

Did You Know?

❖ **As of 2017 child support payments will no longer be deducted from social assistance.**

This means parents will be able to keep the full amount of any child support they receive. Parents will also no longer be required to pursue child support to receive social assistance. The changes apply only to child support payment – spousal support payments will still be deducted “dollar for dollar.”

❖ **The parent receiving the Child Tax Benefit will be entitled to the social assistance benefits for the child.**

The social assistance office will only include a “dependent child” in a benefit unit. Determination of “dependent child” normally depends on which parent receives the Child Tax Benefit.

❖ **The definition of spouse for the purpose of social assistance is different than under the *Family Law Act*.**

A partner may become a “spouse” if the parties have lived together for only three months, or immediately, if they sign a declaration saying they are “spouses.”

Recipients often sign declarations that they are living as “spouses” without independent legal advice. This may be done even if they are only roommates living together to offset housing and living costs.

Recipients who do not wish to be considered a spouse should keep all finances separate and seek legal advice from a Community Legal Clinic.

- ❖ **Decisions by Ontario Works (OW) or Ontario Disability (ODSP) that effect social assistance benefits, for example a reduction in benefits or an overpayment, must be made in writing. A recipient has 30 days to request an internal review.**

Internal Review is required before an appeal can be made to the Social Benefits Tribunal. If an internal review is past 30 days, there is an extension process. Refer your client to a Community Legal Clinic ASAP.

- ❖ **Your client may be able to obtain immediate basic financial assistance, special priority housing and other considerations, if a victim of family violence.**

The social assistance administrator can grant or continue assistance for 3 months without regard to joint financial resources, if financial need exists.

Victims of domestic violence should be exempt from pursuing support. There is also a "special priority" for Rent-Geared-to-Income ("RGI") Housing for victims of family violence.

- ❖ **Social assistance programs may require a recipient to sign a Direction requiring repayment of social assistance from family law or personal injury awards.**

The Direction is valid for funds "due and owing or may become due and owing" if the money would be "income" as defined under the OW Act or ODSP Act.

You or your client can request a detailed accounting for any funds demanded by the social assistance program and consult with a lawyer at a Community Legal Clinic.

- ❖ **Questions arising about entitlement to social assistance can be referred to your local Community Legal Clinic**

We are happy to consult with family law lawyers about social assistance issues.

This tip sheet was prepared by the Kingston Community Legal Clinic and The Community Advocacy & Legal Centre

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