

letter sent c/o



END CHILD & FAMILY POVERTY

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April 16, 2014

The Hon. Ted McMeekin, MPP  
Minister of Community and Social Services  
By email to: [tmcmeekin.mpp@liberal.ola.org](mailto:tmcmeekin.mpp@liberal.ola.org)

The Hon. Teresa Piruzza, MPP  
Minister of Children and Youth Services  
By email to: [tpiruzza.mpp.co@liberal.ola.org](mailto:tpiruzza.mpp.co@liberal.ola.org)

The Hon. Charles Sousa, MPP  
Minister of Finance  
By email to: [csousa.mpp@liberal.ola.org](mailto:csousa.mpp@liberal.ola.org)

Dear Minister McMeekin, Minister Piruzza and Minister Sousa,

As you make your final decisions about Budget 2014, we are writing to encourage you to take specific steps to recognize the best interests of nearly 19,000 Ontario children in families receiving social assistance who are entitled to receive child support.

Acting in the best interest of the child is a principle that guides much legal and policy decision-making. For children in about 90,000 lone parent families receiving social assistance, it is in their best interest to be able to access and benefit from child support payments intended to help them meet their daily needs. For this reason, we urge you to immediately implement two recommendations made by the Commission for the Review of Social Assistance – end dollar-for-dollar deductions of child support payments from lone parents' income benefits and instead treat those payments in the same way as income earned from employment, and give lone parents receiving social assistance the right to choose whether to pursue child support.

For many lone parents, meeting daily needs is an often insurmountable challenge. Yet, any child support received by children raised by a lone parent on social assistance is deducted dollar-for-dollar from the family's income. In addition, lone parents are obligated to pursue child support from the non-custodial parent in all but a few exceptional circumstances.<sup>1</sup>

The obligation to pursue child support can create tension between separated parents who could otherwise maintain at least cordial relationships that benefit their child(ren)'s healthy growth and development. In addition, if Ontario Works (OW) or Ontario Disability Support Program (ODSP) decide a parent has not made reasonable efforts, they may cut or cancel benefits, further punishing children living on already meagre incomes.

According to Mary Birdsell, director of Justice for Children and Youth<sup>ii</sup>, "child support is without question the legal right of the child. Parents share an equal obligation to support children, and child support orders seek to provide children with the benefit of the same standard of living they had before the family separation."<sup>iii</sup> Failing to treat child support as earned (employment) income in Ontario's social assistance regime fails to provide equal access to a benefit intended to support some of our most impoverished children. Children living in households requiring social assistance are that much more in need of the child support to which they are entitled. Treating child support as earned income for these children will help improve their options, and their health and security."

In the current regime, child support provides no benefit to children of lone parents who receive social assistance because that child support is deducted dollar for dollar - it cannot then improve the child's standard of living. To make matters worse, in cases where the non-custodial parent receives ODSP and the custodial parent is on OW, child support is deducted from ODSP payments only to be clawed back from the OW payment that the child relies on.

No social assistance recipient should ever be further impoverished because of the system's rules. Currently, children on social assistance are denied access to monetary support they can rightfully access solely because social assistance is their parent(s)'s source of income. This does not make good sense.

In Budget 2013, your government followed up on the final recommendations from the Commission for the Review of Social Assistance with some positive rule changes. You did the right thing by implementing the \$200 flat-rate earned income exemption for social assistance recipients who work and by raising liquid asset limits and gift and voluntary payment exemptions for those receiving Ontario Works. As co-chairs of the Cabinet Committee on Poverty Reduction and Social Inclusion and as Finance Minister, we know that you understand the importance of making positive rule changes to improve the lives of people receiving social assistance and improving Ontario's economy.

The Commission's final report also contained a recommendation that reflected the advice of advocates and lone parents, many of whom are women and mothers, who have long been calling for changes to the current child support rules. The Commission recommended treating child support payments the same as earned income and making the pursuit of child support voluntary. This would mean that single parents receiving social assistance could retain the first \$200 of their child support payments and half of any amounts in excess of \$200, instead of having their benefits reduced dollar-for-dollar for any child support they receive. The Commission argued that this rule change would provide an incentive for social assistance recipients to pursue child support.

The Commission also recommended that lone parents be given the right to choose whether or not to pursue child support. To do so would ensure that the best interests of the child are pursued and would provide lone parents with agency in a system where they often are not provided with choice nor the opportunity to exercise their good judgement. This rule change could promote more amicable relationships after separation and better relationships

between children and non-custodial parents. The change may also increase the amount of the child support that is paid as a result of more non-custodial parents voluntarily entering into agreements to pay support which directly benefits the children. With more voluntary agreements between parents, both the cost of this rule change and the burden currently on family courts could be reduced.

In Budget 2014, you can again do the right thing by recognizing the best interest of Ontario's children and contributing to their improved health and well-being. We urge you to immediately implement the Commission's recommendations, as an initial signal of positive reform in the area of child support.

Access to child support is the right of all children. And reducing the poverty of Ontario children is one of your government's policy priorities. Children in families receiving social assistance should no longer be subject to the system's counterproductive and punitive rules.

Sincerely,

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25in5 Network for Poverty Reduction

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<sup>i</sup> OW and ODSP policy allows for a temporary or permanent waiver of the requirement to provide child support in certain circumstances, including (but not limited to) domestic violence, the parent being unable to pay, or if the parent cannot be located. See OW Directive 5.5 and ODSP Directive 5.15.

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<sup>ii</sup> Justice for Children and Youth is a specialty legal clinic, with a 35 year history of striving to protect and advance the legal rights and dignity of children and youth.

<sup>iii</sup> See for example: *DBS v SRG*, 2006 SCC 37 at para. 60, and *Thompson v. Thompson*, 2013 ONSC 5500 at para. 70.