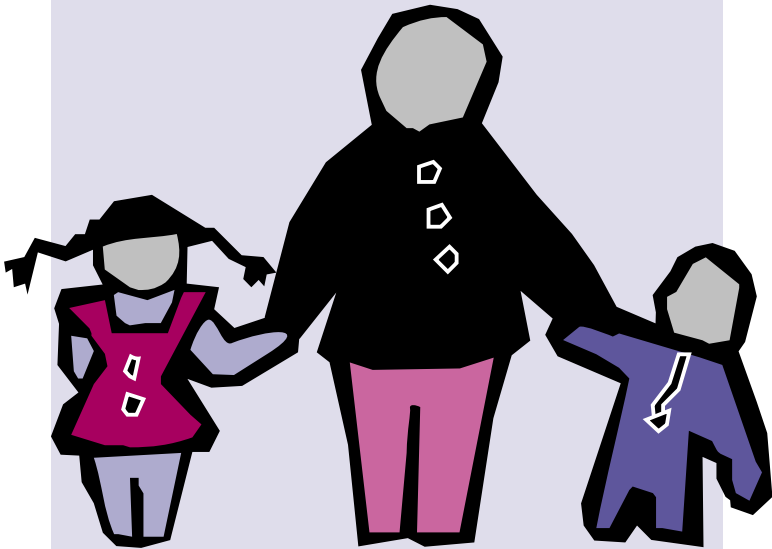


Social Assistance

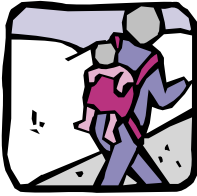
Support payments when you are on social assistance



If you speak French

Ask a lawyer or a community legal clinic about your language rights. You may have the right to get government services related to Ontario Works (OW) and the Ontario Disability Support Program (ODSP) 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. Information about appealing a decision starts on page 12.



Family law in Ontario requires all parents to support their dependent children. A child is usually dependent until at least the age of 18 and sometimes longer. 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. The two of you may or may not be married to one another. On page 5 we say more about how “spouse” is defined in family law.

For more information about a parent’s legal responsibility to provide child support, see the CLEO booklet called **Child Support and the Child Support Guidelines**. To find out how to order it, turn to the back cover of this pamphlet. CLEO publications are also available online at <www.cleo.on.ca>.

The rest of this pamphlet is about social assistance and the rules that apply to people who might be able to get financial support from their spouse or their child's other parent.

Social assistance in Ontario

If you have no income or a low income and you live in Ontario, you may qualify for help from one of these social assistance programs:

1. **Ontario Works (OW)**, which some people call welfare. This program is delivered by municipal governments. In other words, it is run by the local government of the town, city, county, district, or region you live in.
2. **The Ontario Disability Support Program (ODSP)**, which some people call disability benefits. This program is for people with serious health problems. It is run by the Ontario government's Ministry of Community and Social Services.

OW and ODSP both provide income support and employment support.

When you get **income support**, you get money to help with living expenses, such as food and housing. You also get help to pay for prescription drugs and some dental services. You may also be eligible for benefits such as the Community Start Up and Maintenance Benefit. If you own your home, you might be eligible for help with necessary home repairs.

When you get **employment support**, you get help to find a job or upgrade your skills.

To get income support from OW or ODSP, you must qualify financially. This means that you must be in financial need and meet other rules about income and assets.

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

If you are applying for or receiving assistance from OW or ODSP, you must make **reasonable efforts** to get financial support from:

- someone who is or was your spouse as defined by family law (the definition is on page 5), and

- your child's other parent, even if he or she has never been your spouse. This can include someone who is not your child's biological or adoptive parent.

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 child's other parent. They could also ask where this person is and for other information, such as:

- his or her Social Insurance Number (SIN),
- his or her employer's name and address,
- how long you lived together and when you separated,
- whether the other person acted like a parent towards your child, and
- results of DNA tests, if available.

If you know this information but do not give it, your assistance could be refused, reduced, or cut off.

How is “spouse” defined in family law?

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

- is married to you,
- has been living as a couple 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 parents of a child.

OW and ODSP use this definition of spouse in their rules about support payments.



OW and ODSP use a different definition of spouse when they are deciding if you are eligible for social assistance. For more information about the definition of spouse used for eligibility, see the CLEO booklet called **Do you live with someone who might be seen as your spouse?** To find out how to order it, turn to the back cover of this pamphlet. CLEO publications are also available online at <www.cleo.on.ca>.

A community legal clinic can also tell you more about the rules that apply to people on social assistance. See page 16 for information about finding the community legal clinic nearest you.



Am I always expected to try to get support?

You may not have to try to get support if your spouse or your child'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 child's other parent is:

- violent towards you or your child,
- unable to pay any support at this time—for example, because he or she is in jail, or

- in another country where an order for support cannot be enforced.

In situations like these, OW or ODSP should decide that you do not have to try to get support. They should tell you when they plan to review their decision. The review date will be in 3 to 12 months. If the situation remains the same, they might set another review date. 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 child's other parent was violent.

In some cases, OW or ODSP can decide that no review is needed. This could happen if, for example:

- the absent spouse or parent cannot be found after a reasonably long search,
- there is an ongoing risk of violence, or
- it is not possible to say who is the father of a child.

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. To find out how to get legal help, see page 16.



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 guidelines that the courts use to decide on child support,
- apply to get a court order 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 child'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 pages 16 and 17 for their contact information.

How do support payments affect my assistance?

Your monthly assistance will be reduced by the amount of your support payment, except in certain situations where child support payments are part of a court order and are used to pay for education, training, or disability-related expenses. There are rules about when this kind of payment will not reduce your assistance. Get legal advice if these rules could apply to your situation. See pages 16 and 17 to find out how to get legal help.

Even when you do not receive your support payment, your assistance may still be reduced. 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 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 employers to deduct money 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 16 to find out how to contact a community legal clinic.

You can also make a complaint to the office of the Ombudsman of Ontario. They deal 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 decision 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 you will find basic information about internal reviews, appeals, and the time limits that apply to them. For more details and a form that you can use to request an internal review, see the CLEO booklet called **Appeals and internal reviews**. To find out how to order it, turn to the back cover of this pamphlet. CLEO publications are also available online 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 **30 days** from the date you receive the decision to refuse, reduce, or cut off assistance.



Note about mail

The rules assume that if a letter is mailed to you, you receive it **3 days** after it is mailed. 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 meet the time limit. If you miss it, you should still ask for an internal review. Make sure you ask for an extension of time in your request for an internal review and explain why your request is late.

The OW or ODSP office is supposed to make a decision on your internal review within **10 days** from the date they receive your request.

Appeal to the Social Benefits Tribunal

If you get an internal review decision within the 10 days, and it says that assistance is still refused, reduced, or cut off, 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. You must appeal within **40 days** from the date of your request for an internal review.

To make your appeal, you must use the SBT's Appeal Form. You can get one from your OW or ODSP office, from a community legal clinic, or by calling the Social Benefits Tribunal at:

Toll-free. **1-800-753-3895**

Toll-free TTY **1-800-268-7095**

The Appeal Form is also available on the SBT's web site at <**www.sbt.gov.on.ca**>. Look in the "Forms" section.

If you miss the time limit for appealing, you can still file an appeal. In the Appeal Form, ask the SBT for more time and 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 Appeal Form. If the SBT orders it, the OW or ODSP office will have to pay you 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 any interim assistance you get.



How can I get legal help?

For legal help or advice about problems with social assistance, contact your community legal clinic, Legal Aid Ontario, or a lawyer.

Here are a few ways to contact Legal Aid Ontario or the nearest community legal clinic:

- Look in the CLEO booklet called **Getting legal help: Community Legal Clinics in Ontario**. To find out how to order it, turn to the back cover of this pamphlet. CLEO publications are also available online at <www.cleo.on.ca>.
- Check Legal Aid Ontario's web site at <www.legalaid.on.ca>.
- Phone Legal Aid Ontario:
Toll-free **1-800-668-8258**
Toll-free TTY **1-866-641-8867**
In Toronto **416-979-1446**
TTY in Toronto. . . **416-598-8867**
- Try looking in your phone book under "Legal Aid" or "Lawyers".

Finding a lawyer for family law matters

If you need legal help for problems with support payments or other family law matters, you might qualify for a legal aid certificate. Contact Legal Aid Ontario to apply. If you get a legal aid certificate, you can choose your own lawyer, as long as the lawyer accepts legal aid cases.

Legal Aid Ontario has three Family Law Offices, with staff lawyers who represent or help parents on legal aid with their child support and other family law problems. The Family Law Offices are in:

Toronto	416-348-0001 1-800-331-9618
Thunder Bay	(807) 346-2950 1-800-393-8140
Ottawa	(613) 569-7448 1-800-348-0006



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

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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We revise our publications regularly to reflect changes in the law. Our Discard List tells you which publications are out of date and should be thrown away.

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