

## ADMINISTRATIVE SUSPENSION OF ENFORCEMENT INFORMATION SHEET

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Changes to *The Family Maintenance Act* now require that a debtor request an administrative suspension with the Maintenance Enforcement Program (MEP) prior to making a court application for a suspension order. The MEP has the authority to administratively suspend enforcement if the debtor's circumstances warrant a suspension. An administrative suspension provides a debtor with enforcement relief and time to make a court application to have their order changed or resolve their short term change in circumstances.

### Debtor responsibilities and involvement

If a debtor feels that a maintenance order being administered by the MEP no longer reflects their current circumstances or the circumstances set out in the maintenance order, they can make a request for an administrative suspension and provide the necessary information to support that request. This request can be made in writing using the Request for Administrative Suspension form along with any corresponding documentation that supports the request.

### General circumstances for the MEP to consider an administrative suspension review

- Debtor change in financial circumstances
  - Long term
    - A debtor's financial circumstances have been permanently reduced and their ultimate form of relief is to vary their order.
  - Short term
    - A debtor is experiencing a significant change in their financial circumstances as a result of an illness, medical issue or temporary loss of income.
  - Maintenance Order change of circumstances
    - The maintenance order contains support terms that may no longer be applicable.  
Examples:
      - Support term for payment of daycare and child is 16 and not in daycare
      - Child no longer in creditor's care

### Creditor involvement and responsibilities

A creditor will be notified in writing of an administrative suspension including the reasons for the suspension. Information can be provided by the creditor to support a review to cancel or modify an administrative suspension. The creditor will be notified in writing of any resulting changes to the administrative suspension or to confirm that it remains unchanged.

### How it affects the MEP file

Once the request has been received, the MEP will make a determination of whether the information provided is satisfactory to warrant an administrative suspension. This may include further follow up with a debtor to obtain additional information.

If an administrative suspension is granted the effects of the suspension are limited to a maximum duration of 6 months and can include but is not limited to the following enforcement modification:

- A complete cessation of enforcement
- Enforcement of just the ongoing support or just the outstanding arrears
- Enforcement of a reduced payment amount
- Suspending specific enforcement activities – examples: a driver’s licence where it is required by the debtor for work or medical care; a passport when a debtor is scheduled for medical care outside of Canada.

**The creditor and the debtor are entitled to a copy of information including documents and records the other has provided in relation to an administrative suspension of enforcement. Contact the MEP office to request a copy.**