

*Alimony and Maintenance*

This Bill is long overdue. It is unfortunate that Members have had to wait three years for it to be introduced as a Private Member's Bill. I am sorry the Hon. Member is not here at the moment, but I commend her in sisterhood for her initiative.

The proposed payment arrangement of Bill C-364, which would treat maintenance payments as an income tax deduction, will benefit society as well as the families concerned.

The Hon. Members seem to be somewhat worried about jurisdictional questions. I would think that this Bill would be received very positively on the part of the Provinces. As a former social worker, I know that this proposal would certainly relieve provincial family courts of repeated costly appeals on the matter of unpaid maintenance. It would also reduce welfare costs in many cases, such as when the husband is working and can pay support, and the related costs of the administration in these two systems. It would also relieve the cost and the frustration and worry that provincial Governments and their agencies have when they cannot enforce maintenance payments. Social service departments have to go from Province to Province trying to cut down errant husbands who are Province-hopping spouses, who really are responsible for repaying welfare costs and very rarely are able to do so.

I would think fathers also may be relieved at this procedure for paying maintenance costs regularly. Use of the income tax system would be a very neutral, business-like kind of arrangement which would avoid domestic disputes. It is a way for a father to pay for children's support routinely, relieving his feelings of guilt, which I am sure many fathers have, and showing his children that he cares for them. If he does not earn enough to pay income tax, this also will be documented objectively and help to relieve the guilt or misunderstanding within the family.

The federal application of this maintenance enforcement also is essential since it provides for uniformity of payments across Canada and standard access to all families, regardless of what Province either the family or the supporting-spouse lives in. The present system of court orders for maintenance of a dependent spouse or a child is, for all practical purposes, often not worth the paper it is written on. The enforcement of maintenance obligations is the weakest link in the legal chain, we are told by legal authorities. A 1980 Law Reform Commission study paper states that without a doubt the most effective method of collecting maintenance would be to employ the machinery of the tax collector.

Is it any wonder that women often give up and either resign themselves to be dependent on welfare or accept a standard of living for themselves and their children which is far below that which fairness and justice entitles them to, to say nothing of the law, of course? We feel very strongly that this Bill is needed. Reciprocal inter-provincial arrangements which are now in place have not operated effectively. Often it takes years before the defaulting spouse pays anything, and children and wives have to eat in the meantime. Existing garnishment of wages also is not good enough. It is necessary to repeat the

process for each month's maintenance payment, which can result in prohibitive costs to the judgment creditor.

Although Manitoba has proposed some effective alternatives, we believe that to have a uniform system across the country this Bill is certainly of great value. There are intolerable frustrations, undue technicalities of procedures, expenses and delays, and the intransigence of men who seem to refuse to meet their obligations, especially to their children. In Canada of course, as we know, and especially those of us who live in the west, we have a very high geographic mobility rate, so there are very many spouses who are not living in the same Province as their families are.

Of course there are limitations to this Bill and we should see it as a start but not as a complete solution to adequate maintenance payments. For example, there is no assured maintenance for families where the responsible spouse does not pay income tax. We know of course there will be many, many people who are unemployed now who simply are not earning enough to pay income tax and therefore cannot pay support and would not be able to pay this through the Income Tax Act.

This whole question of support for children would not be nearly as urgent a problem, of course, if women themselves were paid more equitably for the work that they do, and if, like men, they earned enough to be independent and to be able to support their own children if they chose to do so. This is a very major social problem and an inequity in our whole economic system to which we must address ourselves. Although it is a band-aid solution that would help, it is certainly not to be forgotten that many women themselves want to be able to raise their own children and not necessarily have to depend completely on the spouse.

Therefore, we must continue to press for affirmative action programs. We have repeated this over and over again in this House, and the Government listens very little to our requests for mandatory affirmative action. We must also have decent paying jobs with access to promotion for women in the same way as we do for men. We must also make sure that equal pay for work of equal value is not just a principle to which the Government gives lip service and then ignores. We have to make sure that this is enforced so that women have adequate incomes and that the many, many women who raise their children on their own will be able to afford to do this.

Another limitation in the Bill is the fact that it may be a double jeopardy for many poor families, where both the man and the woman are poor. There is a very excellent article I would like to refer to in the March 22 issue of the *Citizen* by Leonard Shifrin in which he refers to the statistics that I have just mentioned, that in 86 per cent of divorces involving children their custody is awarded to the women. He says that although the man is ordered to contribute to their financial support, "Husbands default on these payments with regularity and impunity." Forty-two per cent of single parent families headed by women are living below the poverty line, and that is a good place to start, Mr. Shifrin says.