

CIRCULAR

Date: February 26, 2014

CIRCULAR NUMBER: EIA #2014-12

Alternate Program(s):

To: Community Social Service Supervisors/Program Managers

Subject: **Changes To Employment and Income Assistance (EIA) Maintenance-Related Policies and Procedures**

Reference:

EIA Directive 2006-04 Maintenance Support – Clarification of Maintenance Received by Participants.

EIA Administrative Manual Sections: 15.6.5 to 15.7.7

Type: ☒ Policy ☒ Procedure ☐ Rate ☐ Information Only

Replaces: N/A

Effective Date: Immediately

This circular describes changes that have been made to EIA child maintenance policy/procedures and administrative forms to clarify the assessment, treatment and administration of maintenance income by EIA staff as, well as support EIA participants to more easily access maintenance resources available to them.

Assignment of maintenance via Maintenance Enforcement Program (MEP) has the following benefits for participants;

- Ensures that participants have a consistent monthly income to meet their basic needs
- Removes the risk of having to approach the department for emergency assistance where maintenance payments are reduced/missed;
- Results in EIA “exit point” being based on a participant’s full EIA budget, versus only the supplemented portion when maintenance is administered (**removed**). This approach will also result in **additional** monthly financial resources being available to participants when they leave EIA as MEP will redirect future maintenance payments to them rather than to EIA.

EIA Maintenance Policy Amendments

1. **Defining “Breakdown” of Maintenance Agreements/Payments.** (see Sections 15.6.5, 15.6.6, 15.7.3 and 15.7.6)

When an EIA participant reports a reduction to the amount or frequency of maintenance payments that are being administered via SAMIN, or where amounts for special/extra-ordinary expenses are being paid for instead of core child support amounts **and** where the participant asks for emergency assistance to offset these unpaid amounts, EIA views this scenario as a breakdown in the maintenance agreement. In these instances, administration of maintenance via SAMIN is no longer an option and future maintenance amounts **must be assigned via MEP** to help participants stabilize their monthly budgets.

2. Child Support Recalculation Service (see Section 15.7.10)

For participants with formal support orders who wish to have amounts payable revisited, Manitoba Justice also offers a **Child Support Recalculation Service**. The service removes the need to formally approach the courts by recalculating certain child support orders at regular intervals, based on updated income information of the creditor and/or debtor (where both live in Manitoba).

To be eligible for recalculation, amounts payable in the support order must be based on the *Child Support Guidelines* tables and must include a recalculation clause. If not, participants will need to apply to the courts to formally amend the child support amounts payable in the support order.

Recalculations are provided free of charge. However, participants may be responsible for a \$35 fee to file the recalculated order with the Court Registry. Participants are to pay this fee out of exempted sources of income and may bring the receipt to their EIA office for re-imbursement. If the participant does not have the funds for the fee, EIA may provide these amounts and request that a receipt be produced confirming payment.

The Child Support Recalculation Service contact information is as follows:

201 – 373 Broadway
Winnipeg MB R3C 4S4
Telephone: 204-945-2293
Fax: 204-948-2423
Toll-free: 1-800-282-8069 (ext. 2293)
Email: csrs@gov.mb.ca
<http://www.gov.mb.ca/justice/family/law/recalculation.html>

3. Termination of Assignment/Enforcement at EIA Exit Point (See Section 15.7.6 and 15.7.7)

At the point where financial resources result in participants receiving a \$0 monthly benefit (i.e., reaching “exit point”) and where this income is likely to continue, it is important that staff speak to participants, to discuss the benefits of closing the EIA file immediately, rather than keeping the EIA case file open into subsequent months to confirm that sufficient income has continued. This approach will enable participants to apply for low income supplements (e.g. Manitoba Child Benefit, etc.) which cannot be accessed if they have an active EIA file. Terminating the assignment in a timely manner will also result in the immediate redirection of future maintenance amounts to the participants and provide them with another monthly financial resource to help them remain independent of income assistance.

Staff are to terminate the EIA-MEP assignment effective the last day of the month in which actual financial benefits are received, not the date in which the case will actually close. This will ensure that MEP redirects the full value of the next month’s maintenance payments to the participant and not to EIA.

New EIA Maintenance-Related Administrative Forms

To help staff to complete EIA-MEP maintenance-related administrative processes in a consistent and timely manner and allow participants to access available maintenance resources, the following maintenance-related forms have been developed.

1. EIA Standardized Family Maintenance Plan (see attached)

The standardized Family Maintenance Plan (FMP) assessment form assists staff to better understand the participants’ maintenance-related circumstances and how this financial resource is to be treated by the department. This form must be completed on all files where

one of the biological (non-custodial) parents is not on the EIA file, or where a dependent child is added to the parents' EIA file.

For participants who are currently receiving maintenance, the FMP prompts staff to confirm the type of child support being received (i.e. court-ordered support order, private agreement) and if these amounts are assigned with MEP. It also helps staff identify if any payment issues are evident that could require the assignment of maintenance with MEP.

The FMP also provides a series of prompts to establish if participants will be obligated to pursue maintenance or if their circumstances warrant a temporary or permanent waiver. While staff will have the authority to temporarily waive the pursuit of maintenance, any consideration of permanent waivers **must** be discussed and approved by the EIA.

2. Assignment of Support/Support Arrears and Enforcement Form (see attached)

This form consolidates the information previously collected via the *Assignment of Support/Support Arrears*, *Statutory Declaration* and *Termination of Assignment* forms. It also reflects the new language being used by MEP to identify the maintenance recipient (i.e. "Creditor" – formerly Payee) and the person with the obligation to pay maintenance (i.e. "Debtor" – formerly Payor).

The longstanding *Statement By Director* form and the *Notification of Assignment/Notification of Termination* forms (used to notify the Debtor of the MEP assignment or termination) are no longer applicable due to EIA's maintenance-related policy changes as well as automated measures incorporated into MEP's new database.

For participants with MEP assignments completed using old assignment of benefit forms, staff are to use the new *Assignment of Support/Support Arrears and Enforcement* form to terminate these assignments. Staff need only complete the "Creditor Information", "Debtor Information" and "Termination of Assignment/Enforcement" sections and forward this form along with a copy of the original assignment of benefit form to MEP for processing.

3. Assignment of Support Arrears Appendix (see attached)

This form is a supplement to the *Assignment of Support/Support Arrears and Enforcement* form and is used only when there is insufficient space on the principal assignment form to list the dates and amounts of missed or reduced maintenance payments. This form **must** accompany a fully completed *Assignment of Support/Support Arrears and Enforcement*

4. EIA Termination of MEP Assignment of Benefits Calculation Sheet (see attached)

This document will help staff calculate the correct amount of assigned benefits to be returned to the department by MEP when participants start receiving EIA benefits at levels **lower** than amounts assigned via MEP. This will also ensure that any balance remaining after the EIA recovery is redirected to the Creditor once the maintenance assignment is formally terminated.

5. Private Support Agreement Form (see attached)

The Private Support Agreement template has been designed for EIA participants without formal, court-ordered support orders, or those with private agreements that are not enforceable by MEP. This new form also includes an enforcement clause (i.e. "MEP clause") that will allow the private agreement to be assigned with MEP in the event of maintenance payment breakdowns. Staff do not need to complete this template. It is intended for the EIA participant parent to complete/sign with the debtor parent and return it to the department for inclusion with the EIA hard-copy file.

The Private Support Agreement Form is not to be used where no maintenance payments are being received. In these instances, staff are to assess whether conditions warrant the temporary or permanent waiver of the maintenance pursuit obligation. It also does not supersede or change the conditions of any formal support orders between the participant and debtor. Staff can confirm the existence of a formal support order by reviewing the Justice Court Registry at manitobacourts.mb.ca OR gov.mb.ca/justice/index.html

**Attachment 1: EIA Circular 2014-12 Changes To Employment and Income Assistance (EIA)
Maintenance-Related Policies and Procedures**

**Maintenance Enforcement Program (MEP)
Maintenance-Related Administrative Processes Upon
EIA Termination of Assignment/Enforcement.**

- Upon receipt of a *Termination of Assignment/Enforcement* form from Employment and Income Assistance (EIA), the Maintenance Enforcement Program (MEP) will complete the necessary file adjustments to enable the re-direction of funds to the primary creditor (former EIA participant). This process is generally completed within 14 days of the MEP receiving the documentation from EIA.

Note: Where EIA staff establish in advance that the EIA assignment is to be terminated effective the end of the current calendar month, and where the *Termination of Assignment/Enforcement* form is immediately completed, it is possible that the MEP adjustment will be processed prior to end of the calendar month enabling the flow of maintenance income to the participant without any delay.

- If the *Termination of Assignment/Enforcement* is received late, it may take additional time to process the file and have any amounts adjusted/recovered from the EIA and redirected to the creditor. This type of adjustment is generally completed within one to two weeks of MEP receiving the appropriate termination documentation.

Note: When EIA has been overpaid due to a late termination of assignment, EIA is not to issue a cheque to the creditor for the overpayment amount. MEP will deduct the overpayment from the next EIA deposit and process the outstanding amount to the creditor.

- After MEP processes the *Termination of Assignment/Enforcement*, an 'Invitation Package' will be sent to the creditor. To help ensure the creditor receives the Invitation Package in a timely manner, the creditor's current address information must be included on the fax cover sheet that is sent to MEP with the *Termination of Assignment/Enforcement* form.

The Invitation Package will ask the creditor if he/she requires the services of the MEP. The completed Invitation Package must be returned to the Program within 42 days for the MEP file to remain open. If the Invitation Package is not returned, MEP will continue to actively collect and redirect any outstanding arrears to EIA and upon full collection, the MEP file will be closed.

If the creditor requires the assistance of the MEP in the future, the MEP file can be reactivated upon completion of the paperwork included in the Invitation Package.

- The Invitation Package includes a Statutory Declaration for the creditor to complete to verify if he/she has received any payments directly from the date of the *Termination of Assignment/Enforcement*, and a Direct Deposit form to complete enabling MEP to direct deposit any future payments collected to the creditor's bank account.
- Upon the return of the Invitation Package, follow-up letters will be sent to the creditor advising that the file has been activated and providing a file number and a Personal Identification Number (PIN) to enable the creditor to access information on the maintenance file via MEP's 24-hour information line.