



Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP

Answers to pressing questions on Family Law.

Forcing support payment.

Question: My ex, who is registered with the Family Responsibility Office (FRO-government collection agency for child support), owes me a few thousand (almost 10) dollars in child support. Due to the fact that he is a contractor with no real employment contract I have been unable to collect funds. He helps out with support when my daughter visits him but as far as myself receiving funds, \$0. What can I do? I have contacted and written to the FRO numerous times. They have tried to enforce the Court's Order re: assets, but he has none. They have tried to revoke his driver's license but he lost that anyway. I thank you.

Answer: Ask the FRO if they have had his income tax refund or any other government monies owing to him seized. Also ask them if they have seized his passport. They can do that. Most importantly ask them why they haven't been bothered to commence "committal proceedings" meaning court action that could lead to him being thrown in jail for several weeks at a time, until he finally pays. If the FRO continues to stall or gives excuses call your local MPP and complain that the FRO legislation doesn't let you sue without the FRO (unless your ex consents- fat chance eh?) and the FRO is not moving fast enough. Then keep bugging your MPP to have the FRO press the courts to escort him to jail. However, even if they threaten court action the FRO often then simply accepts whatever your ex will claim his income to be (some absurdly low figure). The FRO will then settle with your ex on some small monthly payment to extinguish the arrears, as long as he maintains the ongoing support payments in the future at the correct amount. Nonetheless, you should press the FRO to have him thrown in jail anyway – this and the passport route are your best way to go. If jail ever becomes a serious threat it's amazing how quickly these arrests get paid. You can also go back to court and ask for an increase in child support. When he tries to defend he will be unable to do so because of his arrears of support. In addition, it gives you the opportunity to investigate his source of his revenue in the course of these proceedings. Your lawyer then has the right to review all of his revenue sources going back three years. Forensic accountants and detective services can also uncover undisclosed sources of revenue.

John T. Syrtash, Associate
GARFIN ZEIDENBERG LLP
Yonge-Norton Centre
5255 Yonge Street, Suite 800
Toronto, Ontario, Canada M2N 6P4
Phone: (416) 512-8000 ext 410; Direct (416) 642-5410

Fax: (416) 512-9992

email: jsyrtash@gzlegal.com

John Syrtash is an associate and family law lawyer with the Toronto firm of *GARFIN ZEIDENBERG LLP*. Neither *GARFIN ZEIDENBERG LLP* nor John Syrtash is liable for any consequences arising from anyone's reliance on this material, which is presented as general information and not as a legal opinion