

Chapter 39

Justice – Maintenance Enforcement

1.0 MAIN POINTS

Under *The Enforcement of Maintenance Orders Act, 1997*, the Ministry of Justice (Ministry) is responsible for administering the maintenance enforcement program. The Ministry, at the recipient's or payer's request,¹ registers spousal and/or child support court orders and agreements, records and monitors payments, and takes enforcement action when the required payments are missed or late.

This chapter sets out the status of three recommendations we first made in 2012 to improve the Ministry's processes to enforce maintenance payments. By September 30, 2016, the Ministry implemented one recommendation.

In October 2015, the Ministry implemented a new computer system, and required maintenance enforcement officers to formally review client files every two months to determine whether it needed to change its enforcement approach. At September 2016, it was developing monitoring reports to help it implement the remaining two recommendations.

2.0 INTRODUCTION

Our *2012 Report – Volume 1*, Chapter 10, identified areas where the Ministry could improve its processes to enforce maintenance payments. We made five recommendations. By March 27, 2014, as reported in our *2014 Report – Volume 1*, Chapter 23, the Ministry had implemented two of those five recommendations. The Ministry identified the development of a new computer system to track key information on maintenance enforcement clients as critical in addressing the remaining recommendations.

This chapter describes our second follow-up of management's actions on these recommendations.

To conduct this review engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook – Assurance*. To evaluate the Ministry's progress towards meeting our recommendations, we used the relevant criteria from the original audit. The Ministry's management agreed with the criteria in the original audit. We based our findings on our examination of the Ministry's processes, relevant documentation, and discussions with management.

3.0 STATUS OF RECOMMENDATIONS

This section sets out each recommendation including the date on which the Standing Committee on Public Accounts agreed to the recommendation, the status of the

¹ www.saskatchewan.ca/residents/family-and-social-support/child-support-and-protection/help-with-paying-or-receiving-child-support (6 October 2016).



recommendations at September 30, 2016, and the Ministry's actions up to that date. We found the Ministry implemented one recommendation, and continued development of a monitoring report from its new computer system to implement the remaining recommendations.

3.1 Progress Made on Accuracy of Information

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 – Implemented

The Ministry developed a standard that requires maintenance enforcement officers to review a monitoring report every two months. The purpose of the review is to actively monitor and enforce payers' compliance with payment terms. The results of our testing of client files found the Ministry is using this standard.

We recommended that the Ministry of Justice (formerly known as 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 – Partially Implemented

The Ministry has made progress to keep accurate and up-to-date information for its maintenance enforcement clients. In October 2015, it implemented its new computer system to track key information on maintenance enforcement recipients and payers.

For files where maintenance payers are receiving social assistance, the Ministry is reviewing social assistance information as the basis for its monitoring of these clients. For these files, we found that the Ministry began formally reviewing these files in May 2016.

For a sample of five files we examined, the maintenance enforcement officers compared the Ministry's records to social assistance information every two months as expected. They determined if the maintenance payers were still receiving social assistance payments. This process enables the Ministry to determine whether it needs to change its enforcement approach.

For client files where the maintenance payer is not on social assistance, as of September 30, 2016, the Ministry had not yet developed a monitoring report for these clients. As a result, maintenance enforcement officers did not have summarized information relating to which of their clients have outstanding maintenance support payments and the associated dollars outstanding.

Ministry staff indicated that it expects to complete development of a monitoring report by March 2017. Once developed, it expects maintenance enforcement officers to use the report to identify and address payers whose information may not be accurate and up-to-date (e.g., banking information, address).

3.2 Ongoing Monitoring Needed

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

The Ministry indicated that it expected to generate reports from its new computer system that maintenance enforcement officers can use to monitor outstanding support payments from maintenance payers. As of September 30, 2016, it had not yet developed these reports.

