



Maintenance Enforcement Program - Glossary of Terms

A list of terms used by the Maintenance Enforcement Program (MEP):

DEBTOR

The person responsible for making maintenance payments (payor).

CREDITOR

The person who is to receive maintenance payments (recipient).

CLIENTS

Both debtors and creditors are clients of MEP.

ADDITIONAL EXPENSES/ADD-ON EXPENSES

In addition to the base amount of support payable under child support guidelines, the court can order the payment of additional expenses. These expenses can be for education; medical, dental, visual or other health care; childcare; or extracurricular activities. MEP can enforce the payment of these additional expenses only if the court order or agreement identifies them as a specified amount payable as maintenance.

AFFIDAVIT OF ARREARS

A legal document that declares the total amount of arrears (maintenance that is past due) owed, which a [creditor](#) or [debtor](#) is required to sign upon registration in front of a [Commissioner for Oaths/Notary Public](#).

ARREARS

If a support payment is not made when due under the maintenance order, that amount of unpaid support is referred to as arrears. When money is owed on an account, that account is said to be in arrears.

ATTACH

When a support Deduction Notice "attaches" funds, this means that the funds are captured and paid to the Maintenance Enforcement Program (MEP) to satisfy maintenance obligations, instead of being paid to the debtor.

BANK SUPPORT DEDUCTION NOTICE/NON-WAGE SUPPORT DEDUCTION NOTICE

Non-wage support deduction notices are commonly referred to as "[bank support deduction notices](#)," as they are most often issued to financial institutions. These notices [attach](#) money owing to the debtor from a variety of sources, such as bank accounts or rent payments. When a financial institution (or other person or organization) receives a support deduction notice from MEP, it is obligated to send MEP money that would otherwise be payable to the debtor. Failure to do so can cause that institution to be legally liable for the support deduction notice amount.

CHILD STATUS REPORT (CHILD UNDER AGE 18)

A [legal document](#) that a client swears in front of a [Commissioner for Oaths or Notary Public](#) to confirm the residence and/or dependency of a child.

CHILD STATUS REPORT (CHILD AGE 18 AND OVER)

Both the creditor and the debtor are responsible for providing MEP with updates of the status of the child(ren) if their eligibility for support changes. MEP may require a creditor to swear a [legal document](#) before a Commissioner for Oaths or Notary Public to confirm that an adult child is still dependent on the creditor and attending school on a full-time basis.

CHILD SUPPORT GUIDELINES

The federal *Divorce Act* and *Alberta Family Law Act* sets out [guidelines for the amount of child support](#) a debtor is required to pay. The base amount payable depends on the debtor's income and the number of children to be supported.

CLAIM

See "Variation Application."

CLIENTS

Both debtors and creditors are clients of MEP.

CLIENT SERVICES CENTRE

From 8:00 a.m. to 11:00 a.m. and noon to 4:00 p.m. on Monday, Tuesday, Thursday and Friday and from noon to 4:00 p.m. on Wednesday (excluding government holidays), clients may speak to a collection officer in MEP's Client Services Centre by calling the [MEP Info Line](#) and pressing "0." Staff in MEP's Client Services Centre can assist both debtors and creditors with most of their inquiries.

COMMISSIONER FOR OATHS/NOTARY PUBLIC

A person, such as a lawyer or a municipal or government official, who is authorized to administer oaths, affirmations, and declarations. Commissioners are available at all courthouses to assist MEP clients in swearing documents requested by MEP. Some law firms, realtors and registry agents also offer commissioning services at little or no cost.

CONFIRMATION ORDER

An order of a court that confirms (either with or without variation) the provisional order under review. (See also "[Provisional Order](#).")

CONTINUING ATTACHMENTS

See "[Support deduction notice](#)."

CREDITOR

The person who is to receive maintenance payments (recipient).

CROWN

When used by MEP, "Crown" refers to the Alberta government.

CROWN CLAIM / ARREARS

During the time period that a creditor receives Income Support, the Crown has the right to maintenance owed to the creditor and the creditor's dependent children. Maintenance payments due to the creditor are payable to the Alberta government.

DEBTOR

The person responsible for making maintenance payments (payor).

DEFAULT

When a debtor has not made payments required by a court order or agreement, a default in payment has occurred. The debtor is said to be "in default."

DEFAULT HEARING

A [default hearing](#) is a court process held in the Court of Queen's Bench. The *Maintenance Enforcement Act* allows MEP to serve a summons on a defaulting debtor requiring him or her to appear before the court to:

- -show the court why the maintenance order should not be enforced;
- -be examined under oath about the debtor's finances; and
- show why the debtor should not be committed to prison for willfully defaulting in the payment of maintenance.

DOCKET

A list of cases to be called by the court at any given court sitting. MEP has implemented a new *docket date* system that allows for approximately 30 to 40 debtors to be summoned to a [default hearing](#) in each judicial district each month. MEP representatives meet with debtors at the courthouse before the start of the court hearing to attempt to negotiate a monthly payment plan so that the full hearing will not be necessary.

Arrangements made may be confirmed by court order. If no arrangements can be made for payment at this time, the debtor can also be ordered to reappear before the court at a later date for a full hearing or to review the situation, without the need to re-issue a summons.

DRIVER'S LICENCE CANCELLATION

Where a debtor is in default of payment for at least 60 days, MEP may direct the Registrar of Motor Vehicles to cancel the debtor's driver's licence. Before [cancelling the operator's licence](#), MEP will send a 21-day warning to the debtor's last known address. Pursuant to Section 95(1) of the *Traffic Safety Act*, driving in Alberta with a cancelled operator's licence is subject to the following penalties:

- For a first offence, a maximum penalty of \$2,000.00 and, in default of payment, a term of imprisonment not exceeding six months; and
- For each subsequent offence committed within one year, to imprisonment for a term of not less than 14 days and not more than six months.

EX PARTE

A court application made by one party without advance notice to (i.e. in the absence of) another party.

FEDERAL LICENCE DENIAL

Where the debtor has failed to make payments in full for three payment periods, or has accumulated arrears of \$3,000.00 or more, MEP may apply to the federal government for a [denial](#) of certain federally issued licences, including passports and aviation and marine licences.

FEDERAL SUPPORT DEDUCTION NOTICE

A [federal support deduction notice](#) attaches funds that may become payable to the debtor from federal sources, such as income tax refunds, employment insurance benefits, CPP, and GST rebates.

GARNISHEE

See [Support Deduction Notice](#).

GLOBAL CHILD SUPPORT ORDER

A global child support order is an order (like those given under child support guidelines) that sets a total amount of money to be paid for the support of a number of children instead of setting an amount per child. For example, a global support order would require the debtor to pay "\$600.00 for the support of the children, Dick and Jane," instead of "\$300.00 per child for each of the children, Dick and Jane."

INCOME SUPPORT

Financial benefits (social assistance) provided by Alberta Human Resources and Employment. Formerly known as Supports for Independence or SFI.

JURISDICTION

A province, state or country with its own maintenance enforcement laws.

MAINTENANCE ORDER

A court order or agreement filed with the court that requires the debtor (payor) to pay a specific amount of money for a period of time to the creditor (recipient) for child and/or spousal or partner support.

MASTER

An official of the court who presides at default hearings. Like a judge, a master issues court orders.

MEP ACCOUNT NUMBER

Once a maintenance order has been registered with MEP, MEP issues a MEP Account Number to the creditor and debt or for that file. Both clients are asked to quote this number on all correspondence and telephone calls.

MEP ACCOUNTS ONLINE

MEP Accounts Online is MEP's Internet system, which allows clients worldwide access to account information 24 hours a day, seven days a week.

MEP INFO LINE

MEP's automated phone system, which allows clients to access general and file-specific information 24 hours a day, seven days a week.

MOTOR VEHICLE RESTRICTION

A motor vehicle restriction removes the debtor's **future** ability to access the motor vehicle services provided by the Alberta government through private registry agents. The debtor will be unable to **renew** a driver's licence or vehicle registration or to obtain a driving abstract. A motor vehicle restriction does not suspend or cancel a **current** licence or registration.

NON- WAGE SUPPORT DEDUCTION NOTICE

See "[Bank Support Deduction Notice](#)."

NOTICE OF CONTINUING ATTACHMENT

See "[Support Deduction Notice](#)."

NOTICE OF MOTION

See "Variation Application."

OPERATOR'S LICENCE CANCELLATION

See "[Driver's Licence Cancellation](#)."

PARENTING TIME

Under the *Family Law Act*, parenting time (see also "Time With a Child") is time when a guardian has the power to make day-to-day decisions about a child, and has day-to-day care and control of the child. This time is allocated in a parenting order. The concept of parenting time is used in the *Family Law Act* in place of "custody" and "access."

PERSONAL IDENTIFICATION NUMBER (PIN)

Upon registering with MEP, each client may contact the Client Services Centre and ask to be issued a Personal Identification Number (PIN). This number is used by the client to access file-specific information through MEP Accounts Online and the *MEP Info Line*.

PERSONAL PROPERTY

Property that is not land or real estate. Vehicles, cattle, and trailers are examples of personal property.

PERSONAL PROPERTY REGISTRY

An Alberta registry where one can [register notice of a financial interest in personal property](#). This registry is commonly used by lenders to register their liens against vehicles they have financed.

PROVISIONAL ORDER

An order of a court in one jurisdiction, obtained by one party (who lives in that jurisdiction) in the absence of the other party (who lives in a different jurisdiction). A provisional order has no effect (cannot be enforced) until confirmed in a reciprocal jurisdiction where the other party resides. (See [Confirmation Order](#).) Provisional orders are less common since most Canadian jurisdictions have passed their [Interjurisdictional Support Orders Acts](#).

REAL PROPERTY

Real property is land or real estate.

RECIPROCAL JURISDICTION

A province, state or country that has an agreement with Alberta to enforce an Alberta court order when the debtor lives in that province, state or country and the creditor lives in Alberta. The Alberta Maintenance Enforcement Program can also enforce payments on their behalf, when the debtor lives in Alberta and the creditor lives in that province, state or country. For a list of reciprocal jurisdictions, see [When a Debtor or Creditor Resides Outside Alberta](#).

RECIPROCAL REGISTRATION

Reciprocal registration occurs when a court order or enforceable agreement for maintenance from one jurisdiction is filed in another jurisdiction that is willing to recognize and enforce it.

REGISTRATION

Registration is the process a client must follow to open an account with MEP. The court automatically sends copies of all Alberta maintenance orders to MEP. This does **not** mean that the order is automatically enforced by MEP. For registration to occur, either the creditor or the debtor must complete and return a registration package.

REQUEST FOR INFORMATION

A form served on a business organization (e.g. bank, trade union or employer) to request details on a debtor's location, employment or finances. *The Maintenance Enforcement Act* and Regulations require business organizations to provide the information within 15 days.

SECTION 7 EXPENSES

See "[Additional Expenses](#)."

SEIZURE

The interception of a debtor's assets (e.g. vehicles). Seized assets may be sold and applied towards a debtor's maintenance arrears.

STATEMENT OF FINANCES

A document that requires a full disclosure, under oath, of the debtor's employment, income, assets, expenses and liabilities. A debtor may be required to complete and swear a [Statement of Finances](#) to assist MEP in making payment arrangements when the account is in arrears. A Statement of Finances can be sworn before a Commissioner for Oaths or Notary Public.

STAY OF ENFORCEMENT

If there is a dispute over payments, the debtor may apply to the courts for an order telling the program to stop or postpone collections. The *Maintenance Enforcement Act* limits debtors' ability to obtain orders directing removal of certain enforcement actions (such as a motor vehicle restriction, driver's licence cancellation, federal support deduction notice, Personal Property Registry writ or a Land Titles Registration.) These actions cannot be removed through a stay of enforcement. The *Maintenance Enforcement Act* also sets out specific limits to the length of time a stay may be granted for support deduction notices.

SUBROGATED (ARREARS/MAINTENANCE)

See "[Crown claim / Arrears](#)".

SUMMONS

A legal document commanding the debtor to appear in court. MEP may personally serve on the debtor a summons to appear in court for a default hearing.

SUPPORT

"Support" and "maintenance" have the same meaning when used by MEP.

SUPPORT DEDUCTION NOTICE

A Support Deduction Notice is a legal document issued by the Maintenance Enforcement Program (MEP) that [attaches](#) funds that would otherwise be payable to the debtor. Support Deduction Notices used to be known as "wage garnishees" or "notices of continuing attachment."

TIME WITH A CHILD

In the *Family Law Act*, "time with a child" is time an individual is entitled to spend with a child under a parenting time with a child under a parenting order, contact order, or custody and access order made under other legislation.

VARIABLE SUPPORT ORDERS

[Variable support orders](#) allow for changes in the payment of support (maintenance) depending on changing circumstances. The court order specifies which particular situations will result in a change in the amount of support payable or the way support is payable.

VARIATION APPLICATION

MEP does not have the authority to change orders. Only the courts can change an order. In the event that circumstances change, either the creditor or the debtor can apply to the courts to have the maintenance order changed (varied). This is done by filing in court a legal document called a Notice of Motion or Claim, and setting a date for the court application to be heard.

WAGE SUPPORT DEDUCTION NOTICE

When a debtor is not paying on a court order or enforceable agreement, a [wage support deduction notice](#) is used to intercept the debtor's wages or salary. When the support deduction notice is faxed or delivered to the employer, the employer is legally bound to pay MEP a portion of the debtor's wages. Debtors can also voluntarily choose to have their maintenance payments deducted from their wages through a support deduction notice. This used to be called a "wage garnishee" or "wage continuing attachment."

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<http://www.justice.gov.ab.ca/mep/glossary.aspx>