

FAMILY SUPPORT ORDERS SERVICE (FSOS)

How Unpaid Support Obligations May Affect Your Government-Issued Licences



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**. 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.

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The **Family Support Orders Service (FSOS)** is a part of the New Brunswick Department of Justice and Consumer Affairs. 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.

Provincial Driver's Licences

Why would FSOS take action to revoke or suspend my drivers' licence?

Under the *Support Enforcement Act (SEA)*, FSOS has the right to send a notice to the New Brunswick Registrar of Motor Vehicles to revoke the driver's licence and suspend the driving privileges of a payer who has a certain amount of unpaid child or spousal support.



When will FSOS send notice to the Registrar of Motor Vehicles?

FSOS will send notice to the Registrar if:

- ▶ the payer owes an amount of support that is greater than **4 months** worth of support payments; **and**
- ▶ all reasonable means of collecting support payments have failed.

Will I be notified before FSOS takes action to revoke my driver's licence?

Yes. FSOS will send a *Notice of Intention – Driver's Licence Suspension* to you. FSOS will mail the notice to your most current address on file with them and/or the Registrar of Motor Vehicles. Because you are legally required to keep your address up to date with both agencies, you will be considered officially notified 7 days after FSOS mails the notice to you.

How can I prevent revocation or suspension?

The **notice** gives you a chance to avoid having your licence revoked either by paying the outstanding arrears in full, or coming to a satisfactory arrangement with FSOS to pay off the arrears. You must do this within 30 days. If you do not, FSOS will advise the Registrar of Motor Vehicles to revoke your driver's licence and suspend your driving privileges. By law, the Registrar is then obligated to notify you and revoke your licence. FSOS **will not** extend the 30 day grace period.

Please note that it is FSOS, not the Registrar of Motor Vehicles, who is responsible for suspending a driver's licence for failure to pay support. The Registrar cannot remove the suspension without direction from either FSOS or the Court.

What if I need my licence to work or for health/medical reasons?

If you are working, you can negotiate an arrangement to pay off the overdue support. If you cannot reach a satisfactory agreement with FSOS and you need your licence for work or for health/medical reasons, you must provide appropriate documentation to your Enforcement Officer (EO) setting out the reasons why your licence is necessary. The Registrar may restrict you to driving to specific locations and hours of the day. In order for you to receive restrictions instead of a full suspension of your driver's licence, FSOS must be satisfied that you need your licence for your employment. This does not mean that you simply need it to get to and from your place of employment.

Can I appeal a suspension or revocation?

Yes. Under Section 26(6) (*SEA*), you may apply to the Court of Queen's Bench, Family Division, to request the reinstatement of your driver's licence or the removal of licence restrictions. The Court may order the Registrar to reinstate the licence or lift the restriction only if it is satisfied that you did not owe an amount greater than 4 months of support payments when FSOS issued the notice to you.

How long will the suspension last?

The suspension will last until you have paid all amounts owing under the support order, or made satisfactory payment arrangements with FSOS to meet your obligations. When this happens, FSOS will send a notice to the Registrar to reinstate your licence and driving privileges.

You may apply to the Court of Queen's Bench, Family Division, to request the reinstatement of your driver's licence or the removal of licence restrictions.

Will I have to pay any fees related to suspension or revocation?

The Registrar of Motor Vehicles charges a fee to reinstate suspended driving privileges. The Registrar also charges a replacement fee when issuing a replacement licence after driving restrictions are imposed or after FSOS lifts such restrictions. It is your responsibility to pay any registration fees the Registrar imposes. You **must** pay these fees before the Registrar will issue your licence or lift your suspension.

Denial of Federal Licences

Can FSOS take action to prevent me from obtaining or renewing a passport or other federal government licences?

Yes. Under a federal law called *Family Orders and Agreements Enforcement Assistance Act (FOAEA)*, FSOS may apply for a federal licence denial to prevent a payer who owes a certain amount of support from obtaining all federal licences

set out in *FOAEA*, such as aviation and marine certificates and passports. A federal licence denial suspends any licences you hold at the time of the application and prevents you from renewing any licences you already hold. When you receive notification that your federal licences have been suspended under *FOAEA* you must surrender any licences to the federal government.



A **federal licence denial** suspends any licences you hold at the time of the application and prevents you from renewing any licences you already hold.

When will FSOS take action to suspend or deny my federal licences?

FSOS will take action under *FOAEA* for a licence denial when:

- ▶ FSOS believes you have the ability to pay; **and**
- ▶ you owe \$3000 or more in support payments; **and**
- ▶ all reasonable means of collecting support payments from you have failed.

Will I be notified before FSOS applies for a licence denial?

Yes. If you meet the conditions above, FSOS will send you a *Notice of Intention to Deny Federal Licence*. After you receive the notice, you will have **30 days** to contact FSOS and make satisfactory payment arrangements. If you do not respond to the notice within the 30 day timeframe, FSOS may make an application for federal licence denial.

How long will the federal licence denial stay in place?

A federal licence denial remains in effect until FSOS requests it be ended. You must meet one of the following conditions before FSOS will make this request:

- ▶ your support order has been withdrawn from FSOS;
- ▶ you make satisfactory arrangements to pay the outstanding amounts, **or**
- ▶ FSOS decides to withdraw the denial based on their review of your case.

Note: *FOAEA* deems payers served **10 days** after FSOS has sent the notice to the payer's last known address on file.

Can I request a review of the denial?

You may ask FSOS to review your case if:

- ▶ you can prove that you owed less than the amount on the notice at the time the notice was sent; **or**
- ▶ you can prove that the denial would significantly reduce your ability to pay support; **or**
- ▶ you start to receive income assistance.

Can I appeal a federal licence denial?

No. Federal laws do not allow payers to appeal a federal licence denial issued under *FOAEA*.

24 hour Toll-Free Infoline

FSOS has a **24 hour Toll-Free Infoline**. This line is available 7 days a week to answer your questions about your support payments. Our computer is updated once daily and will give you the most current information about your file. Have your Court file 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.*

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