

Chapter 37

Justice and Attorney General—Enforcing Maintenance Payments

1.0 MAIN POINTS

Under *The Enforcement of Maintenance Orders Act, 1997*, the Ministry of Justice and Attorney General is responsible for enforcing court-ordered, agreed-upon payments for child and/or spousal support.

By September 2019, the Ministry implemented the two recommendations initially made in our 2012 audit. Since November 2018, the Ministry requires its maintenance enforcement officers to review and document actions taken to enforce maintenance payments where payers defaulted. Officers do this review every two months. This review allows the officers to verify they keep accurate and up-to-date information for maintenance enforcement clients. It also helps them assess the sufficiency of the Ministry's actions to enforce payments, and adjust actions as needed.

2.0 INTRODUCTION

2.1 Background

Single parents or guardians raising children on low or moderate incomes depend on the timely receipt of maintenance payments.

The Ministry is required to provide a fair justice system that upholds the law and protects the rights of all individuals in Saskatchewan. This includes administering the provincial maintenance enforcement program, which involves monitoring and collecting support payments ordered by the court or agreed to by the two parties, and distributing these payments to the appropriate recipients (e.g., the specified parents or guardians). If necessary, the Ministry also enforces the payments under court orders or agreements for action (e.g., garnishing wages, collecting money owed to the payers from the federal government). At March 31, 2019, the Ministry had an 81% collection rate and collected about \$47 million (2017–18: 77% and \$44 million).¹

2.2 Focus of Follow-Up Audit

This chapter describes our fourth follow-up of management's actions on the recommendations we made in 2012.

In 2012, we assessed the Ministry of Justice and Attorney General's processes to enforce maintenance payments. Our *2012 Report – Volume 1*, Chapter 10, concluded that the Ministry of Justice and Attorney General had effective processes to enforce maintenance payments, except for areas in our recommendations. We made five recommendations.

¹ Adapted from information provided by the Ministry of Justice and Attorney General.



To conduct this audit engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook—Assurance* (CSAE 3001). To evaluate the Ministry of Justice and Attorney General's progress toward meeting our recommendations, we used the relevant criteria from the original audit. The Ministry of Justice and Attorney General agreed with the criteria in the original audit.

We reported on our most recent follow-up of the recommendations in our *2018 Report – Volume 2*, Chapter 36. In order to complete our follow-up of the two remaining recommendations, we discussed actions taken to implement the recommendations with management. We reviewed 'Default Lists', including comments and sign-offs by maintenance enforcement officers and supervisors.

3.0 STATUS OF RECOMMENDATIONS

This section sets out each remaining recommendation including the date on which the Standing Committee on Public Accounts agreed to the recommendation, the status of the recommendation at September 18, 2019, and the Ministry of Justice and Attorney General's actions up to that date.

3.1 Monitoring Reports Prepared and Reviewed

We recommended 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, p.103, Recommendation 5; Public Accounts Committee agreement December 9, 2013)

Status—Implemented

We recommended the Ministry of Justice and Attorney General keep accurate and up-to-date information for its maintenance enforcement clients. (2012 Report – Volume 1, p. 99, Recommendation 2; Public Accounts Committee agreement December 9, 2013)

Status—Implemented

Starting in November 2018, management implemented a process where they generate 'Default Lists' every two months for maintenance enforcement officers to review. The Default Lists identify maintenance payers defaulting on their support payments (that is, individuals who owed maintenance support payments).

Maintenance enforcement officers then take action on the identified default files, and document these actions and comments on the Default Lists. Supervisors review the reports with the officers' comments verifying that officers complete reviews and the enforcement actions indicated by the reports.

We found the Default Lists contain sufficient information on the individuals owing outstanding maintenance support payments to enable officers to determine the relevant files and information to review. They also contain sufficient information to allow officers to verify the accuracy of their records for maintenance enforcement clients.

We reviewed all four of the Default Lists from November 2018 to September 2019, and found each list included comments on actions taken and review sign-offs, as expected.

Having up-to-date payer information helps facilitate appropriate enforcement action on payers who owe maintenance enforcement payments. Periodic reviews of outstanding maintenance enforcement payments helps the Ministry monitor how well enforcement actions work, and adjust any actions, as necessary.

