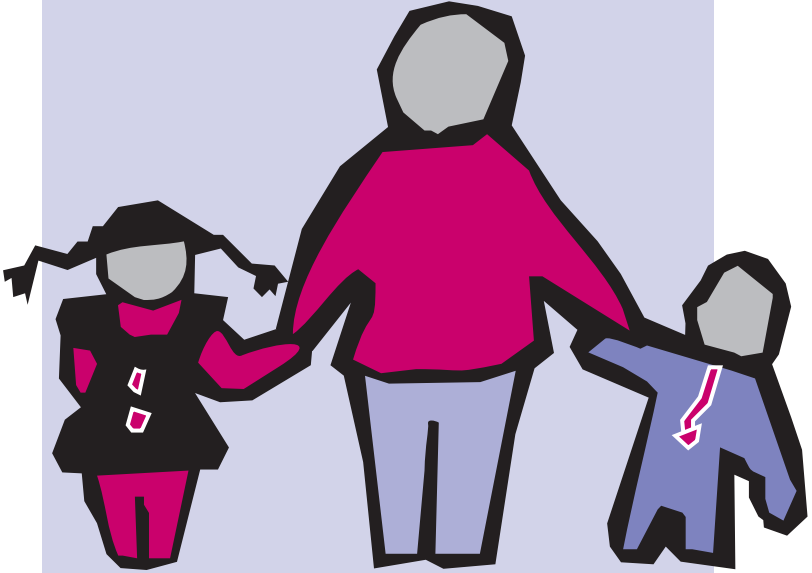


Social Assistance

**Support payments
when you are on
social assistance**



If you speak French

Ask a lawyer or a community legal clinic about your language rights. You may have the right to get your OW- and ODSP-related government services in French.

If you are appealing a decision about your right to social assistance from OW or ODSP, this could mean that you have the right to a hearing before a French-speaking member of the Social Benefits Tribunal, as well as other French-language services. [See pages 11 to 14 for information about appealing a decision.](#)



Family law in Ontario requires all parents to support their dependent children. A parent has a legal duty to provide financial support even if

he or she has never lived with the child. This is true even if the two parents have never been married to each other or lived together.

And, in some situations, your spouse may have a responsibility to support you financially even after the relationship has ended. A spouse can be someone of the same or opposite sex.

CLEO has another booklet called “**Child Support and the Child Support Guidelines**” that gives more detailed information. Turn to the back cover to find out how to order it. It is also available on our web site at <www.cleo.on.ca>.

What are the rules about trying to get support if I am on social assistance?

If you are applying for or receiving assistance from Ontario Works (OW) or the Ontario Disability Support Program (ODSP), you must make **reasonable efforts** to get financial support from:

- someone who is or was your spouse as defined by family law, and
- your children's other parent, even if he or she has never been your spouse.

In family law, a spouse is someone of the same or opposite sex who:

- is married to you,
- has lived with you for at least three years, or
- has lived with you in a relationship of some permanence, and the two of you are the natural or adoptive parents of a child.



OW and ODSP use this definition of spouse for support payments. But they use a different definition of spouse when they are deciding if you are eligible for assistance as a couple, a sole-support parent, or a single person.

For more about the definition of spouse used for eligibility, see CLEO's pamphlet called "**Do you live with someone who might be seen as your spouse?**".

Turn to the back cover to find out how to order it. It is also available on our web site at <www.cleo.on.ca>.

You can also find out more about this by contacting a community legal clinic. Page 15 tells you [how to find the community legal clinic nearest you](#).

If you do not make reasonable efforts to get support, your assistance could be refused, reduced, or cut off. In other

words, you could get less money or no money at all.

OW or ODSP will ask for the name of your spouse or your children's other parent. They could also ask where this person is and for other information, such as his or her Social Insurance Number (SIN), or his or her employer's name and address. If you know this information but do not give it, your assistance could be refused, reduced, or cut off.



Am I always expected to try to get support?

You may not have to try to get support if your spouse or your children's other parent cannot be found and has had no contact with you for some time. If you have any information that could help to find him or her, you must give this information to the OW or ODSP office.

There are some other situations in which you may not have to try to get support—for example, if you cannot attend court for medical reasons. Other

examples would be if your spouse or your children's other parent is:

- violent towards you or your children,
- unable to pay any support at this time — for example, due to being in jail, or
- in another country where an order for support cannot be enforced.

In cases like these, OW or ODSP will review the situation after 3 months to see if it has changed. If the situation remains the same, they might set another date to review it, up to 12 months later. You can be asked to provide evidence of the situation. For example, you might need to get a police report, or a letter from a doctor or a counsellor, to show that your spouse or your children's other parent was violent.

If OW or ODSP asks you to try to get support, but you do not think you should have to, [contact your community legal clinic or Legal Aid Ontario \(see page 15\)](#).



What will I be asked to do to get support?

OW or ODSP may ask you to:

- work out an agreement for support according to the child support guidelines,
- apply to court for support, or
- enforce an agreement or court order for support which you already have.

OW has Family Support Workers who are supposed to help people on OW try to get support. The Family Support Worker can help you work out an agreement for support if your spouse or your children's other parent is willing to co-operate. It is best to talk to a lawyer before signing any agreement.

If there is no agreement, the Family Support Worker can help you apply for a court order. Even if you have an order, you may be expected to go back to court to increase the amount. Again, it is important to get legal advice.

Because an agreement or a court order can also deal with custody, access, and property, it is best to talk to a lawyer.

You may be able to get free legal advice through [Legal Aid Ontario](#) (see page 15). You may be able to get some help from duty counsel at the courthouse. Duty counsel are lawyers who give free legal help to people who do not have their own lawyer.

You can also call the Lawyer Referral Service at **1-900-565-4577**. The call costs \$6.00 and will be added to your phone bill. The Lawyer Referral Service can give you the names of lawyers who accept legal aid. They can also refer you to a lawyer in your area for a free half-hour consultation.

How do support payments affect my assistance?

If you get any support, your monthly assistance will be reduced by the amount of your support payment.

Your assistance may still be reduced each month even when you do not receive the support payment. If this is your situation, you may want to get legal advice about appealing the decision to reduce your assistance.



What can I do if the support payments are late or not paid?

Tell the OW or ODSP office right away. You may also want to get legal advice.

If you have not been getting your support payments each month, you may be able to assign them to OW or ODSP. When you assign your support payments, they go directly to OW or ODSP, and you get the full amount of your assistance even when the support is not paid.

If there is any chance that your support payments will not be paid, you should get a court order for support, or file your agreement with the court.

When the court makes a support order, the court automatically files the order with the Family Responsibility Office (FRO). Agreements can also be filed with the FRO after they have been filed with the court.

The job of the FRO is to collect support payments, and to enforce support orders and agreements that have been filed with the courts. If there are problems with payments, the FRO can take steps to enforce the order. For example, the FRO can order deductions to be made from the wages of the person responsible for paying support.

OW or ODSP may ask you to co-operate with the FRO. If you do not, your assistance may be refused, reduced, or cut off.

What if I have problems with the Family Responsibility Office?

If you have problems with the FRO, contact your Member of Provincial Parliament (MPP) or your [community legal clinic](#) (see page 15).

You can also make a complaint with the Ombudsman. This is an office that deals with complaints about Ontario government services. You can make your complaint in English or French by using the complaint form on their web site at www.ombudsman.on.ca or by calling them:

Toll-free **1-800-263-1830**

Toll-free TTY..... **1-866-411-4211**



What if my assistance is refused, reduced, or cut off?

Ask for the reasons in writing immediately.

You can appeal to the Social Benefits Tribunal (SBT). The SBT is independent from OW and ODSP. It has the power to make a different decision.

But first you must write to the office that made the decision to refuse, reduce, or cut off assistance and ask for an “**internal review**”. An internal review means that a different person reviews the original decision and decides whether or not to change it.

On the next few pages we give basic information about internal reviews, appeals, and the time limits that apply to them. For more details, see our pamphlet called “**Appeals and Internal Reviews**”. In it you will also find a **blank form letter** that you can use to request an internal review. Turn to the back cover to find out how to order the pamphlet. It is also available on our web site at <www.cleo.on.ca>.

Ask for an internal review

Your request must be made in writing. You must ask for an internal review within 10 days from the date you receive the decision to refuse, reduce, or cut off assistance. If the decision is mailed to you, you may have less than 10 days.



Note about mail

The rules assume that if a letter is mailed to you, you receive it **3 days** after it is mailed. So, if the decision letter that says that assistance is refused, reduced, or cut off is mailed to you, you have **13 days from the mailing date** (3 days plus 10 days) to request an internal review.

The mailing date should be stamped on the envelope by Canada Post. It might not be the same as the date on the letter, so keep both the letter and the envelope.

It is important to try to get your request for an internal review to the correct office within the time limit. But if you send in your request after the time limit, it may still be considered. Make sure you ask for an extension of time in your written request and explain why your request is late.

A decision on your internal review is supposed to be made within **10 days** from the date your request is received.

Appeal to the Social Benefits Tribunal

If you get an internal review decision within the 10 days, and it says that you are still refused or cut off assistance, you have **30 days** from the date of this decision to file an appeal with the SBT.

If you do not get an internal review decision within the 10 days, you can go ahead and appeal the original decision to the SBT. Your appeal must be filed within 40 days of your request for an internal review.

If you miss the time limit for appealing, you can ask the SBT for more time. You will have to explain why you missed the time limit.

**Apply to the SBT
for interim assistance**

You may be able to get assistance while you wait for your appeal to be decided. This is known as “interim” assistance. The Application for Interim Assistance is part of the SBT Appeal form. If the SBT orders it, the local office will have to pay assistance until your appeal is decided.

If you lose your appeal, or you do not go to your hearing, you will have to pay back the interim assistance.



How can I get legal help?

For advice or help dealing with OW or ODSP, support payments, an internal review, or an appeal, contact a community legal clinic, your local Legal Aid office, or a lawyer.

There are a few ways to find the nearest community legal clinic or local Legal Aid office:

- Look in CLEO’s booklet called **“Getting legal help: Community Legal Clinics in Ontario”**. Turn to the back cover to find out how to order it. It is also available on our web site at www.cleo.on.ca.
- Try looking in your phone book under “Legal Aid” or “Lawyers”.
- Check Legal Aid Ontario’s web site at www.legalaid.on.ca.
- Or phone Legal Aid Ontario at:
Toll-free **1-800-668-8258**
Toll-free TTY **1-866-641-8867**
In Toronto..... **416-979-2352**
TTY in Toronto **416-598-8867**

The law can change, and policies and practices can also change or vary. This pamphlet contains general information. It is not a substitute for getting legal advice about your particular situation.

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