

## **AGREEMENT TO CHANGE MAINTENANCE OBLIGATIONS INSTRUCTIONS**

The *Family Maintenance Act* allows for a debtor and creditor to enter into an agreement to change the maintenance obligations under a maintenance (court) order.

### **Completing the Agreement:**

Child Maintenance:

The agreement must be in the form approved by the designated officer and include the following information:

- The name of the debtor and creditor;
- The prior maintenance order being changed and its date;
- The income of the debtor;
- The income of the creditor if required by the designated officer (i.e. if there is shared custody or shared Section 7 expenses)
- A description of the changes being made, including the commencement date of the changes, any new maintenance amount, any changed frequency in required payments and other details necessary for enforcement;
- A statement that the agreement may be filed with the designated officer for enforcement.
- Both parties must sign the Agreement in front of a witness
- Either party to the agreement may file it with the designated officer.

Spousal Maintenance:

The agreement must be in the form approved by the designated officer and include the following information:

- The name of the debtor and creditor;
- The prior maintenance order being changed and its date;
- A description of the changes being made, including the commencement date of the changes, any new maintenance amount, any changed frequency in required payments and other details necessary for enforcement;
- A statement that the agreement may be filed with the designated officer for enforcement.
- Both parties must sign the Agreement in front of a witness
- Either party to the agreement may file it with the designated officer.

NOTES:

An agreement may not be made if the creditor is receiving Employment & Income Assistance (EIA) benefits and the support payments have been assigned to EIA.

Cost Recovery Fees changes cannot be included in the agreement.

The agreement is only for support obligations and cannot include any instructions for suspension of enforcement actions or changes to arrears that were set by a court order.

### **Cancelling the Agreement:**

The agreement can be cancelled either:

- By filing an Cancellation of Agreement to Change Maintenance Obligations
- By a court order

**Written notice of the cancellation must be given to the designated officer who may resume enforcement of the prior maintenance (court) order effective the date MEP receives the form.**

**Additional Information:**

Forms are available on [www.manitoba.ca/justice/courts/mep/index.html](http://www.manitoba.ca/justice/courts/mep/index.html) :

Agreement to Change Child Maintenance Obligations

Agreement to Change Spousal Maintenance Obligations

Cancellation of Agreement to Change Maintenance Obligations

Notice of the Agreement and/or Notice of Cancellation of the Agreement will be provided to the Child Support Recalculation Services and Manitoba Court of Queen's Bench.

Federal Government website: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-97-175/>

Manitoba Child Support Calculator: <https://www.childsupportcalculator.ca/manitoba.html>