

1.31 - 1.35 - Spares

Commonwealth only

1.36 Arrangements exist between certain provinces and some countries for the reciprocal enforcement of court orders regarding the payment of money to maintain wives and children. If enquiries concerning the reciprocal enforcement of maintenance orders are received by consular officers, the Department should be consulted in order that accurate information may be obtained from the provincial authorities concerned. This information will be passed to the post for transmission to the enquirer who should then consult a private lawyer with a view to taking appropriate action.

Reciprocal
Enforcement of
Maintenance
Orders

*see also
Circ Doc
B. 10/54*

1.37 a. Persons seeking the assistance of a post in cases involving the failure of the head of a family, residing in Canada, to support his family, residing outside Canada, may be advised to write to a local welfare agency or to the national Red Cross Society requesting it to present the problem to the International Social Service in Geneva, or to write directly to the latter agency. The International Social Service, in turn, will refer the non-support charge to the Canadian Welfare Council at Ottawa which will request a welfare agency in the district where the head of family resides to investigate the matter. This procedure may result in the head of family's agreeing voluntarily to fulfill his obligations towards his family.

Assistance
in Cases of
Non-Support

*see
also
Circ Doc
B. 10/54
Feb 19/54*

b. If the person seeking assistance states that the International Social Service in Geneva has failed in its endeavours, the post may transmit the facts, including the address of the head of the family, to the Department. The Department may request the officials concerned in the Department of Citizenship and Immigration to interview the head of the family and endeavour to get his voluntary commitment to support his family. However, the person seeking assistance should not be encouraged to hope that an approach of this kind, if the Immigration authorities agree to make it, will be successful, or if temporarily successful, that it will be lasting.

4m! c. Should the enquirer wish to place the head of family, residing in Canada, under legal obligation to support his family, the enquirer should be advised to consult a private lawyer with a view to obtaining a maintenance order from the ~~local courts~~. The enquirer should ~~then~~ bring appropriate action in a Canadian court, through a private lawyer, to have the terms of the foreign court order fulfilled.

Foreign Orders are no value