

Family Support Orders Service (FSOS)



Public Legal Education
and Information Service
of New Brunswick

This pamphlet was produced by **Public Legal Education and Information Service of New Brunswick** (PLEIS-NB) in collaboration with **Program Support Services, New Brunswick Department of Justice and Attorney General**. It does not contain a complete statement of the law in this area and laws change from time to time. This booklet is part of a series of publications that provide general information on the support enforcement system in New Brunswick, the rights and responsibilities of payers and beneficiaries, and the tools available to the Family Support Orders Service to enforce support.

PLEIS-NB is a non-profit organization that educates the public about the law. PLEIS-NB receives funding and in-kind support from the Department of Justice Canada, the New Brunswick Law Foundation and the New Brunswick Office of the Attorney General. You can find more general information on support and other related legal topics at www.legal-info-legale.nb.ca or www.familylawnb.ca.

Published by:



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What is the Family Support Orders Service?

The **Family Support Orders Service (FSOS)** is a part of the New Brunswick Department of Justice and Attorney General. Its goal is to promote a dependable flow of support payments. FSOS focuses on helping parents support their children. FSOS monitors and enforces support orders and agreements filed with the service by:

- ▶ receiving payments from the **Payer** (the person paying the support);
- ▶ keeping records of payments that are made;
- ▶ forwarding the payment to the **Beneficiary** (the person receiving the support);
- ▶ taking steps (when necessary) to ensure the Payer makes the required payments.

FSOS does not pay beneficiaries until the due date specified in the support order or agreement. Any overpayments or early payments received by FSOS will be credited when future obligations come due.



Order or Agreement? Beneficiaries and/or Payers who do not have court orders and who make their own support agreements (with or without the services of a lawyer) may register these agreements with the Court and then file them with FSOS if the agreement meets certain legal requirements. The term “agreement” can replace the term “order” throughout this pamphlet.

How is an order filed with FSOS?

In New Brunswick, support orders issued by the New Brunswick Court of Queen's Bench, Family Division under the *Family Services Act* or the *Divorce Act* are automatically filed with FSOS.

If you live in New Brunswick and have a Canadian court order, you can opt into FSOS. To do so, you must file a **Notice to File a Support Order Form**. This is also possible for orders from American states or some other countries.

Check with FSOS if you have questions about a support order made outside of Canada.

If the beneficiary lives **outside** of New Brunswick, he or she should contact the office responsible for enforcement of support in his or her area.

What can FSOS do to try to collect support payments?

FSOS has the authority under federal and provincial laws to use various methods, when necessary, to collect overdue support payments. The methods FSOS **can** use include, but are not limited to:

- ▶ Initiate a Payment Order. This is commonly known as **garnishment**. Some examples of monies that can be garnished include: wages, pensions, income tax refunds, GST credits, workers' compensation benefits, and bank accounts, including jointly held back accounts;



Opting Out: The person receiving support, the beneficiary, may choose to receive payments directly from the payer instead of using FSOS to collect their support. To ensure the support order will **not** be filed with FSOS, the beneficiary must file a **Notice Not To File A Support Order Form**.

- ▶ Demand information about a payer's location, contact information, salary, employment, assets, or any other information that is considered necessary to enforce the order. The information demands can be made to anyone, and may be done through direct searches of designated information banks. Information demanded must be provided within 14 days;
- ▶ Report a payer to a credit bureau where the payer owes an amount greater than 3 months of support payments;
- ▶ Suspend or revoke a payer's drivers licence if the payer owes an amount greater than 4 months of support payments;
- ▶ Make corporations liable for support owed by a payer where the Payer or the Payer's family owns the corporation;
- ▶ Ask the federal government to suspend, refuse to issue, or refuse to renew the payer's passport and/or federal aviation or marine license if the payer owes an amount greater than 3 months of support payments;
- ▶ Bring the case to Court for a Judge or Court Administrator to decide on additional enforcement action. This is called an **enforcement hearing**.

Are there actions FSOS cannot do?

The FSOS **CANNOT**:

- ▶ Give legal advice or act as a lawyer or counselor for either party;
- ▶ Change the amount of your support order or agreement in any way based on changes in income;
- ▶ Become involved in child access or visitation issues.

For further information about the enforcement methods available to FSOS, check out the other publications in this series.

What are the payer's responsibilities?

- ▶ Pay support obligations before any other obligations. Courts treat support payments as a priority;
- ▶ Make your support payment through FSOS unless the support order or agreement is not filed with FSOS;
- ▶ Keep FSOS informed of any change in your information or circumstances. In addition to being a legal requirement, it is in your best interest to provide proof if you change employment, are no longer working, or are collecting income from other sources such as employment insurance, worker's compensation, etc.;
- ▶ Inform FSOS immediately if you anticipate problems with paying your support;
- ▶ Make your payments by the due date as set out in your order. If this is not possible and there has been a change in your financial circumstances, it is up to you to seek a variation order. This may be done through mediation or Family Court.

What are the responsibilities of the beneficiary?

You must keep FSOS informed of any changes in the information in your file. Be sure to contact FSOS immediately about things like changes in address or telephone numbers. FSOS requires a valid mailing address to process your payment. If FSOS finds they do not have a valid mailing address, they will stop all payments until they receive a valid address, even if arrangements have been made for electronic payments or direct deposit.

Note: Child custody and support are two separate legal issues. If parents are having trouble making satisfactory support or parenting arrangements, they may use the services of a mediator to help resolve matters. Alternatively, they may seek independent legal advice and, if necessary, ask the court to decide.

How does a payer make support payments to FSOS?

Payments can be made:

▶ **Electronically**

The Family Support Orders Service (FSOS) can receive support payments made electronically through your bank using services such as telephone banking and internet or online banking.

Contact your online or telephone banking service provider and set up your electronic payment as you would with other bills. You can also set up your FSOS payment as a recurring payment. Your account number for this purpose is your FSOS account number, which begins with the letters SE. If you do not know your account number, call the Central Payment Office at (506) 444-4131.

▶ **By Mail**

Money orders, business cheques and certified personal cheques must be made payable to the Minister of Finance and may be sent by mail directly to the Central Payment Unit (CPU) office in Fredericton. Uncertified personal cheques are not accepted.

FSOS Central Payment Unit
Room 171A, Centennial Building, PO Box 6000
Fredericton, N.B. E3B 5H1

▶ **Over the Counter**

In-person payments will only be accepted at Service New Brunswick (SNB) locations across the province. To find Service New Brunswick locations and operating hours, please call 1-888-762-8600 or visit www.SNB.ca. Payments can be made in person with cash, money order, debit, Visa, MasterCard, certified personal cheque or business cheque. Money orders, business cheques and certified personal cheques must be made payable to the Minister of Finance.

Note: Courts treat access and support as separate legal issues. Denying the payer access to the children in violation of a custody/access order does **NOT** help FSOS collect your support.

FSOS Offices

Bathurst

PO Box 5001
Bathurst, NB E2A 3Z9
Phone (506) 547-2408
Fax (506) 547-2966

Fredericton

PO Box 6000
Fredericton, NB E3B 5H1
Phone (506) 453-4286
Fax (506) 444-5778

Saint John

PO Box 5001
Saint John, NB E2L 4Y9
Phone (506) 658-2400
Fax (506) 658-3762

Campbellton

PO Box 5001
Campbellton, NB E3N 3H5
Phone (506) 789-2364
Fax (506) 789-2062

Miramichi

P.O. Box 104
Miramichi, NB E1V 3M2
Phone (506) 627-4215
Fax (506) 627-4069

Woodstock

PO Box 5001
Woodstock, NB E7M 5C6
Phone (506) 325-4414
Fax (506) 325-4484

Edmundston

PO Box 5001
Edmundston, NB E3V 3L3
Phone (506) 735-2028
Fax (506) 737-4419

Moncton

PO Box 5001
Moncton, NB E1C 8R3
Phone (506) 856-2305
Fax (506) 869-6168

FSOS has a **24 hour Toll-Free Infoline**. This line is available 7 days a week to answer your questions about your support payments. The FSOS computer is updated once daily and will give you the most current information about your file. Have your FSOS Case Number and PIN number ready when you call.

For information about your support payments 7 days a week contact:

FSOS 24 hour Toll-Free Infoline
1-888-488-FSOS (3767)

Fredericton clients can call **444-FSOS (3767)**

Clients who live outside New Brunswick can call long distance **1-506-444-FSOS (3767)***

**Long distance charges will apply.*