



IDENTIFICATION

Department	Position Title	
Justice	Maintenance Enforcement Administrator	
Position Number(s)	Community	Division/Region(s)
82-0617	Yellowknife	Legal/HQ

PURPOSE OF THE POSITION

The Maintenance Enforcement Administrator (MEA) is responsible for the development, management, direction and administration of the Northwest Territories Maintenance Enforcement Program ("MEP" or "Program"), including processing and overseeing the due administration of support and variation applications under the *Interjurisdictional Support Orders Act* ("ISO Act").

SCOPE

This position is located in Yellowknife and reports to the Director, Legal Division. The MEA is a statutory position, appointed by the Minister, pursuant to the *Maintenance Orders Enforcement Act*. The MEA is also appointed by the Minister to act as the Designated Authority under the ISO Act, and must maintain a statutory appointment as a Notary Public.

Under the authority of the *Maintenance Orders Enforcement Act* and the associated regulations, the MEA is responsible for enforcement and collection of child and spousal support in the Northwest Territories. Acting in his or her capacity as the Designated Authority under the ISO Act, the MEA oversees the processing and monitoring of support and variation applications brought under that legislation.

The MEA directly supervises the Manager, Maintenance Enforcement and the Administrative Assistant. The MEA indirectly supervises the four Maintenance Enforcement Officer positions that report directly to the Manager, Maintenance Enforcement.

The MEA is considered the authority on all MEP matters in the Northwest Territories, and represents the Northwest Territories Program on various inter-jurisdictional committees. The MEA provides information and guidance to the Minister of Justice and senior Department of Justice officials, to staff in other provincial and territorial jurisdictions, and to

MEP clients. The MEA provides instructions to legal counsel in maintenance enforcement and inter-jurisdictional support matters that are before the courts.

Enforcement action that can be taken to enforce maintenance obligations varies and is prescribed by territorial and federal legislation, including the *Maintenance Orders Enforcement Act*, the *ISO Act*, the *Garnishment, Attachment and Pension Diversion Act*, the *Seizures Act*, the *Exemptions Act*, the *Family Orders and Agreements Enforcement Act (Canada)*, the *Evidence Act*, the *Access to Information and Protection of Privacy Act*, the *Northwest Territories Rules of the Supreme Court*, the *Territorial Court Rules*, applicable regulations and GNWT and MEP policies. The MEA has significant discretion to decide if agreements and court orders contain enforceable payment terms and whether enforcement should continue on any particular matter, whether or not there is a court order in place. The MEA also has complete discretion to determine the manner in which they should be enforced. Further, the MEA is accountable for a great deal of highly confidential personal and financial information gathered during the course of searches and enforcement, and is responsible for ensuring this information is protected and is only disseminated for the purpose of enforcing a registered maintenance order.

The MEA is accountable for the actions taken by MEP, and must regularly defend those decisions. The incumbent is responsible for responding to concerns expressed by clients directly, or through a Member of the Legislative Assembly or the Minister of Justice.

The MEA is responsible for the administration of the Program's salaries and O&M budgets totaling approximately \$805,000 annually, including the operational comptrollership function of MEP. The MEA is also accountable for the approximately \$6 million in maintenance obligations collected annually, insuring that payments are properly held in trust and then disbursed to recipients in a timely manner, as they come due.

RESPONSIBILITIES

- 1. Manages the Maintenance Enforcement processes of the Division.**
 - Reviews incoming agreements and court orders, and makes a determination as to whether or not they contain enforceable payment terms.
 - Systematically reviews registered agreements and court orders, and makes a determination as to whether or not they should continue to be enforced.
 - Makes the final decision on actions necessary to enforce registered agreements and court orders.
 - Complaints are frequently received by the Minister of Justice about the Program and its officers, from a creditor questioning the degree of enforcement methods or from a debtor concerned that enforcement measures lack intensity. The MEA is responsible for investigating these complaints, preparing briefing notes, and drafting responses that will be sent by the Deputy Minister or Minister of Justice, while ensuring that the privacy requirements of the *Access to Information and Protection of Privacy Act* are satisfied.
 - Accounts for the safekeeping and dissemination/disbursement of all information and money received by the Program.

- Ensures legislative requirements set out in the *Maintenance Orders Enforcement Act*, the in rules of court and in other legislative instruments are satisfied.
- Collaborates with legal counsel, senior officials outside of the NWT, federal government agencies, and senior management within the GNWT regarding enforcement policies, procedures and legislative authority.
- Exercises discretion on enforcement matters that are unusual or complex, for which there are no precedents, or which involve concerns as to the actions taken by enforcement officers.
- Collaborates with legal counsel where it is deemed that enforcement issues require clarification or when matters should be taken to Court for a default hearing.
- Exercises statutory authority assigned under the ISO Act, including reviewing applications and ensuring that they are processed and monitored in an efficient and effective manner.
- Personally deals with enforcement matters that are politically sensitive and where inquiries have been made from constituents via a Member of the Legislative Assembly.
- Personally handles complaints made against MEP staff.
- Ensures that MEOs have access to tools required to enforce orders, including access to other government agencies and programs.
- Determines if new practices and procedures should be developed, and undertakes any necessary implementation activity.
- Collaborates with the Department of Justice Chief Information Officer to develop an adequate database management system (CSMnet) that meets the specific needs of the MEP staff.
- Makes final decisions on CSMnet development, and has responsibility for all testing and final approval before rollout of any updates.

2. Manages the staff and budgets of the Maintenance Enforcement Program.

- Provides motivation, leadership and guidance to staff in the exercise of their administrative and statutory duties and responsibilities.
- Schedules and assigns work priorities and allocates staff to activities or projects, and monitors adherence of staff to legislation, policies and established procedures.
- Delivers training, and otherwise ensures that all staff receive adequate training.
- Administers budget including monitoring expenditures and reporting variances.
- Assists staff in developing and achieving self-directed work plans.
- Manages staff performance
- Oversees general enforcement on files, and ensures that enforcement measures follow a progression as appropriate for the particular case.

3. Manages long term planning and initiatives for the Maintenance Enforcement Program.

- Drafts and implements administrative policies, procedures and long and short-term plans, and prepares and provides reports on the Program to departmental officials as required.
- Researches and analyzes maintenance enforcement policies and legislative

developments in other jurisdictions, and coordinates their application to the NWT program where suitable.

- Identifies, develops, and recommends legislative or policy initiatives that would provide direction for new legislation or to address emerging technologies.
- Provides statistics and information to the federal government and its agencies for the development of policies or legislation.
- Analyzes forced growth changes in the operation of the Program, and compiles statistics to support this data.
- Participates in departmental financial and strategic planning by assisting in the development of the Program's contribution to the Department's business plan and strategic plan.
- Collaborates with maintenance enforcement directors in jurisdictions across Canada, including representing the NWT on the Maintenance Enforcement Directors Committee.
- Provides ongoing program, statistical, technical and operational recommendations to the Director, Legal Division, the Assistant Deputy Minister (Attorney General), and other senior management officials.

KNOWLEDGE, SKILLS AND ABILITIES

- Comprehensive knowledge of relevant federal and territorial legislation as it relates to maintenance enforcement powers and procedures, as well as other relevant legislation such as the *Rules of the Supreme Court*.
- Exceptional customer service skills
- Ability to remain calm under extremely stressful and hostile situations
- Proven problem solving and analytical skills.
- Knowledge of Generally Accepted Accounting Principles, including those governing trust accounts, to ensure accurate recording of multiple transactions in the maintenance enforcement regime.
- Strong communications/negotiating/interpersonal, interview and assessment skills, with the ability to effectively communicate legal or complex facts.
- Comprehensive knowledge of maintenance enforcement programs, practices and policies relating to enforcement, with the ability to apply that knowledge to a variety of circumstances and fact situations.
- Sound knowledge of the court processes relating to support orders, with the ability to interpret agreements, court orders and legislation relating to maintenance obligations.
- Proven management and leadership skills.

Typically, the above qualifications would be attained by:

Five years' experience in a maintenance enforcement, family law or collections environment. A minimum of two years post-secondary training in management and or

accounting, including general accounting experience and ability to apply accounting techniques is required.

A combination of relevant legal, collections and managerial training and experience may be considered.

WORKING CONDITIONS

Physical Demands

No unusual demands.

Environmental Conditions

The majority of the MEA's (or "incumbent") work is carried out in a secure office environment separated from clients by locked doors and security glass. Clients are often upset and blame MEP for their current situation. This environmental condition regularly exposes the incumbent to verbally abusive and potentially violent situations.

The incumbent also attends Court on behalf of MEP, when required.

Sensory Demands

No unusual demands.

Mental Demands

The incumbent works in an environment where there are high public expectations, diverse client needs and program responsibilities (legislative requirements) that require constant attention to detail and prompt action while maintaining professionalism at all times.

Clients (including both those who receive and pay support) are often in dire need, and may be under extreme levels of stress due to their personal and financial situations. They are angry and upset and they do not necessarily understand the court system, legislation or procedures under which the Program operates. These clients often take out their frustrations on the MEA.

Clients may approach the MEA in public settings where confrontational situations may have an impact on his or her personal and social life. This can occur quite often given the relatively small population of the NWT and the relatively high number of MEP files. There is also the stress of knowing that decisions made will be based on accuracy of calculations, research and analysis, and may have an adverse effect on the reputation and livelihood of clients.

The incumbent must on occasion deal with situations where clients threaten the lives of staff, the other party to the agreement or order, the children or even themselves because of action being taken by MEP.

ADDITIONAL REQUIREMENTS

Position Security (check one)

- No criminal records check required
- Position of Trust – criminal records check required
- Highly sensitive position – requires verification of identity and a criminal records check