

July 24, 2018

Ministry of Children, Community and Social Services
80 Grosvenor St
Hepburn Block
6th Floor
Toronto ON M7A 1E9

BY FAX 1-613-823-8284

Attention: Hon. Lisa McLeod

Dear Hon. Lisa McLeod,

RE: Increase Enforcement of Child Support Orders

The London Community Advocates Network (the “Network”) is comprised of approximately 50 community organizations that assist recipients of Ontario Works and Ontario Disability Support Program benefits in London and Middlesex County. We meet as a group on a quarterly basis with staff from both program areas to provide input into local issues and policies affecting the vulnerable population we serve. In addition, the Network advocates on behalf of low-income Londoners to ensure they are represented vis-à-vis poverty issues at the municipal, provincial, and federal levels. We are writing to you as this issue impacts many of our clients who are served by the Network.

In 2016, extensive community consultations were held regarding poverty in London. These consultations led to over 100 recommendations to be implemented in order to deal with and eliminate poverty in London. One of those recommendations was Recommendation 2.25 which called for “increased enforcement of child support payments”.

The Family Responsibility Office (FRO) is responsible for enforcing court-ordered child support payments in Ontario. FRO is consistently a top source of complaints to the Ontario Ombudsman. According to the Ombudsman’s annual report for 2016-2017, FRO was once again the most complained-about Ontario government organization, with 1,036 complaints (up from 1,025 from the previous year).

According to the Ombudsman’s annual reports, the most common complaints about FRO pertain to:

- Inadequate or delayed enforcement of support orders(including interjurisdictional support orders) and payment of arrears
- Inconsistencies in when and how FRO staff chose to take enforcement action
- Insufficient communication with clients
- Errors in interpreting court orders
- Errors in child support payment transitions
- Enforcing payment where none was owed

In addition to fostering better family relationships, child support serves several important income-related objectives. It reduces poverty among children and reduces the financial burden on custodial parents. Receipt of child support is critical from the perspective of low income earners. This is especially true given that child support payments are fully exempt from

eligibility and benefit calculations in both OW and ODSP as of 2017. Receiving child support payments greatly assist low income families living below the poverty line. In addition, child support provides these families with a greater opportunity to transition out of the welfare system, thereby ultimately reducing the need for government spending on social assistance.

Poor record keeping and administrative errors are persistent problems for the FRO, sometimes resulting in serious financial impact on clients. In one example noted in the Ombudsman annual report 2012-2013, a woman missed out on \$34,000 worth of child support payments as FRO erroneously paid them into a generic Ministry account for 11 years. The woman, who had been on social assistance for 10 months had assigned her child support payments from the FRO to the Ministry. The payments were never redirected to her when she came off social assistance. The FRO reimbursed her for the full amount only after Ombudsman staff intervened.

Lack of aggressive enforcement action by FRO also results in unreasonable delays in numerous cases. According to the Ombudsman annual report 2013-2014, in one case, FRO had not verified a claim by a man that he had a pending court action to have his child support obligations changed. In fact, he used this as a stalling tactic and owed \$16,000 in support. Similarly, FRO's failure to register another case with a US enforcement agency for more than two years resulted in \$24,000 owed in child support.

Sometimes, the lack of enforcement action by FRO results in lost opportunities to collect child support payments altogether. One such incident was contained in the Ombudsman annual report 2013-2014: due to the FRO's delay for more than a year in registering a family's case with an agency outside of Canada, a father who owed more than \$18,000 in child support could no longer be located. The FRO had made a series of mistakes, including failing to file the proper paperwork in the father's country and incorrectly informing the children's mother that the paperwork had been filed. By the time the errors had been rectified and the file was properly registered in the father's country for enforcement he had disappeared.

These are just some stories of the hundreds of individuals that are negatively impacted by inadequate or delayed enforcement of child support orders each year. However, there is hope. These systemic problems can be overcome through an increased allocation of resources to FRO. Public spending toward child support enforcement would reduce the burden on the welfare system by allowing low income families to transition above the poverty line. Therefore, we ask the greater resources be made available to FRO to enable better enforcement of child support orders in Ontario. This we believe would assist in the government's Poverty Reduction Strategy, especially lowering the percentage of children in poverty.

We look forward to your response and appreciate your anticipated cooperation in this matter. Thank you for your time.

Yours truly,

Mike Laliberte
Staff Lawyer, Neighbourhood Legal Services
Co-Chair of London Community Advocates Network

Rob Spencer
London Employment Help Center