



June 18, 2007

File: 07-78988/sc

Mr. Arthur Brown
8937 Beaver Creek Road
PORT ALBERNI BC V9Y 8N8

Dear Mr. Brown:

Re: Your Complaint Concerning the Family Maintenance Enforcement Program ("FMEP" or "Program")

We are writing further to our June 7, 2007 telephone conversation. Thank you for the additional information you faxed to us on June 8, 2007.

We have now had the opportunity to review your faxed documentation. Before we discuss the particulars related to your complaint, it may be helpful for us to share a few words with you at this time concerning the role of the Ombudsman's Office. Our investigations tend to reflect the following:

- focus on the process that the Program follows in reaching its decisions.
- ensure that the FMEP has acted in accordance with its legislation, its policies and procedures and the Ombudsman's standards of fairness.
- the Ombudsman's standards of fairness include the right to have one's views heard and considered by a decision-maker and the right to be informed of reasons for the decision rendered.

We conduct investigations privately and impartially. Being impartial means we do not act as an agent or advocate for any party involved in a dispute. We do not hold ourselves out as experts in the family maintenance area. We respect the expertise of those public servants whose decisions may be the subject of our investigations. Our investigations do not provide an appeal of a Program decision. The Ombudsman does not substitute her opinion or view for that of the FMEP.

You advised us and the Attorney General's Office of a number of changes you would like the Program to adopt. Please note that your local MLA would be the most appropriate person to share your observations with as, unlike our elected officials, our Office does not play a role in determining how the legislation ought to be changed or what legislation should be adopted by the legislature.

Based on our review of the information provided, our investigation will focus on the following issues:

1. Why did the FMEP not notify you when it placed a lien against your house?

2. Why did the FMEP not notify you when it notified the credit bureau about your arrears?
3. Why did the FMEP not follow its own rules/criteria when it decided to continue enforcement of your adult daughter (e.g. April was not living with your ex-wife, was not financially dependent upon her and had been attending school full time)?
4. Why did the Program not confirm receipt of your evidence which supports your allegation that the Recipient had provided false or inaccurate information to the FMEP?
5. Despite advising the FMEP about your financial circumstances (i.e. your income has been reduced substantially since the making of the Divorce Order and you have only \$7.84 left over each month due to your fixed expenses), Program staff proceeded with an attachment against your CPP disability pension. You told us that you can no longer afford many items; including your wish to pursue chelation therapy which will help you manage your Lou Gehrig's disease.

Please advise us if the above summary of the five concerns we have identified as requiring further review is factually correct. As you know, we were pleased to learn that you were able to obtain assistance for initiating a variance on your court order.

If you have any questions, please call me directly at (604) 924-1790. Enquiry BC (1-800-663-7867) can transfer your call to me at no cost to you.

Thank you for contacting the Office of the Ombudsman.

Yours truly,



Sandra Chan
Ombudsman Officer