



If you default on your assessed Child Support Payments (**CSPs**) then the following steps will be taken by the Child Support Agency (**CSA**) or by the Child Maintenance Enforcement Commission (**CMEC**):

- 1) You will normally receive a **Reminder Notice** about the non-payment.
- 2) If you still are in default a week later, the CSA will take your CSPs from your income by **deductions from source**.
 - If you are employed, the CSA will contact your employer to have the payments made direct from your wages.
 - If you are in receipt of state benefits, the CSA may arrange with the DWP to have the money deducted from your benefits.
- 3) If this is impracticable for any reason, the CSA will instead take you to court to obtain a **Liability Order**. This fixes the amount which you are obliged to repay PLUS their legal costs. If the money is still owing, then the court must make a Liability Order. The court has no power to enquire whether or not the order was reasonably or properly made. The CMEC do not even have to apply to court for a Liability Order – they can make an **Administrative Liability Order** themselves.
- 4) **If you do dispute that the assessment was lawfully or properly made in the first place**, you can make an **Appeal** to the CSA. However in the meantime the Liability Order is still payable in full, on the basis that any overpayment can in due course be returned to you if your application is favourably considered.
 - An appeal can be rejected if it has not been made within a month of the original decision you are disputing
 - A late appeal will only be accepted in special circumstances and if there are reasonable chances of success, within a year of this one month deadline
 - If your appeal is refused on initial consideration, the appeal can be taken to a Social Security and Child Support Appeals Tribunal (**SSSCA Tribunal**)

You can also ask the CSA to **Review** any decision you believe to be wrong. But in the meantime the Liability Order is still payable in full, on the basis that any overpayment can later be returned to you if your application is favourably considered.

- 5) **If you do maintain that there has been a significant change of circumstances since the assessment was first made** (such as a change of income or in your living arrangements or in the child's living arrangements), these need to be notified to the CSA who will consider whether any reduction is appropriate, and if so, from what date. In the meantime however the Liability Order

is still payable in full, on the basis that any overpayment can in due course be returned to you if your application is favourably considered.

- 6) **If you dispute that you are the parent of the child** and you are already under an obligation to pay Child Support – you will have to continue to pay maintenance until you prove you are not the parent. Any overpayment will then be refunded.
- 7) Once the Liability Order is made, then the CSA can enter it on the **Register of Judgements, Orders and Fines** (like a CCJ) which will affect your credit rating
- 8) The CSA can enforce the order once a Liability Order is made by one of the following means:
 - **Bailiff** – to seize and sell goods to the value of the debt and any costs / charges of enforcement
 - **Third Party Debt Order** – to freeze money in one of your accounts, then the court will make an order to pay sufficient money from the account to repay the value of the debt and any costs / charges of enforcement
 - **Charging Order** – (effectively a mortgage) against your home or other asset such as stocks and shares. If you continue to default, then those assets will be sold to pay the debt and any costs / charges arising from enforcement
 - **Disqualification from driving / (from holding a passport)** – to take away your driving licence / passport for up to 2 years by way of punishment. However this does not extinguish the debt which is still owing in full.
 - **Committal to prison** – to jail you for up to 6 weeks by way of punishment. However this does not extinguish the debt which is still owing in full.
 - **Curfew** – to keep you within doors for up to 12 hours each day by way of punishment for a fixed period of time. However this does not extinguish the debt which is still owing in full.
- 9) If the CSA ask you to **provide information**, you are under a legal obligation to provide
 - Truthful information
 - If it is in your possession or if you can be reasonably expected to acquire it
 - As soon as reasonably practicable in the circumstances of the case

If you fail to provide the information within a reasonable time or provide false information, it is an offence which can be punished by a fine of up to £1,000.

Dunn & Baker – Here to help you

Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.