



## **ANNOUNCEMENT:**

### NWT Maintenance Enforcement Program Legislative Amendments

NWT Maintenance Enforcement is pleased to announce changes to the *Maintenance Orders Enforcement Act* and the *Maintenance Orders Enforcement Regulations*, which will come into force on July 1, 2009. These changes include:

#### Payment Conference

Debtors may be required to attend a payment conference, to discuss details of their personal financial situation. Failure to attend/cooperate may be reported to Territorial Court during any enforcement proceeding and used against the debtor in the resulting Order.

#### Garnishment of Joint bank Accounts

Attach to 50% of all funds held in deposit accounts held in the name of the debtor and at least one other co-holder.

#### Attachment of Deposit Accounts

There is no longer a need to issue a garnishee summons to collect from deposit accounts in the sole name of the debtor.

#### Attachment of Registered Savings Plans

A notice of attachment can be served on the trustee of a debtor's registered savings plan (such as RRSPs or RESPs), requiring the trustee to withdraw funds from those plans and forward payment to MEP.

#### Registration of Real Property

MEP can register an Order in the land Titles Registry, against the real property of a debtor. On registration, the Order becomes a charge on the real property.

#### Suspension of Drivers Licences

MEP can now direct the Motor Vehicles Registrar to suspend the NWT drivers' licence of a debtor, or to refuse issuance of a new licence.

#### Advertisement of Debtor's Personal Information

MEP can advertise, by any means appropriate (including internet and/or newspaper), to obtain information as to the whereabouts, assets, employment and financial information of a debtor.

### Access to Information

The Act now provides a list of specific information that can be demanded from a third party, regarding a debtor.

### Corporations

MEP now has the ability to apply for a Territorial Court Order, rendering a sole corporation or a closely-held corporation joint and severally liable for arrears.

### Direction to Credit Reporting Agencies

MEP can now direct a credit reporting agency to include information about a debtor's unpaid arrears, to any third party. This will make it very difficult, if not impossible for a debtor to obtain a loan/credit for items such as a vehicle or a home.

### Setting Aside Gifts or Transfers

Territorial Court may issue an Order, setting aside the transfer of gifts or assets, if it appears to the Court as though the debtor did so with the intention of avoiding maintenance obligations.

### Personal Financial Statement

MEP may now demand an updated personal financial statement once in every six-month period, if required. The Regulations have also been amended to allow for the collection of tax return statements, payroll statements and other documents, as part of the debtor's personal financial claim.

### Collection of Interest

Although MEP is not currently in a position to start collecting interest, these changes pave the way for future amendments to the Regulations where interest may be charged against outstanding arrears.

### **NWT Maintenance Enforcement**

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