

Chapter 23

Justice – Maintenance Enforcement

1.0 MAIN POINTS

This chapter reports the results of our first follow-up of five outstanding recommendations from our *2012 Report – Volume 1*, Chapter 10 regarding the Ministry of Justice's (formerly the Ministry of Justice and Attorney General) processes to enforce maintenance payments.

At March 27, 2014, the Ministry of Justice (Justice) had implemented two of the five recommendations. Justice plans to implement the remaining three recommendations related to monitoring and reporting when its new computer system is operational in the spring of 2015.

Justice is developing a new computer system because the system it currently uses to track key information on maintenance enforcement clients is no longer supported (i.e., the software provider no longer provides security updates or accepts change requests).

2.0 INTRODUCTION

Under *The Enforcement of Maintenance Orders Act, 1997*, Justice is responsible for administering the maintenance enforcement program.

Justice, at the recipient's or payer's request,¹ registers spousal and/or child support court orders and agreements, collects, records and monitors payments, and takes enforcement action when the required payments are missed or late.

Our *2012 Report – Volume 1*, Chapter 10 concluded that, for the twelve-month period ended January 31, 2012, Justice had effective processes to enforce maintenance payments with some exceptions. We made five recommendations.

This chapter describes our first follow-up of management's actions on those five recommendations.

To conduct this review, we followed the standards for assurance engagements published in the *CPA Canada Handbook – Assurance*. To evaluate Justice's progress towards meeting our recommendations, we used the relevant criteria from the original audit. Justice's management agreed with the criteria in the original audit.

3.0 STATUS OF RECOMMENDATIONS

This section sets out each recommendation, the status of the recommendation, and management's actions up to March 27, 2014. We found that Justice implemented two of the recommendations. It is developing a new computer system and expects to use this to implement the remaining three.

¹ Persons receiving support or persons required to pay support can register their support order or agreement.



3.1 Prompt Registration of Clients but Records Not Yet Current

We recommended that the Ministry of Justice (formerly the Ministry of Justice and Attorney General) establish a formal performance standard for prompt processing of maintenance enforcement registrations and monitor compliance with this standard. (2012 Report – Volume 1; Public Accounts Committee agreement December 9, 2013)

Status – Implemented

Prompt processing of maintenance-enforcement registrations helps recipients receive payments on a timely basis.

Justice has established a formal standard to require maintenance enforcement registrations to be processed within six weeks of receiving an enrollment form. Justice monitors compliance with this standard on a weekly basis.

We recommended that the Ministry of Justice (formerly the Ministry of Justice and Attorney General) keep accurate and up-to-date information for its maintenance enforcement clients. (2012 Report – Volume 1; Public Accounts Committee agreement December 9, 2013)

Status – Not Implemented

At March 2014, Justice was developing a new computer system to replace its current system² that is no longer supported (i.e., the software provider no longer provides security updates or accepts change requests). Management indicated that Justice is incorporating the requirements of the maintenance enforcement program into the new system. Management expects to have the new system operational by the spring of 2015.³

3.2 Evidence of File Monitoring Needed

We recommended that the Ministry of Justice (formerly the Ministry of Justice and Attorney General) establish a formal performance standard for the timely documented review of maintenance enforcement client files not complying with payment terms and monitor compliance with this standard. (2012 Report – Volume 1; Public Accounts Committee agreement December 9, 2013)

Status – Partially Implemented

² The maintenance enforcement computer system in use was developed in 1986 when the enforcement program began.

³ Standing Committee on Public Accounts, *Hansard Verbatim Report No. 13* - December 9, 2013, p. 156.

Justice has developed a standard that requires maintenance enforcement officers to review a default report every two months to monitor and enforce compliance with the payment terms. It expects to use this standard once its new system is operational and default reports can be generated from the new system.

3.3 Responses to Clients' Inquiries Prompt but Ongoing Monitoring Needed

We recommended that the Ministry of Justice (formerly the Ministry of Justice and Attorney General) establish a formal performance standard for prompt response to telephone inquiries from maintenance enforcement clients and monitor compliance with this standard. (2012 Report – Volume 1; Public Accounts Committee agreement December 9, 2013)

Status – Implemented

Justice established a formal standard that requires staff to respond to telephone inquiries within 48 hours unless the inquiry relates to a same-day payment. Justice monitors compliance with this standard through weekly meetings and random reviews.

We recommended that the Ministry of Justice (formerly the Ministry of Justice and Attorney General) periodically review reports that show who owes outstanding maintenance support payments, how much is owed, and how long amounts have been outstanding. (2012 Report – Volume 1; Public Accounts Committee agreement December 9, 2013)

Status – Not Implemented

Management indicated that Justice expects to use the new system to generate reports to monitor outstanding support payments.

