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| <b>Justice</b><br><b>Maintenance Enforcement Program</b><br><b>Programme d'exécution</b><br><b>des ordonnances alimentaires</b> | 100-352 Donald St<br>Winnipeg, MB R3B 2H8<br><br>352, rue Donald, bur. 100<br>Winnipeg (Manitoba) R2B 2H8 | Telephone/Téléphone : 204-945-7133<br>Facsimile/Télocopieur : 204-945-5449<br>Toll free in Canada: 1-866-479-2717<br>Sans frais au Canada : 1-866-479-2717<br>ManitobaMEPinquiries@gov.mb.ca |
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## Support Deduction Notices - Obligations of Employers/Income Sources

If you have received a Support Deduction Notice (SDN), that means you are an employer or income source (or believed to be) for someone required to pay court-ordered support. The Manitoba Maintenance Enforcement Program (MEP) has the authority under [Section 40](#) of [The Family Support Enforcement Act](#) (FSEA) to take enforcement and issue and serve a Support Deduction Notice (SDN) pursuant to [Section 44\(1\)](#) of the FSEA.

### Legal Requirements and Responsibilities

Upon being served with a SDN, it legally requires an income source (employer, bank, any entity holding funds of a support payor) to withhold funds of the support payor named in the SDN and send to MEP as instructed in the financial terms of the SDN.

### Service of SDN

The MEP determines the method of serving a SDN and they are generally served either by;

- Fax – considered to be served on the same day as faxed unless faxed on a weekend or holiday when it is considered served on the first business day after the day it was faxed;
- Registered Mail – considered to be served on the day of delivery or pick up as recorded by Canada Post;
- Via Email – Service by email is only available to income sources that have provided the MEP with a completed Authorization to Serve SDNs by Email, available on our website: <https://www.gov.mb.ca/justice/courts/mep/index.html>. The SDN is considered to be served the same day as emailed unless emailed on a weekend or holiday when it is considered served on the first business day after it was emailed.

Once the SDN has been served, the employer/income source is legally required to withhold funds as instructed in the SDN as of the date served.

### Response to SDN

Included with the SDN is a [Response to Support Deduction Notice](#) that the income source is required, pursuant to [Section 44\(1\)](#) of the FSEA, to complete and return to the

MEP within 7 days of being served with the SDN. The document can be provided to the MEP:

Regular Mail to: 100-352 Donald Street Winnipeg, Manitoba R3B 2H8  
Fax: (204) 945-5449  
Email: [ManitobaMEPInquiries@gov.mb.ca](mailto:ManitobaMEPInquiries@gov.mb.ca)

#### Wage SDNs for wages or wage replacement (Employers, Workers Compensation, pension payments etc.)

- In the case of an SDN issued to a support payor's employer, you are required to give the support payor a copy of the SDN together with the 'Financial Statement' (if included) as instructed in the SDN cover page
- Payment Requirements:
  - Wages to be deducted and remitted to MEP from the first pay period after the date the SDN is served as instructed in the SDN,
  - Wages to be deducted and remitted to MEP from each subsequent pay period as instructed in the SDN.;
  - Support Payor entitled to a \$250.00 per month exemption from the SDN (i.e. a support payor cannot be left with less than \$250.00 per month after deductions are made for MEP).
- A SDN issued under Section 44(1) of *The Family Support Enforcement Act* takes priority over any other provincially regulated garnishment.

#### NWSDN - Non-Wage SDNs (Financial Institutions)

- In the case of a SDN issued against jointly held money (i.e. a joint bank account), a copy of the SDN is to be provided to each person who holds the money jointly with the support payor as instructed in the SDN cover page.
- Payment requirements
  - Deduct/withhold and remit the amount payable under the SDN within seven days
    - after being served with the SDN if funds are immediately available; or
    - after funds become payable to the support payor i.e. support payor is paid wages or funds are deposited
- A SDN issued under Section 44(1) of *The Family Support Enforcement Act* takes priority over any other provincially regulated garnishment.

#### Non-Wage/Bank SDNs

- Immediate deductions made from any funds held in any accounts or any funds that are and will be payable to the named support payor as of the date the SDN is served.
- Further deductions made from any other funds that become available to satisfy any remaining arrears or ongoing payment requirements.

#### Duration of SDN

A SDN remains in force until:

- It is replaced/updated by MEP with another SDN
- It is terminated by MEP

- If the SDN requested payment of support arrears only, once the arrears balance has been paid in full.
- The support payor quits or is terminated **however** any funds payable to the support payor remain payable for the time period the support payor was employed (final pay, vacation pay, bonus etc).
  - You must notify MEP in writing if the support payor quits or is terminated.
- If the support payor is laid off, the SDN remains in effect and resumes once the support payor returns to work.
  - Notify MEP of any lay off periods and when a support payor returns to work request an updated SDN.

#### Other employer responsibilities

- Notify MEP immediately if the person does not work for you.
  - Send us a letter/email that includes the employee's name, MEP case number, and the reason why you are no longer deducting and remitting support payments.
  - If the employee is receiving short- or long-term disability payments, please provide the name of your organization's insurance carrier.

#### Payments are not deducted and remitted as required

If payments are not deducted and remitted as required they may become a debt of the business or income source if it is found that the person required to pay:

- did not deduct from the support payor as instructed and paid the support payor
- deducted from the support payor but did not make payment to the MEP in the required timeframe.

The MEP has the authority to commence proceedings to obtain a judgment against the employer/income source if found in default of the SDN.

#### Communication with third parties or parties other than MEP

You are not required to speak to the support recipient (the person who is supposed to receive the money) or any third party including lawyers. If they contact you, you are not required to provide any information and cannot follow any instruction regarding the SDN other than that received from the MEP. Please refer these parties to MEP to discuss the SDN.

#### Privacy and SDNs

The MEP has the legal authority to serve SDNs by fax and provide information for the purpose of enforcement including information required to identify a support payor (i.e. DOB, SIN as required). Although not in contravention of privacy laws, the MEP will endeavour to maintain a support payor's personal business by:

- usage of a SDN cover page that does not provide any reference to the support payor and directs the SDN to payroll/accounts receivable.
- Faxing the SDN to the preferred fax number of the business i.e. (HR office).

## **Need help?**

See our *Frequently Asked Questions* for definitions, information on how to calculate net income and where to send the payments.

Call 204-945-7133

Call 1-866-479-2717

Fax 204-945-5449

Email **[ManitobaMEPInquiries@gov.mb.ca](mailto:ManitobaMEPInquiries@gov.mb.ca)**

**\*\*Remember to provide the support payor's name and MEP file number when communicating with MEP\*\***

Thank you for your assistance