



INCOME SECURITY ADVOCACY CENTRE  
Centre d'action pour la sécurité du revenu

# Changes in the Treatment of Child Support in OW and ODSP

## What Parents Need to Know

Important changes are being made to Ontario Works (OW) and the Ontario Disability Support Program (ODSP) rules around child support. If you are a parent on OW or ODSP who is getting or should be getting child support, here is what you need to know.

### **Q: What changes are being made?**

Until now, every dollar of child support that you get has been deducted from your benefits. That is changing. Starting in January, child support will be **exempt as income**, which means it will no longer be deducted from your benefits.

This means parents on social assistance will be able to keep the full amount of any child support they receive. It will also make it easier for parents to qualify for OW or ODSP, because child support will not be counted as part of the financial test for deciding if they qualify. As well, adult children with disabilities who live with a parent and get ODSP in their own name will also get to keep any child support they get.

Any child support that is paid because of a legal obligation will qualify for the income exemption. This includes any amount of child support that is paid because of a court order, an agreement between the parents that reflects that legal obligation, or because laws like the *Family Law Act* and *Divorce Act* require the parent to pay child support.

### **Q: When do these changes start?**

The changes start on different dates, depending on whether you are on OW or ODSP. For ODSP, the changes start January 1, 2017. For OW, they start February 1, 2017.

This means you'll be able to keep all child support you get as of the January payment for ODSP or the February payment for OW, which will both be made in late January 2017.

### **Q: My child's other parent owes me money for child support. Will I be able to keep all that money once I get it?**

The exemption only applies to child support amounts owed for periods after the rules change.

If the child support that you are owed is for any period before the new rules come into effect, that money will be treated under the old rules. This means that once the child support money is paid, the amount will be "assigned" to the months in the past when the money should have been paid, the amount of OW or ODSP you received in those months will be recalculated, and a debt (or "overpayment") will be created that you will have to repay. The overpayment will be for the amount of child support you received, but it cannot be for more than the amount you get from OW or ODSP.

For example, if you get \$800 for retroactive child support for November 2016, and in that month you got \$600 from Ontario Works, the overpayment would only be for \$600. You get to keep the other \$200.

**Q: Will I still have to pursue child support in order to receive social assistance?**

No. Until now, OW and ODSP rules required parents to try to get child support from the other parent. There were some exceptions; for example if there was a danger of violence from the other parent. But otherwise, parents who did not pursue child support could and did have their benefits cut off. Or, the amount of child support that the caseworker thought the parent should be getting would be deducted from their benefits.

As of January 2017, parents will no longer be required to pursue child support as a condition of receiving social assistance.

**Q: Will I have to report child support money that I get?**

Yes. However, if the amount of child support that you get doesn't change from month to month, you will not be required to report it every month. A change can mean either an increase or a decrease, and even includes if the other parent doesn't pay any support at all when they usually do. Any change has to be reported using a "Changes Report Form" or by giving your caseworker a copy of an amended court order or agreement.

**Q: Do these changes also apply to spousal support?**

No. Spousal support payments will still be deducted dollar-for-dollar from OW and ODSP benefits. If you have a right to spousal support and are not getting it, you will still be required to pursue payment from your ex-spouse (unless an exception applies in your situation, such as because of a danger of violence from your ex-spouse).

However, other important changes are being made to spousal support. Until now, your benefits could be deducted by amounts of support your ex-spouse was ordered or agreed to pay, even if you didn't actually get the money. Starting in January 2017, spousal support will only be deducted if that money has actually been paid by your ex-spouse.

Remember that these changes mean that you will have to declare any amounts of spousal support that you receive. So if you get any spousal support payments, it is very important that you let your caseworker know right away and keep proof or make notes to show that you did. If you don't report the money, you will be paid the wrong amount of benefits and you will probably have to pay money back once your caseworker finds out. There is also a risk that they will think you didn't tell them about the spousal support money on purpose, which could possibly lead to criminal charges for fraud.

In months where you are supposed to get spousal support but you don't actually receive it, and it's likely that you will continue to not receive it, you will have to complete special forms. You can get these forms from your caseworker.

**Q: The Family Responsibility Office has been collecting child and/or spousal support for me and paying that money to the Ministry. What will happen now?**

The Family Responsibility Office (FRO) is a government office that helps to collect child and spousal support. In the past, parents on OW and ODSP would sometimes sign a document that allowed FRO to pay any support it received on their behalf directly to OW or ODSP. This document was called an “assignment.” OW and ODSP are no longer going to use “assignments.” Any support FRO receives on your behalf will go straight to you. If you have an assignment in place, it will be cancelled as of December 31, 2016 for parents on ODSP and January 31, 2017 for parents on OW.