

Did You Know?

Provincial Social Assistance programs (Ontario Works/Welfare and Ontario Disability Support) are “income tested”?

Child and spousal support payments are deducted from social assistance “dollar for dollar.”

Payments made to a third party for a recipient’s benefit may be deducted from the recipient’s social assistance?

Example: A spouse makes a mortgage or loan payment directly to a lender instead of a ‘support’ payment.

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 effecting social assistance benefits must be made in writing and a recipient has 30 days to request an internal review? (Benefit reduction or suspensions)

Internal Review is a precondition of the right of appeal to the Social Benefits Tribunal. There is an extension process for granting an Internal Review. Refer to a Community Legal Clinic ASAP.

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Your community legal clinic

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 "special priority" for Rent-Geared-to-Income ("RGI") Housing for victims of family violence.

Social assistance 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 were received, it would be or would have been included as *income*", under the OW Act or ODSP Act.

Request a detailed accounting for any funds demanded and consult with a lawyer at a Community Legal Clinic.

Social assistance may cancel your client's benefits if their child is placed in the care of the Children's Aid Society? This can create a domino effect that may lead to client's loss of housing, further diminishing the client's ability to retain their children.

Clients should request an Internal Review of this decision as the law permits a recipient to continue to receive benefits for a child who is in the "temporary" care of the CAS. It is helpful to provide a copy of the interim order to the social assistance office.

Child support payments paid to a parent, and not to the adult child directly, should not be deducted from the adult child's ODSP benefits?

Child support payments paid to a parent should not automatically result in the adult child being ineligible for ODSP. Eligibility depends on how the child support money is used.

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

www.communitylegalcentre.ca

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