

April 22, 2010

The impact of the designation of Child Support as Income for the purposes of  
Social Assistance: A Lesson in Advocacy from Quebec

**Issue: How can Ontario reduce child poverty when the government itself is deducting child support from woefully inadequate social assistance rates? This issue needs to be addressed by the Social Assistance Review.**

## **Ontario**

Currently in Ontario and all provinces in Canada, child support is considered income for the purposes of calculating social assistance, both Ontario Works (OW) and Ontario Disability Support Program (ODSP). In other words, these programs deduct the amount of child support payments received from social assistance payments. For example, if a woman with one child under 13 years of age on Ontario Works (OW) is receiving \$500 in child support payments, she is still only eligible for a maximum income of \$1005 (2009 values). This impacts a large number of children in the province; in 2007 there were 195,327 children in families relying on social assistance and of those children 67% lived in lone-mother led families.

Not only is child support deducted from social assistance payments but the parent on social assistance is also obligated to make a reasonable effort to obtain child support from the other parent. The obligation to pay child support is enforced by the Family Responsibility Office (FRO), which is housed in the Ministry of Community and Social Services. All child support arrangements are to be registered with the FRO to ensure enforcement of payment. In some cases social assistance agencies will actually seek reimbursement through spousal or child support payments for welfare money paid.

Forcing women to seek money from a former partner is potentially dangerous, as it may increase the likelihood of violence (though it is possible to appeal for an exemption). The "clawback" of social assistance has also been criticized by some as a source of revenue for the government, generated by the poorest people in the province.

A recent YWCA Canada report recommends a \$1000/month exemption for child support designated as income for social assistance (*Life Beyond Shelter*, October 2009).

Conservative MPP Toby Barrett (Haldimand-Norfolk) submitted a private members bill, Bill 23, to the Ontario Legislature which would allow single parent recipients of ODSP to keep all of their child support payments. This bill will be debated on April 22, 2010.

## **Lessons in Advocacy from Quebec:**

In Quebec, child support is also designated as income and therefore subtracted from social assistance. However, as part of Quebec's Poverty Action Plan, beginning in 2006, parents receiving social assistance and child support payments have kept \$100 per month of their child support payment. This amount is the same regardless of the number of children the parent cares for. This policy allows for a \$100 income increase per month for 11,600 families in Quebec (2004 data). The government refers to this as a \$46 million "investment", however a coalition in

support of eliminating the "clawback" of child support argues that Quebec's government continues to generate revenue from the poorest people in the province. A 2006 report indicates that the government of Quebec saves \$46.5 million annually by deducting child support from social assistance (that figure is closer to \$38 million currently).

*Advocacy Work in Quebec:*

- Recently, PQ member Monique Richard tabled Bill 198, to exclude child support income from social assistance laws. This bill is nearly identical to a bill Lisette Lappointe (PQ) introduced to the Quebec legislature in 2007.
- The PQ has promised to continue tabling the bill until it is passed
- A coalition of 118 organizations called the “**Coalition contre le détournement de la pension alimentaire pour enfants**” (roughly in English the “Coalition to stop the diversion of child support”) has formed in support of stopping the "clawback" of child support.
- Le Collectif pour un Québec sans pauvreté also advocates for the elimination of the child support "clawback"
- A petition with over 9,000 signatures was presented to Quebec's legislature in 2008 protesting this policy
- In 2009, four mothers on social assistance filed an appeal with the Administrative Tribunal of Quebec (TAQ) to protest the deduction of their child support. Members of the Coalition rallied at these hearings
- For more info: Lorraine Desjardins (FAFMRQ) a spokesperson for the Coalition [fafmrq.lorraine@videotron.ca](mailto:fafmrq.lorraine@videotron.ca) (514) 729-6666

**Potential Advocacy Opportunities in Ontario – for discussion:**

- Forming a network or coalition of organizations on the issue of child support for those on social assistance
- Supporting Toby Barrett's Bill 23 through an MPP lobby or other means
- Make this a key issue to the Social Assistance Review Advisory Council
- Could also make a similar legal challenge to the one made in Quebec, which would at the very least create more awareness about the issue.

\*\*\*\*\*

\*\*\*\*\*

**Prepared By:**

Thomas Granofsky  
Student Intern, Campaign 2000  
[thomas.granofsky@gmail.com](mailto:thomas.granofsky@gmail.com)

## References

- ASSÉ (2009). *Demonstration to stop the diversion of child support*. Available at:
- Campaign 2000 (2006). *Child Poverty in Ontario: Promises to Keep... 2006 Report Card on Child Poverty in Ontario*.
- CBC News (December 3, 2007). *Quebec 'picks pockets' of poor, coalition says: Province curtails child- support payments to single parents on welfare*. Available at:  
<http://www.cbc.ca/canada/montreal/story/2007/12/03/support-payments.html#ixzz0lnw8HzRA>
- Duchesne, Marie-Eve (2008). *Action for support of a petition of more than 9 000 signatures*. Available at:  
<http://www.pressegauche.org/spip.php?article1888>
- FAFMRQ (2010). *Child Support - A student-parent files a class action against the Ministry of Education*. Available at:  
<http://www.fafmrq.org/federation/2010/02/pensions-alimentaires-pour-enfants-une-etudiante-monoparentale-depose-un-recours-collectif.html>
- ISAC (2009). *Factsheet of Current Social Assistance Rates*. Available at:  
<http://www.incomesecurity.org/resources.html>
- YWCA October 2009 *Life Beyond Shelter: Toward Coordinated Public Policies for Women's Safety and Violence Prevention*
- MPP Toby Barrett's Bill 23-2010 "An Act to amend the Ontario Disability Support Program Act, 1997 and the Taxation Act, 2007". Available at:  
[http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&Intranet=&BillID=23\\_00s](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=23_00s)
- Noel, Alain. (2002). *A Law Against Poverty: Quebec's New Approach to Combating Poverty and Social Exclusion*. Canadian Policy Research Networks
- Province of Quebec (2006). *2004-2009 Government Action Plan to Combat Poverty and Social Exclusion*.