

MAINTENANCE ENFORCEMENT SUPPORT AGREEMENT INSTRUCTIONS

Introduction

These instructions will help you complete a [Maintenance Enforcement Support Agreement](#). This agreement may be used if you wish to make an agreement for:

- child support,
- spousal support (for married couples), or
- adult interdependent partner support

The Maintenance Enforcement Program (MEP) can enforce this agreement if it is properly filled out and signed by the Recipient (creditor) and Payor (debtor), and you have not added any clauses to this form.

Please read all instructions carefully. It is not necessary that you have a lawyer complete this agreement for you. You may, however, wish to consult a lawyer so your rights and your children's rights are fully protected.

Do NOT use this agreement if:

- you already have a court order for support. By law, this agreement cannot vary a court order.
- you already have a signed agreement for support made under the *Parentage and Maintenance Act*, the *Income Support Recovery Act* or Part 5 of the *Income and Employment Supports Act*. By law, a *Maintenance Enforcement Support Agreement* cannot vary any of these types of agreements.
 - If you want to change your agreement made under one of these Acts, contact [Alberta Employment and Immigration](#). Phone 310-0000 and ask for the Child Support Services office nearest you.
- you are receiving Income Support, Assured Income for the Severely Handicapped (AISH) or other benefits from Alberta Employment and Immigration. If you are, talk to your caseworker before signing this agreement.

Part 1 – How to Complete Your Maintenance Enforcement Support Agreement

General Instructions

- Complete the required sections 1, 2, 3 and 13.
- Complete all other sections of the agreement that apply to you.
- Do not cross out clauses from this agreement. If any section does not apply to your situation, write "N/A" in the space provided.
- Do not add extra clauses to this agreement. If you do, MEP will not enforce it.

- **Staff at MEP or the courthouse cannot help you complete this agreement.** You may wish to use other assistance listed in the “[List of Resources](#)” section at the end of these instructions.
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If you already have a Queen’s Bench action number from a court action you have started (such as a divorce action), fill in the existing action number and judicial district on the upper right hand corner of the first page of the agreement and page 6 of the agreement. You do not need to complete the remainder of page 6.

Section 1 – Parties to the Agreement

On “the Recipient” line, print the full name (first, middle and last name) of the person who will be receiving money for child, spousal or adult interdependent partner support (the creditor).

On “the Payor” line, print the full name of the person who will be paying money for child, spousal or adult interdependent partner support (the debtor).

Section 2 – Type of Maintenance to Be Paid

In checking the boxes in this section, you are promising you do not have an earlier court order for support. You are also saying you did not in the past have a signed agreement for support made under the *Parentage and Maintenance Act*, the *Income Support Recovery Act* or Part 5 of the *Income and Employment Supports Act*. If you did have an earlier court order or agreement of this kind, you cannot use this *Maintenance Enforcement Support Agreement*.

Check the first box for spousal or adult interdependent partner support.

Check the second box for child support. Fill in the names and dates of birth for each child. If you have more than four children to list, attach a separate page to the agreement. This added page should list the full name and birthdate of each additional child.

Note: You can check both boxes.

Section 3 – Previous Maintenance Enforcement Support Agreements

If this is the first *Maintenance Enforcement Support Agreement* you have made together for child, spousal or adult interdependent partner support, check box ‘a’.

If there is an earlier *Maintenance Enforcement Support Agreement* between the two of you that you want to replace, check box ‘b’. Fill in the details of the earlier agreement.

If there is an earlier *Maintenance Enforcement Support Agreement* between the two of you and you want MEP to enforce both the earlier agreement and this new one, check box 'c'. Fill in the details of the earlier agreement. If there are differences or conflicts between the two agreements, the terms of the most recent agreement will be used. To avoid confusion, it is recommended you have only one agreement registered with MEP whenever possible.

Section 4 – Guideline Income

Judges in Alberta use the [Child Support Guidelines](#) to calculate child support in almost all cases where a court order is made. There are similar Guidelines under both the federal [Divorce Act](#) and Alberta's [Family Law Act](#). If you use the Guidelines to calculate child support (base child support and/or additional expenses) for your agreement, this section must be completed. Fill in both parties' annual guideline income. Often, this is a person's gross annual income from all sources (see line 150 of the tax return).

If you are not using the Guidelines, write "N/A" in the spaces for this section.

The [Family Law Information Centres](#) provide help calculating child support and guideline incomes. See the "[List of Resources](#)" section at the end of these instructions for details on the Centres and Guidelines.

Section 5(a) – Amount of Base Child Support

Fill in the amount of base child support to be paid to the Recipient each month.

Section 5(b) – Payment Schedule for Base Child Support

Base child support can be paid once per month or in two equal monthly instalments (e.g. on the 1st and 15th days of each month). Check only one of these boxes and fill in all necessary details.

MEP charges the Payor a \$25 per month default penalty and interest if MEP does not receive payments on or before their due date. Choose your payment schedule dates carefully so the Payor can get payments to MEP on time and avoid these charges.

Section 6 – Adjustment of Child Support When a Child Becomes Ineligible

MEP has policies on when child support will no longer be enforced. The most common reason is that the child is no longer financially dependent on the Recipient. The "[List of Resources](#)" section will tell you how to find out more about MEP's policies on collecting support for adult children.

Fill in the amount of child support you expect MEP to collect if one or more of the children stops being eligible for maintenance in the future. You can use the Child Support Guidelines to set the new support amount, or agree on a different amount.

If you have more than four children to list, provide the required information for each additional child on the extra page you attached in step 2. Please use the same format used in the agreement.

Section 7(a)(i) – Monthly Additional Expenses Relating to the Child(ren)

If additional expenses for your children are to be paid to the Recipient each month, check the box next to “Monthly Payments”. Fill in the total amount of the monthly expense payment, the day of the month on which the payment is due at MEP and the date when the first payment is due.

If you need help calculating the amount to be paid to the Recipient for these additional expenses, contact the [Family Law Information Centres](#).

Section 7(a)(ii) – Details of the Monthly Additional Expenses

This is the breakdown of the additional expenses. If you add up the amounts in the column “Amount of Payor’s Contribution”, it should be the same as the amount in number 7(a)(i).

Beside the child’s name, list the type of expense and the dollar amount to be paid monthly toward that expense. Examples of some additional expenses that might be paid on a monthly basis include child care; medical, dental or orthodontic expenses, insurance premiums, hockey expenses and dance lessons. List each expense for each child separately.

If you agree the Payor will pay a specific amount for additional expenses but you do not want to break it down, write “N/A” across 7(a)(ii). Giving a breakdown of the expenses can be helpful to you and MEP, however, in case a particular monthly expense for the child stops (e.g. the child is no longer in daycare or stops taking dance lessons). If more space is needed for this section, provide the required information for each additional expense on an attached page.

Section 7(b) – One-Time or Yearly Additional Expenses

If additional expenses for your children are to be paid once only (one-time) or once each year (yearly) instead of each month, check this box. Some examples of additional expenses that might be paid only once, or once each year, are tuition costs, glasses or contact lenses, sports equipment or musical instruments.

Print the first name of each child for whom one-time or yearly expenses are to be paid. Describe what the one-time or yearly expenses for each child are for and the amount to be paid for each child. If an expense is a one-time payment, check this box and fill in

the date when the lump sum payment is to be made. If the expenses are to be paid once each year, check this box and fill in the due date of the yearly payment. The expenses for each child must be listed separately.

If more space is needed for this section, provide the required information for each additional expense on an attached page.

Section 8 – Ending Base Child Support and Expenses

Before completing this section, you are encouraged to speak to a lawyer and review MEP’s policies on enforcement for adult children. See the [“List of Resources”](#) section at the end of these instructions.

Check box ‘a’ if you want child support and expenses to stop once MEP determines a child is no longer “a child of the marriage”. The federal [Divorce Act](#) defines a “child of the marriage” as a child of two spouses or former spouses who is under the age of majority and has not withdrawn from their charge, or is an adult child under their charge but unable “by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessaries of life”. A common “other cause” accepted by the courts is if the child is still a student.

Check box ‘b’ if you want child support and expenses to stop once MEP determines a child is no longer a “child” within the meaning of Part 3 of the [Family Law Act](#). A “child” under this Act includes someone not older than 22 years of age unable to withdraw from their parents’ charge because they are a full-time student.

Check box ‘c’ if you want to list a specific date for child support to stop or conditions that, when met, will stop the support. Fill in the date or conditions you have chosen for *each* child named in the agreement. For example, you may choose to say child support will end when a child graduates from university, or reaches age 24. Please be as clear as possible.

Section 9(a) – Amount of Monthly Spousal or Adult Interdependent Partner Support

Fill in the *total* amount of spousal or adult interdependent partner support to be paid to the Recipient each month.

Section 9(b) – Payment Schedule for Monthly Spousal or Adult Interdependent Partner Support

Spousal or adult interdependent partner support can be paid once per month or in two equal monthly instalments (e.g. on the 1st and 15th days of each month). Check only one of these boxes and fill in the necessary details.

MEP charges the Payor a \$25 per month default penalty and interest if MEP does not receive payments on or before their due date. Choose your payment schedule dates carefully so the Payor can get payments to MEP on time and avoid these charges.

Section 10 – Ending Spousal or Adult Interdependent Partner Support

If you want spousal or adult interdependent partner support to stop on a specific date, check box 'a' and fill in the date when you want the support to stop being paid.

If you want spousal or adult interdependent partner support to stop for a particular reason instead of on a specific date, check box 'b' and fill in the reason (e.g. "Spousal support will stop when the Recipient graduates from university.") Please be as clear as possible.

Section 11 – One-Time Spousal or Adult Interdependent Partner Support

If spousal or adult interdependent partner support is to be paid once only (one-time), or if a one-time payment is to be paid in addition to an ongoing monthly amount, fill in the amount to be paid and the date when the payment is to be made at MEP. Again, keep in mind default penalties and interest will apply if payments are not received by MEP when due.

Section 12 – Enforcement by the Director of Maintenance Enforcement

By signing this agreement, the Recipient and the Payor agree it is to be registered with MEP for enforcement and all payments shall be made through MEP.

Section 13 – Date of Agreement

Fill in the date the agreement was reached and the city or town where it was made.

Fill in the addresses of both the Recipient and the Payor.

Part 2 – Signing the Agreement

Make two (2) photocopies of the agreement so you have three (3) copies in all.

Arrange for a witness or witnesses. The witness must be someone other than the Recipient and the Payor. The same person can act as a witness for both parties. Staff at MEP or the Family Law Information Centres CANNOT act as witness for the agreement.

The Recipient and the Payor must sign all three (3) copies of the agreement in front of their witness and print the date when each signed and their full name in the space provided. The witness then signs all three (3) copies where indicated, prints the date the Payor or Recipient signed and prints the witness' full name in the space provided.

After the agreement is signed, the witness must complete the Affidavit of Execution for the person they witnessed sign the agreement. If one witness was used for both the Recipient and the Payor, that one witness completes both Affidavits.

The witness must then see a Commissioner for Oaths for the Province of Alberta, sign the Affidavit and swear an oath (or affirm) that they saw the Recipient or Payor sign the agreement. Information on where to find a Commissioner for Oaths is outlined under the "[List of Resources](#)" section at the end of these instructions.

After all three copies of the agreement are signed, the Recipient and Payor should each keep an original copy. The remaining original copy should be sent to MEP.

Part 3 – Registering Your Agreement with MEP

Only one party (either the Recipient or Payor) needs to do the following steps.

Once your agreement (including the sworn or affirmed Affidavits of Execution) is completed, send the Maintenance Enforcement Program one (1) original signed copy of your agreement with a completed registration package. **Sending these separately may delay registration and enforcement of your agreement.**

Obtain a registration package by:

- printing a copy from [MEP's website](#) (If you are a Recipient, use the link entitled [Creditor info & forms](#) to get the package. If you are a Payor, visit the link entitled [Debtor info & forms](#)).
- phoning MEP to ask that either a creditor or debtor registration package be mailed to you, or
- ordering a faxed package through the *MEP Info Line* at 780-422-5555 (or toll free in Alberta at 310-0000, 780-422-5555) and following the voice prompts. The catalogue number for a creditor registration package is 99017, the number for the debtor registration package is 99018.

Your original agreement and completed registration package can be sent to:
Maintenance Enforcement Program

7th Floor, J. E. Brownlee Building
10365 – 97 Street
Edmonton, AB
T5J 3W7

MEP will file the original agreement with the Alberta Court of Queen's Bench and then contact both parties to let them know MEP will be enforcing *their Maintenance Enforcement Support Agreement*.

In the future, if you want a filed copy of your *Maintenance Enforcement Support Agreement*, you may contact the Alberta Court of Queen's Bench at 310-0000, 780-422-2437.

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Frequently Asked Questions

Who can use this form for child support?

Couples who have separated or divorced can use this form to make an agreement for child support as long as:

- they do not already have a court order dealing with base child support or expenses for the same children; and
- they do not already have an agreement dealing with base child support or expenses for the same children under one of the following Acts: the *Parentage and Maintenance Act*, the *Income Support Recovery Act* or Part 5 of the *Income and Employment Supports Act*.

Why must I use this form and not another one?

The *Maintenance Enforcement Act and Regulation* allow MEP to enforce Alberta maintenance agreements if they are made using this form. This standardized agreement form was created for the benefit of MEP's clients. By using the form, clients know their maintenance clauses are clear and that MEP will be able to enforce them.

Do I need a lawyer to help me complete this agreement?

You are not required to have a lawyer complete your agreement. However, you may wish to consult with a lawyer for advice to ensure that your rights and your children's rights are fully protected.

Can staff at MEP or the courthouse help me complete a maintenance agreement?

MEP or courthouse staff cannot help parties obtain court orders or negotiate or complete maintenance agreements. If you need help, you may wish to contact a lawyer. For more information on assistance in completing this agreement, see the "List of Resources" section at the end of these instructions.

Who can use this form for spousal or adult interdependent partner support?

Married couples who are now separated or divorced can use this form to make an agreement for spousal support, as long as they do not already have a court order dealing with spousal support. Adult interdependent partners as defined by the *Alberta Adult Interdependent Relationships Act* can also use this form to make an agreement for the support of one of the partners, as long as they do not already have a court order dealing with this support.

What does “base child support” mean?

Base child support is the term used for the monthly child support to be paid to the Recipient that does not include additional expenses. Additional expenses (also known as “section 7” expenses) are special or extraordinary expenses ordered under section 7 of the Child Support Guidelines, such as daycare or medical costs. The total child support amount includes the base amount *plus* any amount for additional expenses.

Can we change our court order by completing this form?

No. Only a court order can change another court order. MEP will not enforce the support required by this agreement if there is already an existing court order that deals this support.

We want to change our *Maintenance Enforcement Support Agreement*. How do we do this?

There are two ways to change your agreement. The first is by signing and registering a new agreement with MEP. The new agreement must indicate whether it is replacing or adding to the earlier agreement. It is best if the new agreement replaces the earlier agreement so there is no confusion about which agreement to follow.

The second way is by going to court and getting an order dealing with child, spousal and/or adult interdependent partner support. The [Family Law Information Centres](#) have information that can help you go to court.

MAINTENANCE ENFORCEMENT SUPPORT AGREEMENT INSTRUCTIONS

List of Resources

Parties using the *Maintenance Enforcement Support Agreement* may find the following resources helpful:

Help with negotiating the amount of support:

- **Family Justice Services – Family Mediation**
 - Edmonton: 780-427-8329
 - Calgary: 403-297-6981
 - Outside Edmonton and Calgary dial toll-free 310-0000, 403-340-7187
- In some cases, the **Child Support Resolution Project** (in Edmonton) or the **Dispute Resolution Project** (in Calgary) may be able to help you negotiate support. For more information on whether you qualify to participate in these projects, call 780-427-1907 in Edmonton or 403-297-3875 in Calgary.
- To contact a lawyer, you may call:
 - **Lawyer Referral Service**: 1-800-661-1095 (will provide the names of 3 lawyers who will speak to you for ½ hour without charge)
 - **Alberta Law Line**: 1-866-845-3425 (legal advice on the phone for low income callers)
 - **Calgary Legal Guidance**: 403-234-9266 (free evening appointment with a volunteer lawyer – Calgary only)
- MEP's information sheet, **Referrals to Resources**, lists a number of free or low-cost options that can help you. This sheet is available at www.albertamep.gov.ab.ca, or can be accessed through the fax-on-demand function of the *MEP Info Line* by calling 780-422-5555 (dial 310-0000 for toll-free access anywhere in Alberta), and following the voice prompts. The catalogue number is 99026.

Child Support Guidelines:

Information on the Child Support Guidelines and calculating guideline income can be obtained from a lawyer or any of the following sources:

- the **Family Law Information Centres:**

1st Floor West, Law Courts Bldg
1A Winston Churchill Square
Edmonton Alberta T5J 0R2

Calgary Courts Centre
#706-S 601 – 5th St SW
Calgary Alberta T2P 5P7

Telephone: 780-415-0404*

Grande Prairie Court House
10260 – 99 St
Grande Prairie Alberta T8V 2H1*
Telephone: 780-833-4234

Red Deer Court House
4909 – 48 Ave
Red Deer AB T4N 3T5
Telephone: 403-755-1468

Telephone: 403-297-6981

Lethbridge Court House
320 – 4 St S
Lethbridge AB T1J 1Z8
Telephone: 403-388-3102

- the federal government's **Family Law Information Line** at 1-888-373-2222 and their website at <http://www.justice.gc.ca/eng/pi/sup-pen/pub/guide/index.html> provide information about the Federal Child Support Guidelines under the *Divorce Act*.
- the [Parenting After Separation](#) seminar offered by the provincial government at no charge. To enroll, call 780-413-9805 in Edmonton or 403-440-3833 in Calgary. If you live elsewhere in Alberta you can call toll-free by dialing 310-0000, 403-340-7187.
- the [Alberta Justice website](#) includes information about the *Family Law Act* and Alberta's Child Support Guidelines.

MEP's policies on enforcement of maintenance for adult children:

The information sheet [Maintenance for Adult Children](#) outlines MEP's policies on enforcing maintenance for children aged 18 and over. This sheet can also be ordered through the fax-on-demand function of the *MEP Info Line*: phone 780-422-5555 in Edmonton (dial 310-0000 for toll-free access anywhere in Alberta), and follow the voice prompts.

Commissioner for Oaths:

A Commissioner for Oaths is a person, such as a lawyer, Member of the Legislative Assembly or a municipal or government official, who is authorized to administer oaths, affirmations and declarations. Commissioners are available at MEP's Edmonton office and at all courthouses to assist clients in commissioning MEP documents. Some law firms, realtors and registry agents also offer commissioning services at little or no cost.