

## Family Maintenance Services

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The ministry will assist BCEA clients to seek family maintenance payments that they may be entitled to receive from those who are legally obligated and financially able to pay.

Clients may request family maintenance services to obtain, defend or vary a maintenance order or agreement for child or spousal support. To receive family maintenance services, clients must sign the voluntary Assignment of Maintenance Rights form (HR2748).

### Who is Eligible?

To be eligible for family maintenance services, ministry clients must meet the following criteria:

- The client is in active receipt of income, disability or hardship assistance
- The client is requesting help with obtaining or defending an order or agreement for child and/or spousal support
- The client does not already have an order or agreement for child support for all children in the family or for spousal support or is defending an application to change a maintenance order or agreement
- The client identifies the potential payor of support and that the payor resides in B.C.
- The client has information indicating that the payor receives more than the Child Support Guidelines minimum of \$12,000 in income per year

### Application Process

1. The client may contact the ministry through any of the options below and ask an Employment and Assistance Worker (EAW) for a referral for family maintenance services.
2. An EAW will use the Family Maintenance Questionnaire and Referral form (HR3033A) to determine if the client meets the criteria for a referral.
3. If the client meets the criteria for a referral, the EAW will provide the client with the HR3033A, which confirms to the designated ministry lawyer that the client meets the referral criteria and which includes information for the client on how to set up their first maintenance referral appointment with a designated ministry lawyer. The EAW will also provide the Assignment of Maintenance Rights (HR2748) form to the client.
4. If the client does not meet the criteria for a referral, the EAW will provide the client with the HR3033A which confirms the reasons why they did not meet the referral criteria.

5. The client must provide the HR3033A to the designated ministry lawyer within 60 days of the date of the referral.
6. The designated ministry lawyer will complete a further review of the client's case to confirm that they meet the criteria for family maintenance services and that there is an ability to pursue a support order or agreement. A safety assessment will be conducted before any action is taken to pursue maintenance.
7. Communication about a client's individual family maintenance services will occur between the client and the ministry's designated lawyer.

## Contact Us

### Phone

To request family maintenance services by phone, call 1-866-866-0800 and choose the appropriate option:

- If you are receiving Ministry services, and have a Person ID and PIN, or your Social Insurance Number, select option 1, input your Person ID and PIN, or your Social Insurance Number, and then press option 2
- If you are receiving Ministry services and do not have a Person ID or Social Insurance Number, select option 2, enter your 10 digit phone number, then press option 1

Phone service is available Monday – Friday between 9:00am – 4:00pm.

## Q&As

### **Do I still have to assign my Maintenance Rights if I want the ministry to pursue an order on my behalf?**

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Yes. The Assignment gives the ministry permission to work on your behalf to obtain a family maintenance order or an agreement for child or spousal support and outlines the terms and conditions that you accept in order to receive this service.

### **What if I do not have contact information for the potential payor?**

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If you have been unsuccessful at obtaining complete contact or information for the potential payor, the ministry lawyer may be able to provide assistance to locate this information. It is not possible to locate a person unless you can provide at least the name and date of birth for the potential payor to the designated ministry lawyer.

### **What if I do not have information to confirm the potential payor has income above the minimum Child Support Guideline amount?**

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If you have been unsuccessful at obtaining income information for the potential payor, the ministry lawyer may be able to provide assistance to locate this information. It is helpful if you can provide the type of employment, place of employment or name of present or past employer of the potential payor to the designated ministry lawyer.

### **What if I am uncertain of paternity?**

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If you are uncertain of paternity, but have an idea, the ministry may be able to assist. Please notify the designated ministry lawyer when you attend your first family maintenance services appointment.

### **What if the potential payor does not live in B.C.?**

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If the potential payor of child and/or spousal support does not live in B.C., please visit <http://www.justicebc.ca/en/fam/help/ijso/index.html> for information on how you may apply for a support order in a province, territory or country that has a reciprocal agreement with B.C.

### **What if I do not meet the criteria for a referral for family maintenance services?**

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The EAW will provide you a copy of the Family Maintenance Questionnaire and Referral form (HR3033A), outlining the reasons you do not currently meet the criteria. You may request a Reconsideration request form (HR0100) from the ministry if you disagree with the decision.

### **What if the designated ministry lawyer does not recommend a maintenance action plan?**

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In some cases, relating to the clients family circumstances under the *Family Law Act* or the *Divorce Act*, it is not possible to pursue an order or agreement. A review by the designated ministry lawyer may reveal that your circumstances do not meet all of the criteria for family maintenance services. The lawyer will advise you of the situation and provide a decision in writing. You may request a

Reconsideration request form (HR0100) from the ministry if you disagree with the decision. Other BC family law resources may be available to you.

### **What if I have an interim order?**

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An interim order for child and/or spousal support may have been provided for a variety of reasons, often as a temporary solution while working on an agreement or waiting for a court date. If you have a court date set to make the order final or to review your interim order, you may request family maintenance services within 60 days of that court date.

### **What if my file closes or switches to THS or MSO**

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When your file changes to MSO, THS or closes, your Assignment of Maintenance Rights remains until the maintenance action has been concluded. Any assignment of maintenance rights terminates only on delivery of written notice of termination provided to you by the Ministry or provided by you to the ministry.

### **More Information**

Contact the Ministry of Social Development and Social Innovation by calling toll-free: **1-866-866-0800**.