

## Enforcing support payments

**Q.** My ex. has defaulted on support payments. I've registered with the Family Responsibility Office (FRO)[Ontario Government Collection Agency for child support] to enforce payment since 1994 but he has been jerking around the FRO and his children ever since. I'm a single mom and sole provider to my sons for the past 10 years with no financial assistance whatsoever.

The FRO agreed to lower his monthly support payments from \$700.00 to \$500.00 on the arrears he owes without even consulting me after all the money I spent on legal fees to negotiate my separation agreement. He's built 3500 square feet worth \$350,000 (open concept) with all types of toys. Of course his common law wife harbors his assets and income, although he's on title. I've been paying rent in basements since 1993 and live from pay cheque to pay cheque. Help!



**John T.  
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**A.** Raise hell by contacting the FRO and your local MPP. I would tell them that your husband's common-law spouse is sheltering his assets. Then refer them to section 41 of the Family Responsibility and Support Arrears Enforcement Act which allows the Director or the recipient (you) at any time during a default hearing to request the court to order a person who is financially connected to the payor to disclose financial information about themselves, like how much money they have, from where they got it and how they got all their assets and sources of income. If the court is satisfied that your ex's common law spouse is financially connected to your ex, either directly or indirectly, then the Judge has the power to add the lady as a party to the hearing. At that point the Judge can make

the woman herself financially responsible for the money that your ex owes you since she's sheltering his income or assets in order to frustrate enforcement of the support arrears. Very few people know that such a law exists, but it does!

If the FRO won't do anything it appears that you yourself can ask the court to go after his common-law spouse, then you yourself or your lawyer can do so because of the way section 41 is worded. In addition, because your husband is on title the FRO should register an order for any arrears against title and then move to sell the property if he refuses to pay, unless he's already made some sweetheart deal with the FRO to pay a lower amount and is complying with it. They can also ask a Judge to jail him.