

Enforcement Fact Sheet

The Office of Support Enforcement (OSE) has the authority under federal and provincial laws to use various enforcement methods to collect overdue support payments. OSE takes a progressive approach to enforcement. Enforcement begins with basic, routine interventions and escalates as the default escalates.

The methods OSE can use include, but are not limited to:

- Collection Call
- Default Letter
- Payment Order – Income Source (*Wages, pensions, bank accounts, compensation benefits*)
- Payment Order – Federal Sources (*FOAEA*)
- Provincial Licence Denials (*Motor Vehicle*)
- Federal Licence Denials (*Aviation, Marine Certificate, Passports, etc.*)
- Credit Reporting
- Corporate Liability (*Solely owned or Family Controlled*)
- Demand For Information (*Location, Contact Information, Salary, Employment, Assets*)
- Demand For Financial Information
- Enforcement Hearing (*Administrative or Court Hearing*)

Collection Call

OSE may contact the payer by telephone to discuss repayment of the outstanding amount.

Default Letter

OSE may send a default letter to the payer requiring a repayment of the outstanding amount, and encouraging the payer to contact the Enforcement Officer within 10 days. This notice advises the payer that failure to respond may lead to enforcement action without further notice.

Payment Order – Income Source (*Wages, pensions, bank accounts, compensation benefits*)

Under Section 15 of the [Support Enforcement Act](#) (SEA), OSE can issue a payment order against an income source. Upon enrolment, the payer can voluntarily elect to have a payment order sent to their employer as a method of making support payments. This type of garnishment is also used as a collection tool to collect regular support and/or arrears when an account is in default. The payment order will attach funds that may become payable to the payer from non-federal sources, including wages, commissions, pensions, workers' compensation benefits, long or short-term disability payments, bank accounts etc.

Payment Order – Federal Sources (FOAEA)

Under a federal law called [Family Orders and Agreements Enforcement Assistance Act](#) (FOAEA), OSE may issue a payment order when a payer is in arrears. This type of garnishment is used to attach funds that may become payable to the payer from federal sources, including employment insurance benefits, Canada Pension Plan or Old Age Security payments, GST credits, income tax refunds and a variety of other federal programs.

Provincial License Denials (Motor Vehicle)

Under Section 26 of the [Support Enforcement Act](#) (SEA), OSE has the right to send a notice to the New Brunswick Registrar of Motor Vehicles to revoke the driver's licence and suspend driving privileges or to place restrictions on the licence of a payer who has a certain amount of unpaid family support. This action is used to encourage payers to pay arrears and can be taken when the payer owes an amount greater than 4 months' worth of support payments and all reasonable means of collecting support have failed.

See: [How Unpaid Support Obligations May Affect Your Government-Issued Licenses](#)

Federal License Denials (Aviation, Marine Certificate, Passports)

Under a federal law called [Family Orders and Agreements Enforcement Assistance Act](#) (FOAEA), OSE may apply for a federal licence denial to prevent a payer who owes more than \$3,000 in support payments from obtaining all federal licences set out in FOAEA, such as aviation and marine certificates and passports.

The federal license denial suspends any licences that are held at the time of the application and prevents the payer from renewing any licences that are already held. When notification is received that a federal licence has been suspended under FOAEA, any licences to the federal government must be suspended.

See: [How Unpaid Support Obligations May Affect Your Government-Issued Licenses](#)

Credit Reporting

Under Section 27 of the [Support Enforcement Act](#) (SEA), OSE has the authority to report child support arrears to credit reporting agencies if the order has been filed with OSE for more than 90 days, and there is an amount-greater than three months of support payments owed. In these circumstances, a notice will be sent giving the payer **30 days** to pay the full amount or make a payment arrangement with OSE to avoid having information sent to credit bureaus. OSE will add a fee of \$50 to the payer's account when the notice is sent.

See: [How Unpaid Support Obligations May Affect Your Credit Report](#)

Corporate Liability (Solely Owned, Family Controlled)

Under the [Support Enforcement Act](#) (SEA), OSE has the authority to hold a corporation liable for support payments if the support order is filed with OSE and full payments are not made as ordered by the Court.

If the payer owns a corporation, Section 28 (SEA) allows OSE to take steps to hold the corporation liable when:

- The payer is the only shareholder and the **only** person with a beneficial interest in the corporation,
- full payments are not made as ordered by the Court **and**,
- the amount of money owing in arrears is more than **2 months** of support payments.

If the payer or the payer and one or more family members has a controlling interest in a corporation, Section 29 (SEA) allows OSE to take steps to hold the corporation liable when:

- The payer, or the payer and his or her immediate family, hold enough shares to elect **50% or more** of the directors of the corporation or otherwise control the operations of the corporation,
- full payments are not made as ordered by the Court **and**,
- the amount of money owing in arrears is more than **4 months** of support payments.

See: [How Unpaid Support Obligations May Affect Corporate Liability](#)

Demand For Information (Location, Contact Information, Salary, Employment, Assets)

Under Section 12 of the [Support Enforcement Act](#) (SEA), OSE may request from a person or public body, including the Crown, information about the payer or the payer's current spouse for the purpose of enforcing a support order. If the information is not provided within 14 days, the Court may order that the information be provided to OSE, and costs for the application shall be awarded to the Director.

Demand for Financial Information

Under Section 30 of the [Support Enforcement Act](#) (SEA), OSE may require a payer to file a financial statement for the purpose of enforcing a support order. If the information is not provided within 15 days, the Court may order that the financial statement be provided to OSE.

Enforcement Hearing (Administrative or Court Hearing)

Under Sections 31 and 33 of the [Support Enforcement Act](#) (SEA), OSE may apply to the Court or the Court Administrator as the case may be, for an enforcement hearing where the payer will be required to explain why he or she is not complying with the terms of the support order. Upon review of the payer's circumstances, the Court or the Court Administrator may make an order for the re-payment of arrears or, where that is not possible for the Administrator, he or she may refer the matter to the Court. The Court may send the payer to jail for failing to comply with their support obligations. If the payer does not appear at the hearing, a warrant for the payer's arrears may be issued.