



Enforcements which the CSA may use

Non resident parents fail to pay child support for a number of reasons. When payments are not made for the right amount at the right time enforcement action will be taken.

There are two forms of enforcement.

- a) Monies taken direct from earnings (DEO) detachment of earnings order.
- b) Legal action taken through the magistrate's court

Parallel action means using both the above.

Action taken through the courts can result in a number of outcomes including:

- A) Having a liability order registered
- B) Having bailiffs attend the NRP premises
- C) Loss of driving licence
- D) Committal to prison

If the non-resident parent is PAYE or receives a pension, the CSA can take child maintenance direct from their earnings or pension. This is called a 'deduction from earnings order', and is normally the first step taken if a non-resident parent who is PAYE has missed payments, or if the non-resident parent fails to agree a method of payment the CSA are satisfied with

The CSA instruct the non-resident parent's employer how much to take from their earnings or pension. Their employer must take this amount and send it to the agency. The money is usually due on the 19th of each month. If an employer fails to comply they can be fined. If a non-resident parent does not earn enough to pay the order, the employer must take as much as possible, and try to take full payment plus what is owed in the next pay period. If a DEO is in place it is now a criminal offence to change employment without informing the CSA, you must also inform them if you become unemployed. Information required is.

- A) The name of your new employer
- B) The address of your new employer
- C) How much you are expecting to earn
- D) Your payroll number if you have one

You must inform the agency within 7 days of the changes, failure to do so can lead to a fine of £500

Please note a DEO is called a DER when you are employed by the armed forces

Deductions can also be taken from benefits

Self employed cannot be issued a DEO and so action is taken direct to the courts.

The first step taken is to apply for a liability order for child maintenance arrears. This shows that debt is recognised in law, and gives the authority of the court to take action. An application is made to the magistrate's court in England and Wales and to the sheriff court in Scotland for an order. In Scotland, if the non-resident parent does not dispute the application, the sheriff court may grant the liability order without a hearing.

If a court for any reason does not grant a liability order, the CSA can appeal against the decision.

Once the court has granted a liability order, there are a number of options, including taking further court action.

Blue boy bailiffs;

Bailiffs can take possession of a non-resident parent's belongings (levy distress) and sell them to get the money the non-resident parent owes. The bailiffs can also add charges to the amount the non-resident parent owes.

Registration of judgement;

A liability order can be placed on the Register of Judgments, Orders and Fines. This register can be used by credit reference agencies to set someone's credit rating.

Charging orders

The agency can apply to the county court to make a charging order. If the non-resident parent owns a house or land, the charging order is then registered with the Land registry. When the property belonging only to the non-resident parent are sold, any money left after paying any other orders or charges that have a priority (such as a mortgage) should be paid direct to the agency. Sometimes it may be decided to apply to the county court for an order for sale. These force the non-resident parent to sell the property so the CSA can get the money owed. A charging order can also be placed on a jointly owned house, but money only collected from the non-resident parents share.

*The law is different for Scotland

Charge for payment;

Once the CSA have got a liability order, they can ask sheriff officers to issue a demand for payment on their behalf. This gives the non-resident parent 14 days to pay the money they owe, or 28 days if they are living temporarily outside the UK. If they do not meet this demand, they take further legal action to get the child maintenance the non-resident parent owes.

Arrestment;

An arrestment freezes money belonging to, or owed to, a non-resident parent on a given date. This includes stopping a non-resident parent from being able to receive money they are owed or from withdrawing the money frozen in their bank, building society or Post Office account. Once the money is frozen, the CSA ask the non-resident parent to sign a letter which will be issued to the individual or business, bank, building society or Post Office telling them to pay the amount that is owed on the liability order. If a non-resident parent refuses to do this, the court to order the non resident parent to pay.

Attachment and auction;

An 'attachment' is when sheriff officers list and value items that: Belong to a non-resident parent are kept outside their home, and can be moved.

Inhibition;

The amount on the liability order can be registered against the non-resident parent to stop them selling or transferring any 'heritable property' they own. This is known as 'inhibition'. Heritable property includes houses, garages, business premises and land. This means that the non-resident parent cannot sell or transfer the heritable property until they pay the money they owe as child maintenance.

Register of Judgments, Orders and Fines

A liability order can be placed on the Register of Judgments, Orders and Fines. This register can be used by credit reference agencies to set someone's credit rating.

If the non-resident parent has refused to pay the child maintenance they owe, the CSA can apply to the courts for:

An order of disqualification – taking the non-resident parent's driving licence away or preventing them from getting a driving licence for up to two years.

A warrant of commitment – sending a non-resident parent to prison for up to six weeks.

Even if the non-resident parent is disqualified from driving or goes to prison, they will still have to pay all the money they owe.

These powers are a last resort when other ways to get payments have not worked.

If the non-resident parent pays the full amount they owe, they will be released from prison straight away.

If the non-resident parent pays only part of the amount they owe, the prison sentence can be reduced.

The CSA use these powers every day to make sure non-resident parents pay the child maintenance they owe.

Between February 2007 and January 2008 in Great Britain:

Over 74,000 new deductions from earnings orders were sent to employers to take money from a non-resident parent's earnings or pension

Over 18,000 liability orders were granted, and

Over 500 non-resident parents received immediate or suspended sentences.

During the same period, CSA actions led to

Over 1,500 County Court Judgement Orders,

Almost 2,000 Third-party Debt Orders, and Almost 2,000 Charging Orders.