

# Information Sheet for The Assignment of Maintenance Rights



Ministry of  
Employment and  
Income Assistance

## ASSIGNMENT OF MAINTENANCE RIGHTS

The personal information requested on this form is collected under the authority of and will be used for the purpose of administering the *Employment and Assistance Act* and the *Employment and Assistance for Persons with Disabilities Act*. The collection, use and disclosure of personal information is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. Any questions about this information should be directed to your local Employment and Assistance Centre.

FILE NUMBER

GA

Pursuant to the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*,

In return for receiving assistance paid to me by the Minister of Employment and Income Assistance (The Minister),

I, \_\_\_\_\_ hereby assign to the Minister  
(PRINT NAME)

any maintenance right I may have as set out in Regulations including the right to:

- Make an application under an enactment of British Columbia for a maintenance order;
- Enter into a maintenance agreement;
- Make or defend an application for variation of a maintenance order or agreement, including any orders or agreements that are registered with the Child Support Recalculation Service
- Receive payment under
  - a maintenance order or agreement
  - a maintenance order made under the *Divorce Act* (Canada) or otherwise
- Enforce a maintenance order or agreement;
- File a maintenance agreement with a court in British Columbia;
- File a maintenance order made in another province with a court in British Columbia;
- File or withdraw a maintenance order under the *Family Maintenance Enforcement Act*;
- Make payment arrangements with the debtor for the recovery of arrears including Crown Arrears.

**IMPORTANT: SEE REVERSE FOR TERMS OF ASSIGNMENT AND INITIAL BEFORE SIGNING**

I have read the "TERMS OF ASSIGNMENT" located on the back of this form.

THIS ASSIGNMENT ceases to have effect when:

Assistance is no longer provided to my family unit and there are no Crown Arrears unrecovered by the government, AND, a written notice of **TERMINATION OF THE ASSIGNMENT** is sent to me at my last known address on record with the Ministry.

SIGNATURE OF ASSIGNOR:

*Jane Smith*

DATED:

2007/03/26

(YYYY MMM DD)

SIGNATURE OF WITNESS:

*J.S.*

ASSIGNOR'S INITIALS

*J.S.*

Notwithstanding the above, \_\_\_\_\_ Jane Smith (print applicant/client's name) is

**HEREBY AUTHORIZED** to receive the current payment due under a maintenance order(s) or agreement(s), directly from the respondent **OR**, when the order(s) is enrolled with the **Family Maintenance Enforcement Program (FMEP)**, through FMEP.

PRINT NAME OF EAW/FMW:

John J.

DATED:

2007/03/26

(YYYY MMM DD)

SIGNATURE OF EAW/FMW:

*John J.*

EMPLOYMENT AND  
ASSISTANCE CENTRE:

Local EA Office

DISTRIBUTION: ORIGINAL - GA FILE COPY 1 - FMW (FMEP) COPY 2 - FMW (FILE) COPY 3 - CLIENT/ASSIGNOR

EIA2748(06/12/15)  
7530903037 (50/PAK)

**Please DO NOT SIGN this sample. For Information Purposes Only!**

## Assignment of Rights Section

(This part identifies the maintenance rights held by government. For more details please ask a Ministry staff person for assistance)

The provincial government has the right to:

- act on my behalf to make or change a maintenance agreement or order;
- act on my behalf if the payer attempts to reduce or cancel the maintenance amount;
- enforce maintenance payments;
- act on my behalf to assist with the recalculation of a child support order;
- receive maintenance payments on my behalf;
- deal with maintenance agreements and orders outside British Columbia; and
- make payment arrangements for recovering arrears, including arrears owing to government.

## Signature Section

(Your initials and your signature indicate that you have read both sides of the assignment and that a Ministry staff person has explained to you. Your signature however, may be witnessed by someone other than a Ministry staff person.)

This assignment is cancelled when I no longer need assistance, all government arrears have been paid, and I have received written notice the assignment has been cancelled.

## Authorization Section

(Do not sign here. This section is to be completed by an employment and assistance worker or family maintenance worker.)

Until my order is enrolled with the Family Maintenance Enforcement Program, I can receive the current monthly maintenance payments due from the paying parent or former spouse. When my order is enrolled with the Family Maintenance Enforcement Program payments must be made through that program.

## TERMS OF ASSIGNMENT

- I authorize the Minister to give to the Director of Maintenance Enforcement any information necessary for filing, enforcement and monitoring of payments made under my maintenance order.
- I authorize the Director of Maintenance Enforcement to give to the Minister any information about eligibility for assistance, and the payment, monitoring or enforcement of my maintenance order(s).
- I authorize the Minister to give to the Provincial Director, Family Justice Services Division any information necessary for the purpose of recalculating child support under a maintenance agreement or maintenance order that is assigned to the Minister.
- I authorize the Provincial Director, Family Justice Services Division to give to the Minister any information regarding the recalculation of child support under a maintenance agreement or maintenance order that is assigned to the Minister.
- I authorize the Minister to obtain and search court documents required to exercise the assigned maintenance rights.
- I will cooperate with the Minister and the Director of Maintenance Enforcement and the Provincial Director, Family Justice Services as asked to obtain, vary enforce or recalculate my maintenance agreement or order.
- This includes: attending all appointments, meetings and court proceedings, as well as completing and returning required documents relating to the assigned rights when asked to do so by the Minister, director of Maintenance Enforcement or Provincial Director, Family Justice Services Division.
  - providing any information and verifications relating to the name, address, employer and salary of the father(s), of my child(ren), former spouse(s) or anyone else who may have a duty to support my child(ren) or myself;
  - providing the names, ages and custody or residency arrangements of all children;
  - reporting ANY payments received by me immediately to FMEP.
  - providing the court file numbers and names of parties of any maintenance orders in existence.
- I acknowledge that I cannot take any of the actions or enter into any agreements related to maintenance that are set out here as long as this assignment to the Minister is in effect, unless I am authorized in writing by the Minister. I understand that if I do exercise any of these assigned rights without authorization, doing so will affect my eligibility for assistance.
- Where a lawyer for the government has filed an application in court or is defending a proceeding on my behalf, I acknowledge that the lawyer is counsel for the government and there is no solicitor-client relationship between that counsel and myself (he is not my lawyer).
- No agreement to cancel or reduce arrears owing to me under my maintenance order(s) or agreement(s) will be made by the government without my agreement.
- I understand that "Crown Arrears" are arrears that have accumulated under my maintenance order(s) or agreement(s) that are owed to government.
  - Crown Arrears accumulate for the period of time that I have received assistance, yet will not be more than the amount of assistance paid out to me during that period.
  - only the Minister can forgive, reduce or otherwise vary Crown Arrears.
  - If Crown Arrears owing to government are received by me, the payor still owes the full amount of Crown Arrears to the Minister.
- This assignment will continue to be in effect after I have stopped receiving assistance if there still are Crown Arrears. As long as there are Crown Arrears, I acknowledge that, only the minister is entitled to:
  - withdraw a maintenance order from the Family Maintenance Enforcement Program;
  - receive payment of Crown Arrears;
  - defend an application to reduce or cancel Crown Arrears;
  - make arrangements with the debtor for payment of Crown Arrears;
  - enforce the maintenance order with respect to Crown Arrears.
- I will provide notice to the minister of any application to change or cancel my maintenance order or agreement until I have been advised in writing that my assignment has ended.

**Please DO NOT SIGN this sample.  
For Information Purposes Only!**

ASSIGNOR'S INITIALS

*J.P.*

## Terms of Assignment Section

**(These are the terms you agree to when your maintenance rights are assigned to the Ministry of Employment and Income Assistance)**

- I give permission to share information about my maintenance order and my eligibility for assistance between the Ministry of Employment and Income Assistance, the Family Maintenance Enforcement Program and the Child Support Recalculation Service.
- I give permission to the Minister to obtain court papers needed on my behalf.
- I will provide the personal information needed to obtain, change or enforce an order. I will attend appointments, meetings, court and return required documents, when asked.
- I cannot make any agreements with the paying parent or former spouse, unless I have written permission from the Minister. If I do, I may not be eligible for assistance.
- I understand that legal counsel works for government on my behalf. He or she does not work directly for me.
- I understand that as long as I receive assistance, maintenance payments belong to the government. Only the Minister can forgive, reduce or make agreements about arrears owed to government. Government cannot cancel or reduce arrears owing to me without my consent.
- This agreement continues as long as I receive assistance and no arrears are owing to government.