



# Spousal support when you are on OW or ODSP

Family law says that in some situations your spouse has to support you financially even after your relationship has ended. This is called **spousal support**.

## Spousal support and social assistance

Spousal support payments affect the amount of money you get from Ontario Works (OW) or the Ontario Disability Support Program (ODSP). Your money from OW or ODSP is reduced by the amount of spousal support.

But this happens only if your spouse actually gives you the money they are supposed to give you.

You have to tell OW or ODSP about the spousal support payments that you get. If you do not report the payments, you will have to pay back all or some of the money from OW or ODSP.

If you do not get your spousal support payment, OW or ODSP will not reduce the money they give you.

## Trying to get spousal support

In family law, your spouse is someone of any sex or gender who you:

- are married to
- have been living with as a couple for at least 3 years
- have been living with in “a relationship of some permanence” and the two of you have a child together

OW and ODSP use the family law definition of spouse in their rules about support payments. They use a different definition to decide if you qualify for money from OW or ODSP.

## Making “reasonable efforts” to get spousal support

OW or ODSP expects you to make “reasonable efforts” to get any spousal support that you might be able to get. If you do not do this, they can refuse, reduce, or cut off your money or other assistance they give you.

Your efforts could include:

- getting legal advice
- applying to family court for a support order
- giving OW or ODSP all of the information you have about your attempts to get support

OW or ODSP can also refuse, reduce, or cut off assistance if you do not give them information that you have about your spouse.

It’s important to speak to a lawyer before asking for a court order or signing an agreement with your spouse.

## When you might not have to try to get support

You may **not** have to try to get spousal support if your spouse:

- has had no contact with you for a while, and
- cannot be found.

Other times you may not have to try to get spousal support include when:

- you cannot go to family court for medical reasons
- your spouse:
  - is violent towards you or your child
  - cannot pay support right now, for example, because they are in jail
  - is in another country where they cannot be forced to pay support that was ordered by a court in Ontario

Even if OW or ODSP told you that you do not need to try to get spousal support, they can review that decision later. But they should tell you when they plan to do this. It is usually in 3 to 12 months.

In the meantime, you must tell OW or ODSP if anything about the situation changes.

They can also decide that they do not need to review your situation ever again. For example, they might do this if:

- your spouse cannot be found after a reasonably long search
- there is an ongoing risk of your spouse being violent towards you or your child

OW or ODSP can ask for proof of your situation. For example, to show that your spouse was violent, you might need a police report or a letter from a doctor.

## **If you disagree with a decision**

If you disagree with an OW or ODSP decision, you may be able to appeal to the Social Benefits Tribunal (SBT). The SBT can change the decision.

To appeal to the SBT, you must first ask OW or ODSP to give you:

- a decision in writing, and
- an internal review.

Usually, you must ask for an internal review within 30 days.

For more information about appealing a decision by OW, go to [www.stepstojustice.ca/disagree-OW-decision](http://www.stepstojustice.ca/disagree-OW-decision).

And for information about appealing a decision by ODSP, go to [www.stepstojustice.ca/disagree-ODSP-decision](http://www.stepstojustice.ca/disagree-ODSP-decision).

## Get legal help

If you have questions about OW or ODSP rules or do not agree with a decision OW or ODSP makes, contact your local community legal clinic.

To find the clinic nearest you, visit Legal Aid Ontario's website at [www.legalaid.on.ca/legal-clinics](http://www.legalaid.on.ca/legal-clinics).

Or call them:

**Toll-free:** 1-800-668-8258

**TTY use Bell's Relay Service:** 1-800-855-0511

Legal Aid Ontario may also be able to give you a certificate to get free legal advice about family law.



Visit [www.stepstojustice.ca](http://www.stepstojustice.ca) for more information about income assistance. This is general information for people in Ontario, Canada. It is not intended to be used as legal advice.

Vous pourriez avoir droit à des services en français devant les tribunaux ou auprès d'organismes gouvernementaux. Visitez [www.justicepasapas.ca/droits-linguistiques-des-francophones](http://www.justicepasapas.ca/droits-linguistiques-des-francophones).