

Social Assistance and You

Developed by the Community Advocates Network

c/o North End Community Health Centre
2165 Gottingen Street Halifax, NS B3K 3B5

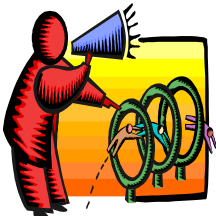
Family Policies

There is no one place in income assistance policy about families. This information sheet explains the policies on child support, mortgage payments, maintenance agreements and co-habitation.

Child support (sometimes called maintenance) is deducted dollar for dollar from your cheque. You have to go after child support from the other parent of your children. Community Services has a program called Family Maintenance Income Support Program (FMIS). Your worker will send you to FMIS when:

- you do not have a maintenance order or agreement
- your maintenance order is less than the child maintenance guidelines set by the Federal Government.
- you have more children
- maintenance payments are not being made
- you do not know who the other parent is
- you do not know where the other parent is

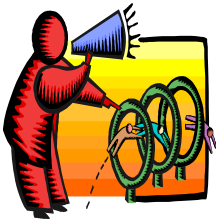
Advocacy Tip:



You have the right to independent legal advice before you make an agreement for child support. Call Nova Scotia Legal Aid, Dalhousie Legal Aid or the Legal Education Society of Nova Scotia to get advice.

FMIS caseworkers will work with you and the parent who does not have custody to set up a maintenance agreement. This agreement will be provided to your income assistance caseworker and the amount agreed upon will be taken from your monthly cheque. The FMIS may also register the agreement with the Nova Scotia Supreme Court – Family Division to ensure the agreement can be enforced.

Advocacy Tip:



If the other parent is abusive or is a threat to you or your family, your worker does not have to send you to the Family Maintenance Income Support Program. Speak up about this.

If child support is being taken off your cheque and you do not receive it, you can ask for an **ad hoc make up cheque** if:

- you have an order or agreement to sign up with the Maintenance Enforcement Program (MEP)
- your direct payment from the other parent has not come and you have filled out a Statement of Facts about how much the payments were to be.

If you are on assistance you must enroll in the Maintenance Enforcement Program and prove this to your worker by giving your MEP number and the pin number so your worker can check it out.

Assignment of Child Support: If your child support payments are irregular – 15 days late for three months in a row, not paid on a regular basis -- you can give the Department of Community Services the right to have those payments. Then the child support will not be taken off your cheque and any money that the MEP gets will be sent

to the Department. You need to be on assistance for three months in a row or have an order registered with the MEP.

Mortgage Payments and Maintenance Agreements: When part of your child support agreement is to have the mortgage paid by the other parent, the allowable mortgage expense in your budget will be not more than the maximum shelter allowance and the full amount of the maintenance order will come out of your monthly cheque. So if your mortgage payment is \$700 and your shelter maximum is \$600, you will be allowed \$600 as an expense, but \$700 will be deducted as a maintenance payment.

Advocacy Tip:



If the deduction of the total mortgage payment is making it too hard for you to pay for your basic needs, this can be changed. Speak up about it to your worker. Ask for a copy of the policy.

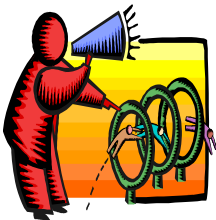
Co-habitation (the “man-in-the-house” rule)

If you are living with another adult of either sex, the caseworker must decide if the two of you are a couple. The workers are supposed to be respectful of your privacy when deciding this and behave in a professional manner. They are supposed to make sure the information is true before using it. Here are some of the kinds of information a worker would look at:

- you are known in your community as a couple
- professionals involved in your lives know you as a couple
- your children’s school records show you as spouses
- you have wills or insurance stating you are spouses
- children’s birth records show you as spouses

- loans & other legal documents you have signed show you as spouses
- you have joint credit cards, property or bank accounts
- you claim each other for income tax or Employment Insurance (or other) benefits
- you purchase goods and services in each other's names
- you claim each other or the other's children for employee benefits
- you have the same address on public records
- you live in the same house or apartment
- leases, etc., are signed jointly
- your utilities are registered and paid as a couple or in the other person's name
- you receive mail at the same address

Advocacy Tip:



The courts have said that cutting a single parent with children off income assistance for co-habiting is a serious step and should not be done without clear and reasonable evidence. As well, there has to be a mix of evidence – not just one kind. You have a right to all the evidence against you when you are cut off or are threatened with cut off. Appeal the decision and fight for your rights.

Our membership is made up of First Voice people, who are directly affected by social assistance reform, as well as groups, organizations and agencies. Together with first voice people, active members include

AIDS COALITION OF NOVA SCOTIA ADSUM HOUSE ADSUM COURT ALICE HOUSING
 CANADIAN MENTAL HEALTH ASSN.—DARTMOUTH BRANCH CANADIAN NATIONAL INSTITUTE FOR THE
 BLIND COMMUNITY ACTION ON HOMELESSNESS CONNECTIONS CLUBHOUSE CORNERSTONE FAMILY
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 RESTORING DIGNITY SINGLE PARENTS CENTRE ST. GEORGE'S ROUND CHURCH ST. VINCENT DE PAUL
 ST. VINCENT DE PAUL HAND IN HAND TEAMWORKS VEITH HOUSE