

Bank Garnishment

The Family Responsibility Office (FRO) helps families in Ontario receive the support they are entitled to by enforcing court-ordered support payments.

When support payments fall behind, the FRO has the authority to take enforcement action. If enforcement actions have been unsuccessful, the FRO will carefully review the case and may initiate a bank garnishment. A garnishment is used to seize money in a bank account.

How much can be garnished from a bank account?

When a support payor's financial institution receives a garnishment request from the FRO, they are required to seize the amount of the support in arrears from the bank account.

If the account is held solely by the support payor, up to 100 per cent of the money in that account can be seized to pay outstanding support. If the account is held jointly, up to 50 per cent of the money in that account can be seized to pay support arrears.

Can a joint bank account be garnished?

Yes. Bank garnishments apply to any bank accounts held either solely or jointly by the support payor in the province of Ontario.

If it is a joint account, the financial institution is required to:

- Notify the other account co-holders advising them of the garnishment
- Notify the FRO that the money is from a joint account.

When money is garnished from a bank account, it is held by the FRO for 30 days. Within the 30 day period, an account co-holder(s) can file a dispute with the court claiming ownership to all or part of the garnished monies. The FRO is required to hold the money until the dispute is resolved.

If the co-holder(s) of the account does not file a dispute with the court within 30 days, the FRO will release the money to the support recipient.

What happens if the support payor's name changes?

Court rules require that the name on the Notice of Garnishment be the same as the name on the support order. If a support payor has used a different name than the one on the support order, the support recipient will need to change the support order to reflect the new name. The court may then issue a bank garnishment in the support payor's new name.

For more information on changing a support order, please see the FRO Fact Sheet - Changing Support Orders.

Can a bank garnishment be avoided?

Yes, a bank garnishment can be avoided by making sure court-ordered support payments are paid in full and on time. The support payor may also enter into a voluntary arrears payment proposal to pay the accumulated support arrears over time, in addition to paying ongoing support.

What if the financial circumstances of the support payor have changed and they are not able to pay the arrears and ongoing support?

The FRO cannot change an existing court order. If the support payor is having difficulty making support payments because circumstances have changed, the payor may go back to court to have the support order changed.

For more information on changing a support order, please see the FRO Fact Sheet - Changing Support Payments.

What happens if the outstanding arrears are paid and the support payor falls into arrears again?

The FRO will continue to monitor the file to ensure that the support payor is meeting the terms in the support order. If the support payor falls behind in support payments, the FRO will review the case to see what enforcement action is necessary.

Any accounts opened after the original bank garnishment will also be subject to bank garnishment.

Can I withdraw from the FRO?

Yes. The recipient and the payor must agree in writing to withdraw from the program by sending the FRO a completed Notice of Withdrawal form. If the case is in arrears the recipient may withdraw without the payor's consent. If the support order is assigned, the social assistance agency must also agree to withdraw. If the social assistance agency only is owed arrears, the support payor and support recipient may withdraw from the program. However, the FRO will continue to enforce arrears owed to that agency.

A fee of \$50 will be charged to both the support recipient and the support payor if they want to re-open a closed case and re-register with the FRO at a later date.

Where can I get more information?

Go to **www.theFRO.ca**

TTY: 1-866-545-0083

24-Hour Automated Information Line: 416-326-1818 or toll-free at 1-800-267-7263 for general information about the FRO and recent transactions on your case.

Customer Service Unit: 416-243-1909 or toll-free at 1-888-815-2757 for general inquiries such as payment information, to update your address or to request forms. Call Monday to Friday 8 a.m. to 5 p.m.

Enforcement Call Centre: 416-326-1817 or toll-free at 1-800-267-4330 for specific enforcement information. Call Monday to Friday from 8 a.m. to 5 p.m.