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An explanation of Part II of the *Family Orders and Agreements Enforcement Assistance Act*, S.C. 1986, c.5, and the Regulations passed under that Act.

This instruction booklet is intended for use by courts, enforcement services and lawyers seeking garnishment of moneys owed pursuant to a defaulted support order or provision. It also contains relevant information for persons affected by such orders, family court officials, child welfare agencies, and other provincial/territorial agencies or individuals involved with the enforcement of support orders and provisions.

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

Family Orders and Agreements Enforcement Assistance 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

### Prescribing The Application

#### Verifying The Act Applies

#### Identifying The Act's Jurisdiction

#### Identifying The Act's Purpose

#### Identifying The Act's Scope

#### Identifying The Act's Objectives

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## Introduction

Every year, thousands of Canadians fail to meet their financial obligations pursuant to a family support order or agreement.

A *support order* is a legally-enforceable court order or judgment for maintenance, alimony or family financial support. These orders usually direct a spouse or parent to provide monetary payments to help support dependents — usually the children and sometimes the other spouse.

As an alternative to such an order, the spouses/parents may reach a *family agreement*. Any provision in such an agreement that relates to the payment of maintenance or family financial support is known as a *support provision*.

Under the Canadian legal system, the enforcement of family orders and agreements is a provincial responsibility. Pursuant to provincial garnishment\* legislation, courts and/or provincial/territorial enforcement services are able to intercept (through a garnishee summons) a variety of moneys owed to persons who have defaulted on support payments. These moneys are then transferred to the creditor spouse or children.

Federal moneys have historically been immune from garnishment. However, in January, 1986, with the passage of the *Family Orders and Agreements Enforcement Assistance Act*, the Parliament of Canada expressed its intention to end that immunity with respect to designated federal moneys. Part II\*\* of the *Act* permits the garnishment of federal moneys for the enforcement of support orders or provisions. Regulations have been developed to enable operation of an *interception service* to coordinate the garnishment of specified federal moneys. Part II of the *Act* is now in force.

This booklet outlines how the interception service works, what federal moneys are garnishable and the role of various bodies in relation to the service. It also provides complete directions on filing an application for interception service assistance.

\*Garnishment means to legally seize money belonging to a debtor.

\*\*For a definition of Part 1 of the Act, see The Legal Framework, next page.





# The Legal Framework

## The Act

---

Part II of the *Family Orders and Agreements Enforcement Assistance Act* provides for the garnishment of designated federal moneys to satisfy support orders and provisions. (Part I of the *Act* provides for the release of information from designated federal information banks to help trace persons who have breached family orders or agreements, children who are missing as a result of a breach of a family order or agreement, or persons against whom a *Criminal Code* charge of parental child abduction has been laid. A tracing information service is now operational in Ottawa.)

The Regulations developed pursuant to the *Act* set out which federal moneys can be intercepted, establish a fee for the administration of applications to the interception service, and define the application and interception processes.





# ***The Interception Service***

## ***The Enforcement Assistance Unit***

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

## ***Garnishable moneys***

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Under the terms of the *Act* and Regulations, only designated federal moneys can be garnished to satisfy a support order or provision. These *garnishable moneys* are listed in the Regulations.

Other federal moneys may become garnishable in the future. *Summonses cannot specify from which garnishable moneys funds are to be garnished.* A summons will be applied against all designated garnishable moneys.



# The Pre-Application Process

A number of steps must be taken before an application is made to the interception service. These steps may vary according to the garnishment laws of each province or territory and the person or organization initiating the application. Nevertheless, in every case the applicant must provide a legally-enforceable support order or provision and a garnishee summons issued by a court or provincial/territorial enforcement service.

## Initiating an application

The *creditor* (the spouse owed money under the terms of a defaulted support order or provision), the creditor's lawyer, provincial/territorial enforcement services,\* social service agencies and courts authorized to enforce defaulted family orders or agreements may initiate applications to the interception service.

## The garnishee summons

A *garnishee summons* can be obtained after a family order or agreement has been defaulted. In some provinces and territories, the summons is obtained on motion to the appropriate provincial/territorial court. In other jurisdictions, it is possible to obtain a garnishee summons without proceeding to court.\*\* Among other things, a garnishee summons will outline the amount of money which should be garnisheed.

With a copy of the garnishee summons and the support order or provision (and, if applicable, a Variation Notification varying the conditions of a previous summons\*\*\*), application may be made for interception service assistance.

Applications for federal interception service assistance must clearly indicate the last known address of the judgment debtor. If the whereabouts of this person are unknown, application can be made to the tracing information service established under Part I of the *Family Orders and Agreements Enforcement Assistance Act*. Only pre-authorized officials can apply for tracing information service assistance. This must be done *prior* to filing the interception service application, *not simultaneously*. Since a garnishee summons must be served on the federal Minister of Justice within 30 days of issue, tracing information service assistance should be sought well in advance of petitioning a court for the summons. For information, telephone 1-800-267-7777 (TDD, for hearing- or speech-impaired, 1-800-267-7676), or consult the Tracing Information Service booklet, available from the Family Orders and Agreements Enforcement Assistance Unit.

\*\* In some provinces and territories, garnishee summons may be issued directly by enforcement services. For information on the enforcement service in your province or territory, contact the office of the provincial Attorney General, the provincial Department of Justice (the Department of Community Services in Nova Scotia) or the territorial equivalent.

\*\*\* For an explanation of a Variation Notification, see page 18.

\*Most provinces and territories have established these services to enforce family orders and agreements.



# Filling Out The Application

Each request for interception service assistance must be accompanied by a completed application form. In this section, detailed information is provided on completing an application (a sample of the form is on page 10). Application forms are available from the Enforcement Assistance Unit, provincial/territorial enforcement services and provincial courts.

*Except where otherwise specified, all information requested on the application form must be provided. Incomplete applications cannot be processed.*

*Application forms should be typed or printed clearly in block letters. All information will be protected when received by the Department of Justice.*

## Part 1 Summons identification information

---

### 01

Sections 46 to 48 of the Act permit periodic summonses served pursuant to the Act to be varied by the originator if the federal Minister of Justice notifies the originator in writing that garnishable moneys in excess of those identified in the originating summons have become available. Indicate whether the summons is a replacement summons by marking the appropriate box on line 01. If the summons is a replacement summons, the "Variation Notification" issued by the federal Minister of Justice must be enclosed with the application.

## Court or enforcement service identification

---

### 02

Courts and enforcement services authorized to issue a garnishee summons have been assigned identification codes by the Department of Justice Canada. The appropriate code must be entered on line 02.

### 03

The official name of the court or enforcement service which issued the garnishee summons.

### 04

The date the summons was issued by the court or enforcement service. (In the case of a replacement summons, the date of issue of the replacement summons.)

## Summons references

---

### 05

Any provincial/territorial reference number assigned to the court or enforcement service issuing the summons (optional).

### 06

Any account number assigned by the issuing court or enforcement service. This number is *not* required for the application to be processed but will be helpful if available.

## Creditor information

---

All information recorded in this section must correspond with the information on the garnishee summons, except item 12.

### 07

The creditor's surname.

### 08

The creditor's first name.

### 09

The creditor's second (middle) name.

### 10

The creditor's address.

### 11

The creditor's postal code.

### 12

The official language in which the creditor wishes to be addressed.

## Creditor's lawyer information

---

### 13

The name of the creditor's lawyer, if any.

### 14

The address of the creditor's lawyer (must be provided if the lawyer's name is supplied).

### 15

The lawyer's postal code.



**16**

The official language in which the lawyer wishes to be addressed.

## **Part 2 Summons financial terms**

The financial terms of the summons are to be provided in this section of the application. This information must correspond with the information on the summons.

**17**

If the summons stipulates garnishment of a lump sum amount, enter the amount.

**18**

If the summons stipulates garnishment of periodic payments, enter the periodic amounts.

**19**

If periodic payments are stipulated and the summons specifies a maximum total for these periodic amounts, enter the maximum total here.

**20**

Use one of the following payment period codes to indicate the payment period specified in the summons. Leave this box blank if a periodic amount is not specified.

- A — Weekly
- B — Every two weeks
- C — Monthly
- D — Quarterly
- E — Semi-annually

**21**

If periodic payments are cumulative, indicate here.

**22**

Courts and enforcement agencies may issue a summons of continuing effect. This means that if any federal moneys become payable within a year of issuance of the summons coming into effect\*, the summons is extended for an additional 180 days after the end of the first year, but only in respect of the fund from which the moneys became payable. If within that 180 days more moneys become available from that fund, the summons is again extended for 180 days from the day the additional moneys became available.

**23**

If both lump sum amount and periodic payments are specified, indicate which should be satisfied first. *Unless otherwise specified, the lump sum will take priority.* This priority is only effective where periodic payments have been specified as non-cumulative.

\* Under the Regulations, the effective date of the summons is 35 days after receipt of the summons and application by the Enforcement Assistance Unit. This 35-day period allows time for the application to be validated and for interception notices to be sent to the federal departments which administer garnishable moneys. A garnishee summons is binding on the federal government for 365 days after the effective date.

## **Holdback conditions**

At the discretion of the court or enforcement service issuing the summons, a garnishee summons may indicate that fixed amounts or percentages of intercepted federal moneys should be held back by the source department for release to the judgment debtor (usually to provide for that person's living expenses). There are six options for holdback, including "no holdback". Select and complete *one* of the options according to the information contained on the summons.

**24**

No holdback means that the full amount of money specified in the summons will be released to the court or enforcement service, provided the money becomes available.

**25**

A percentage of the intercepted funds may be held back for release to the judgment debtor. If the summons instructs that a percentage be held back, enter this percentage on line 25. The T means that the percentage will be held back for each transaction. For holdback purposes, a transaction is defined as any single payment due the debtor from any garnishable moneys identified under the Regulations, regardless of source.



**26**

If the summons specifies that a fixed dollar amount is to be held back for release to the judgment debtor, enter the amount here.

**27**

If a fixed amount is to be held back, indicate whether or not the holdback is to be cumulative.

**28**

Indicate whether the holdback is to be made for each transaction or for each payment period specified in the summons.

**29**

A fixed amount and a percentage of the remainder may be held back. If the summons specifies such a holdback, enter the fixed amount and the percentage on line 29. Holdback will be per transaction.

**30**

If the summons specifies holdback of the lesser of a fixed amount or a percentage, enter the amount and the percentage on line 30. Holdback will be per transaction.

**31**

If the summons specifies holdback of the greater of a fixed amount or a percentage, enter the amount and the percentage on line 31. Holdback will be per transaction.

**Part 3 Judgment debtor information**

---

**32**

The surname of the judgment debtor.

**33**

The judgment debtor's first name.

**34**

The judgment debtor's second (middle) name.

**35**

The judgment debtor's date of birth.

**36**

The judgment debtor's sex.

**37**

The judgment debtor's Social Insurance Number. If this number is not known, please provide all other information requested on lines 32 through 38 to assist in the positive identification of the judgment debtor. If the Social Insurance Number is provided, it will be treated as protected information by the Department of Justice.

**38**

Maiden name of the judgment debtor's mother. This information is optional but should be provided if available (see 37). Only the surname should be entered.

**39**

The official language in which the judgment debtor should be addressed.

**40**

The judgment debtor's address.

**41**

The judgment debtor's postal code.

**Alias/alternate identification**

---

If the judgment debtor is known by any aliases or alternate identifications or has additional Social Insurance Number(s), enter these on lines 42 through 53. This information *must* correspond with that shown on the garnishee summons (except for alternate Social Insurance Numbers, which will likely not appear on the summons).

**Debtor's alternate addresses**

---

If the judgment debtor has any known alternate addresses, enter these on lines 54 through 59. This information is optional but may be very helpful.





## **Part 4 Documents**

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All applications for interception service assistance must be accompanied by the required documents. On lines 60 through 63, indicate which documents are enclosed with the application. A Variation Notification is required only if the summons enclosed with the application is in response to a varying action initiated by the federal Minister of Justice. However, if such an action has been initiated, the Variation Notification must be enclosed with the application.

## **Part 5 Declaration**

---

Application forms must be signed by the person who completes the form. Sign the form and enter the date of signature.

## **General information**

---

- The person or organization filing the application should retain a copy of the application and the accompanying documents.
- Information and assistance on filing applications is available by contacting the:

Family Orders and Agreements  
Enforcement Assistance 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







Lump Sum Amount	
Somme globale	

Periodic Payments  
Paiements périodiques

Maximum Total of Periodic Payments  
Total maximum des paiements périodiques

Payment Period Code (see the guide)  
Code de la période de paiement (voir le guide)

Are periodic payments cumulative?  
Les paiements périodiques sont-ils cumulatifs?

Is the summons of continuing effect?  
S'agit-il d'un bref de saisie-arrêt à effet continu?

If both lump sum amount and periodic payments are specified, which should be satisfied first?  
Si une somme globale et des paiements périodiques sont spécifiés, lesquels devraient avoir la priorité?

23 ☐ 1 Lump Sum Amount ☐ 2 Periodic Payments  
Somme globale Paiements périodiques

		.		
--	--	---	--	--

--	--	--	--

--	--	--	--

10

2 Yes  
Oui

2	Yes
	Oui

should be satisfied first?

Quels devraient avoir la priorité?

Amount ☐ 2 Periodic Payments  
 globale Paiements périodiques

### Holdback Options

24 ☐ 0 No holdback  
Aucune retenue

25	1	Percentage Pourcentage	%
----	---	---------------------------	---

26  2 Fixed amount  
Montant fixe \$    .    .

Is the holdback cumulative?  
La retenue est-elle cumulative?

27 ☐ 1 No  
☐ 2 Non  
☐ 3 Yes  
☐ 4 Oui

Type of holdback:  
Genre de retenue:

28 ☐ T per transaction  
par transaction  
☐ P per payment period  
par période de paiement

<sup>29</sup> ☐ 3 Fixed amount  
Montant fixe \$    .    plus a percentage of   % of remainder.  
du reste. T

30 ☐ 4 Lesser of a fixed amount \$    ,    or a percentage of   %  
Le moindre d'un montant fixe ou d'un pourcentage de   %

31 ☐ 5 Greater of a fixed amount \$    ,    or a percentage of   %  
Le plus élevé d'un montant fixe \$    ,    ou d'un pourcentage de   %

Surname	32
Nom de famille	

[illegible][illegible][illegible]

Day/Jour	Month/Mois	Year/Année
----------	------------	------------

Social Insurance Number  
Numéro d'assurance sociale

[illegible]

Surname Only - Nom de famille seulement

Language of Choice  
Langue préférée

39 ☐ 1 English  
Anglais ☐ 2 French  
Français

[illegible]

Postal Code	41						
Code postal							

[illegible]

36 Sex (M or F) ☐  
 Sexe (M ou F) ☐



**Alias/Alternate Identification**

Enter any known aliases, alternate identifications or additional social insurance numbers below.

**Nom d'emprunt/de rechange**

Indiquez ci-dessous tout nom d'emprunt ou nom de rechange ou tout autre numéro d'assurance sociale connus.

**Alternate No. 1****Premier groupe de renseignements**

Surname Nom de famille	42																								
First Name Prénom	43																								
Second Name Second prénom	44																								
Social Insurance Number Numéro d'assurance sociale	45																								

**Alternate No. 2****Deuxième groupe de renseignements**

Surname Nom de famille	46																								
First Name Prénom	47																								
Second Name Second prénom	48																								
Social Insurance Number Numéro d'assurance sociale	49																								

**Alternate No. 3****Troisième groupe de renseignements**

Surname Nom de famille	50																								
First Name Prénom	51																								
Second Name Second prénom	52																								
Social Insurance Number Numéro d'assurance sociale	53																								

**Debtor's Alternate Addresses**

If the debtor has any known alternate addresses, please enter them below.

**Adresses multiples du débiteur**

Si le débiteur a plusieurs adresses connues, veuillez les indiquer ci-dessous.

**Alternate Address No. 1****Première adresse**

Address Adresse	54																								
Postal Code Code postal	55																								

**Alternate Address No. 2****Deuxième adresse**

Address Adresse	56																								
Postal Code Code postal	57																								

**Alternate Address No. 3****Troisième adresse**

Address Adresse	58																								
Postal Code Code postal	59																								



**Part 4 Documents**

All applications must be accompanied by the required documents. Check the appropriate boxes to indicate which documents are attached.

- |    |   |    |                          |
|----|---|----|--------------------------|
| a) | Garnishee Summons<br>Bref de saisie-arrêt         | 60 | <input type="checkbox"/> |
|    | Support Order<br>Ordonnance alimentaire           | 61 | <input type="checkbox"/> |
| b) | or/ou<br>Support Agreement<br>Entente alimentaire | 62 | <input type="checkbox"/> |
| c) | Variation Notification<br>Avis de modification    | 63 | <input type="checkbox"/> |

**Partie 4 Documents**

Le formulaire de demande doit être accompagné des documents exigés. Cochez les cases appropriées pour indiquer les documents d'accompagnement.

**Part 5 Declaration**

I declare that the information given in this application is true and is for the purpose of applying for the interception of federal moneys in accordance with Part II of the *Family Orders and Agreements Enforcement Assistance Act*, S.C. 1986, c. 5.

**Partie 5 Attestation**

J'atteste que les renseignements donnés dans la présente demande sont vrais et sont fournis aux seules fins d'intercepter des sommes fédérales conformément à la partie II de la *Loi d'aide à l'exécution des ordonnances et des ententes familiales*, S.C. 1986, ch. 5.

Signature

Date      Day/Jour      Month/Mois      Year/Année

Sample



# Processing The Application

Applications for interception service assistance are processed by the Enforcement Assistance Unit. A garnishee summons must be received by the Enforcement Unit within 30 days of the first day on which it could have been validly served on the federal Minister of Justice (usually the day on which it was issued by the court or enforcement service).

## ***Verifying the application***

---

On receipt of an application for interception service assistance, the Enforcement Assistance Unit verifies that all required information and documentation is enclosed with the application. If an application is incomplete, the application originator is sent a letter requesting that the missing information or documentation be provided. An *application validation checklist* will be enclosed with the letter, indicating what information is required. If an application is valid, the originator is sent a letter acknowledging receipt of the application.

*An incomplete application is not considered to have been served on the Minister of Justice until it is completed. Completed applications must be served within 30 days of issuance of the garnishee summons.*

## ***Informing source departments***

---

When an application has been validated, the Enforcement Unit notifies *source departments* (federal departments that operate funds or programs from which moneys can be garnished) that a garnishee summons has been served against a judgment debtor.

Source departments then report to the Enforcement Assistance Unit on whether garnishable moneys are payable (or may be payable in the future) to the judgment debtor. If moneys are (or will become) available, the source department will indicate the amounts and dates when those moneys are (or will become) payable. If moneys are not immediately available, source departments are required to monitor their payments of garnishable moneys for the 365 days during which the federal government is bound by the garnishee summons, and to intercept any payments owed the judgment debtor.

*Source departments cannot release information concerning a garnishee summons. The creditor (or his/her lawyer) must contact the court or enforcement service that issued the garnishee summons for information.*

## ***Administering intercepted funds***

---

Based on information received from source departments, the Enforcement Assistance Unit will evaluate the garnishable moneys available against the financial terms of the garnishee summons. The Unit will then instruct source departments to transfer all or some of the available moneys to the Department of Justice Canada and release the remainder, if any, to the judgment debtor.

Where more than one garnishee summons is issued against the same judgment debtor, payment of intercepted federal moneys will be made on a proportional basis (a percentage of the available moneys will be paid to each creditor, based on the terms of the different summonses).

Garnishable moneys received by the Department of Justice Canada are deposited in a trust account in the federal government's consolidated revenue fund. A cheque is then issued to the court or provincial/territorial enforcement service that issued the garnishee summons. These organizations are responsible for transferring the moneys to the creditor. *No cheque will be issued directly to the creditor.*



### **Notifying the judgment debtor**

---

Upon receipt of a valid application for interception service assistance, the Enforcement Assistance Unit will inform the judgment debtor that garnishable moneys may be intercepted. At their discretion, source departments may also notify the judgment debtor whenever a payment is garnisheed.

### **Summons of continuing effect**

---

Garnishee summons received by the Enforcement Assistance Unit are binding on the Crown for a period of 365 days, unless the issuing court or enforcement service has stipulated that the summons is of "continuing effect". In such cases, if moneys become payable during the regular term of the summons, the summons is automatically extended for 180 days after the end of the year. However, the extended summons applies only to the fund or program from which the original moneys were intercepted. If during the extended 180-day period additional moneys become available from that fund or program, the summons is again extended by 180 days from the day the additional moneys became available. Since the extended summons applies only to the fund or program from which the original moneys were intercepted, the application originator may wish to re-apply for assistance with a

new summons every 365 days to ensure that the summons applies to all garnishable federal moneys.

*The issuing court or enforcement service must stipulate on the summons whether it is a summons of continuing effect. If the summons is not of continuing effect, it automatically ends after one year. The court or enforcement service may then issue a new summons and application to the Enforcement Assistance Unit.*

### **Varying a summons**

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Sections 46 to 48 of the Act permit a summons to be varied if garnishable moneys in excess of those identified in the originating summons become available. This variance is at the discretion of the federal Minister of Justice. Where the Minister permits variance of a summons, a Variation Notification is issued by the Department of Justice Canada. This notice must be enclosed with the varied summons when application is made to the Enforcement Assistance Unit.

### **The processing fee**

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A small fee is charged for each application processed by the Enforcement Assistance Unit. This fee is garnisheed from federal moneys owed to the judgment debtor, providing the financial terms of the summons have been satisfied. If these terms are never satisfied during the life of the summons, the fee will not be collected.

### **Recovering moneys**

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If a judgment debtor is paid moneys by the federal government to which he or she is not entitled because of garnishment proceedings, those moneys are considered a debt owed to the federal government. The Crown may subsequently recover the moneys in accordance with the *Financial Administration Act* or the legislation governing the particular garnishable moneys paid to the judgment debtor. Similarly, any federal moneys paid to the creditor in excess of those stipulated in the garnishment summons are considered a recoverable debt owed to the Crown.

In some cases, a court or enforcement service may issue summonses to a variety of sources for garnishment of moneys owed the judgment debtor (such as the federal government, the judgment debtor's place of employment or bank, etc.). If the court or enforcement service receives more funds in total from these various sources than required to meet the financial terms of the support order or provision, the excess funds will be paid to the judgment debtor by that court or enforcement service.





## Help Is Available

Information on the *Family Orders and Agreements Enforcement Assistance Act*, on the Enforcement Assistance Unit and on application procedures can be obtained by writing to the:

Family Orders and Agreements  
Enforcement Assistance  
Unit,  
Department of Justice Canada,  
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, from provincial Departments of Justice (the Department of Community Services in Nova Scotia) and their territorial equivalents. These offices are listed in the annex at the end of this booklet.



# Questions And Answers

## ***The application process***

### **Who can apply for interception service assistance, and how do they apply?**

The creditor, the creditor's lawyer, provincial/territorial enforcement services, social service agencies and courts authorized to enforce defaulted family orders or agreements may initiate applications to the interception service.

To apply for assistance, a creditor must be able to produce a legally-enforceable support order or agreement containing a support provision. With this order or provision, the creditor or other authorized person or agency may petition a court for a garnishee summons against the judgment debtor. If a summons is issued, application may be made to the Enforcement Assistance Unit within 30 days. In some jurisdictions, garnishee summons and applications may also be issued by provincial/territorial enforcement services.

The application form may be filled out by the creditor, the creditor's lawyer, or authorized employees of provincial/territorial enforcement services, social service agencies and courts authorized to enforce defaulted family orders or agreements.

### **What is a provincial/territorial enforcement service?**

These services have been established in most provinces/territories to administer and/or enforce family orders and agreements.

### **What happens if an application for assistance is not complete?**

If an application is incomplete, the application originator will be notified by the Enforcement Assistance Unit. This notification will include an application validation checklist which will indicate what information has been correctly provided as well as the information that is missing. The completed application form must be returned to the Enforcement Assistance Unit within 30 days of issuance of the garnishee summons. Otherwise, the application originator must petition the court for a new garnishee summons.

### **Is there a fee for applying?**

There is no fee to the creditor. However, a small fee is charged for processing applications. This fee is recovered from garnishable moneys owed to the judgment debtor *provided funds in excess of those required to satisfy the summons are available*.

### **After the application is forwarded, will there be ongoing correspondence with the Enforcement Assistance Unit?**

The Enforcement Assistance Unit will acknowledge by letter that a valid application has been received. The court or enforcement service that issued the garnishee summons will be informed if and when garnishable moneys become available. Notification will also be issued when the summons has expired. It is the responsibility of the court or enforcement service to notify the creditor if garnishable moneys become available.

## ***The summons***

### **How long does a summons last?**

A garnishee summons is binding on the federal government for a period of 365 days from the effective date. (The effective date is 35 days after receipt of a completed summons and application by the Enforcement Assistance Unit.) However, if the summons is a summons of continuing effect, it may under certain circumstances be extended beyond the one-year period.

### **What is a summons of continuing effect?**

At its discretion, a court or enforcement service may issue a summons of continuing effect. This means that if garnishable moneys become payable during the regular term of the summons, the summons is automatically extended for 180 days after the end of the year. However, the extended summons would apply only to moneys available in the fund or program from which the original moneys were intercepted. If during the 180-day period additional moneys become available, the summons would again be extended by 180 days from the date the additional moneys became payable. *The court or enforcement service must stipulate on the summons if it is a summons of continuing effect.*



## ***Garnishable moneys***

### **What are garnishable moneys?**

Garnishable moneys are funds which can be intercepted and used for payment of family support orders and agreements. Only those federal moneys specified in the Regulations may be garnished. However, the Regulations may be amended in the future to make other federal moneys garnishable.

### **What happens if garnishable moneys become available?**

The Enforcement Assistance Unit will evaluate the moneys available against the financial terms of the garnishee summons and will instruct the source department to transfer all or some of the money to the Department of Justice Canada. The funds are deposited in a trust account and a cheque is issued to the court or enforcement service which issued the summons.

### **Does the Enforcement Assistance Unit ever issue cheques directly to the creditor?**

No. The Enforcement Assistance Unit directs payment of the funds to the appropriate court or enforcement service. It is the responsibility of the court or enforcement service to transfer the funds to the creditor.

## ***The financial terms***

### **What if insufficient funds are available to satisfy the financial terms of the summons?**

If the funds available are insufficient to satisfy the summons, the funds will still be intercepted and paid to the appropriate court or enforcement service. If the summons specifies that periodic payments are cumulative, any amount not paid out to the court or enforcement service in one payment period will be added to the amount due in subsequent payment periods. The amount of money transferred to the creditor may also be affected by the holdback conditions of the summons.

### **What is a holdback?**

At its discretion, the court or enforcement service that issues the garnishee summons may require that a set amount and/or a percentage of the garnished moneys be held back for release to the judgment debtor.

### **Is the judgment debtor informed of garnishment?**

The judgment debtor is informed that a garnishee summons has been served on the federal government. At their discretion, source departments may also inform the judgment debtor of specific garnishments.

### **Can the terms of the summons be changed?**

If garnishable moneys in excess of those identified in the originating summons become available, at his or her discretion the federal Minister of

Justice may order that these funds be held back from the judgment debtor for 30 days. The court or enforcement service that issued the original summons may then issue a new summons stipulating garnishment of all or a portion of these additional moneys. Where the Minister permits variance of a summons, a Variation Notification will be issued by the Department of Justice Canada.

The need for a court or enforcement service to act on a Variation Notification can be avoided if the original summons specifies the maximum allowed under the terms of the defaulted support order or provision. Notwithstanding the above, a court or enforcement service may at any time cancel an existing summons; cancel an existing summons and re-issue a new summons; or issue additional summonses against a judgment debtor.



# Glossary

**Application originator:** the creditor, creditor's lawyer, court, provincial/territorial enforcement service or other person or agency which files an application for interception service assistance.

**Application validation:** the process by which Enforcement Assistance Unit personnel check applications for interception service assistance.

**Application validation checklist:** the checklist used by the Enforcement Assistance Unit to ensure that applications are complete.

**Creditor:** the person owed money pursuant to a defaulted support order or provision.

**Enforcement Assistance 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 agreement:** a legally-enforceable agreement stipulating support, custody or access provisions.

**Family order:** a court order stipulating support, custody or access provisions.

**Family Orders and Agreements Enforcement Assistance Act:** an Act of the Parliament of Canada, Part II of which provides for the interception of certain federal moneys solely for the purpose of satisfying support orders or provisions.

**Family Orders and Agreements Enforcement Assistance Unit:** see Enforcement Assistance Unit.

**Financial Administration Act:** the federal Act under which over-payment of garnishable moneys may be recovered from a judgment debtor or a creditor.

**Garnishable moneys:** moneys payable to the judgment debtor from sources that are garnishable pursuant to the Regulations.

**Garnishee summons:** a summons issued by a court or provincial/territorial enforcement service authorizing garnishment of funds payable to a judgment debtor.

**Garnishment:** the legal seizure of money belonging to a debtor.

**Holdback:** a provision of the garnishee summons by which an amount or percentage of garnishable moneys are ordered held back for release to the judgment debtor.

**Interception service:** a sub-unit of the Enforcement Assistance Unit responsible for administering the interception of garnishable moneys.

**Judgment debtor:** the person named in a garnishee summons as being in default of a support order or provision and against whom a garnishee summons is issued.

**Provincial/territorial enforcement services:** services established by the provinces and territories to enforce family orders and agreements.

**Source department:** a federal department which maintains a fund or program from which moneys are garnishable pursuant to the *Act* and Regulations.

**Summons of continuing effect:** a summons which may be extended beyond the original 365-day period if garnishable moneys become payable within that 365-day period.

**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.

**Support provision:** a provision contained in a family agreement 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 children following the breakdown of a marriage or common law relationship.

**Variation Notification:** a notice issued by the federal Minister of Justice that enables a court or enforcement service to issue a variance summons.



# Appendix

## Provincial/Territorial Enforcement Offices

### British Columbia

Contact your local family court registry.

### Alberta

Maintenance Enforcement Program  
7th Floor, Brownlee Building  
10365 - 97th Street  
Edmonton, Alberta  
T5J 3Z7  
(403) 422-5554

### Saskatchewan

Maintenance Enforcement Program  
P.O. Box 2077  
Regina, Saskatchewan  
S4P 4E8  
(306) 787-8961

### Manitoba

Maintenance Enforcement Program  
Department of the Attorney General  
2nd Floor  
405 Broadway Avenue  
Winnipeg, Manitoba  
R3C 3L6  
(204) 945-7133

### Ontario

#### Support and Custody Enforcement Offices

**Thunder Bay**  
430 Waterloo St. S.  
Thunder Bay, Ontario  
P7E 6E4  
623-7327  
1-800-465-6628

**Toronto**  
55 Yonge Street  
2nd Floor  
Toronto, Ontario  
M5E 1J4  
363-8149  
1-800-387-1864

**Hamilton**  
100 Main Street E.  
Main Floor  
Hamilton, Ontario  
L8N 3W6  
527-9100  
1-800-263-8591

**Windsor**  
650 Dufferin Place  
Main Floor  
Windsor, Ontario  
N9A 1E6  
254-7581  
1-800-265-5804

**Sudbury**  
127 Cedar Street  
2nd Floor  
Sudbury, Ontario  
P3E 1B1  
673-4642  
1-800-461-4739

### London

171 Queens Ave.  
4th Floor  
London, Ontario  
N6A 5J7  
433-5341  
1-800-265-3418

### Oshawa

44 Bond Street W.  
7th Floor  
Oshawa, Ontario  
L1G 1A3  
433-2901  
1-800-263-1924

### Ottawa

161 Elgin Street  
5th Floor  
Ottawa, Ontario  
K2P 2J4  
563-3511  
1-800-267-0397

### Quebec

Call the office of the Collector of Support Payments at your local courthouse.

Direction générale des services judiciaires  
1200, route de l'Église  
Sainte-Foy (Québec)  
G1V 4M1  
(418) 643-4045

To enforce out of the province (reciprocal enforcement of maintenance orders):

Direction générale du contentieux  
1200, route de l'Église  
5<sup>e</sup> étage  
Sainte-Foy (Québec)  
G1V 4M1  
(418) 643-1436



## **New Brunswick**

Registrar  
Registrar's Office  
Room 201  
Justice Building  
P.O. Box 6000  
Fredericton, New Brunswick  
E3B 5H1  
(506) 453-2452

Court Administrator  
Court of Queen's Bench  
Family Division  
P.O. Box 5001  
Moncton, New Brunswick  
E1C 8R3  
(506) 858-2515

Court Administrator  
Court of Queen's Bench  
Family Division  
P.O. Box 6398, Station A  
Saint John, New Brunswick  
E2L 4R8  
(506) 658-2400

Court Administrator  
Court of Queen's Bench  
Family Division  
P.O. Box 5001  
Woodstock, New Brunswick  
E0J 2B0  
(506) 328-6931

Court Administrator  
Court of Queen's Bench  
Family Division  
City Centre Building  
P.O. Box 5001  
Campbellton, New Brunswick  
(506) 753-7532

Director  
Family Court Services  
Queen Street  
P.O. Box 6000  
Fredericton, New Brunswick  
E3B 5H1  
(506) 453-2452

Court Administrator  
Court of Queen's Bench  
Family Division  
P.O. Box 5001  
Bathurst, New Brunswick  
E2A 3Z9  
(506) 548-8831

Court Administrator  
Court of Queen's Bench  
Family Division  
599 King George Highway  
Newcastle, New Brunswick  
E1V 1M1  
(506) 622-4701

Court Administrator  
Court of Queen's Bench  
Family Division  
P.O. Box 5001  
Edmundston, New Brunswick  
E3V 3L3  
(506) 735-8920

Court Administrator  
Court of Queen's Bench  
Family Division  
P.O. Box 6000  
Fredericton, New Brunswick  
E3B 5H1  
(506) 453-2015

For questions on points of family law:

Assistant Director of Public Prosecutions  
Family Law  
Room 551  
Centennial Building  
P.O. Box 6000  
Fredericton, New Brunswick  
E3B 5H1  
(506) 453-2784

## **Nova Scotia**

Provincial Coordinator of Maintenance  
P.O. Box 696  
Young Offenders and Family Court Services  
Halifax, Nova Scotia  
B3J 2T2  
(902) 424-4632

Call your local family court maintenance enforcement office.

## **Prince Edward Island**

Family Section of the Supreme Court of Prince Edward Island  
42 Water Street  
Box 2290  
Charlottetown,  
Prince Edward Island  
C1A 8B9  
(902) 892-9131



## Appendix

### Newfoundland

In St. John's call:

Court Administrator  
Unified Family Court  
355 Duckworth Street  
St. John's, Newfoundland  
A1C 1H6  
(709) 753-5873

Outside St. John's call:

Solicitor, Civil Division  
Department of Justice  
Box 4750  
St. John's, Newfoundland  
A1C 5T7  
(709) 576-2887

### Yukon

The Director of Maintenance  
and Custody Enforcement  
Government of Yukon  
P.O. Box 2703  
Whitehorse, Yukon  
Y1A 2C6  
(403) 667-5942

### Northwest Territories

Legal Counsel  
Legal Division  
Department of Justice  
Government of the Northwest  
Territories  
P.O. Box 1320  
Yellowknife,  
Northwest Territories  
X1A 2L9  
(403) 873-7466