

Factsheet

For single parents in England and Wales June 2016

Freephone

0808 802 0925

Gingerbread Single Parent Helpline

Enforcing payment of child maintenance

This factsheet is for parents who use the Child Support Agency (CSA) to collect child maintenance. The CSA can take action if your child maintenance payments stop, become irregular or there are arrears. There are various methods it can use to collect payments and make parents pay.

If you are using the Child Maintenance Service please see our factsheets [Enforcing your child maintenance payments through the Child Maintenance Service](#) and [Using the child maintenance service](#).

You must have a child support calculation with the CSA before it can help you. It cannot enforce private arrangements for child support and cannot get back any arrears owed before you started using its services. If you don't have a case with the CSA or the Child Maintenance Service see our factsheet [Making arrangements for child maintenance](#).

For more information or to discuss your circumstances, contact our Helpline on 0808 802 0925. Calls are free.

Key terms

Child maintenance/child support: Child maintenance is the term used to describe the money your child's other parent (see below) should pay towards their child's upbringing. Sometimes child maintenance is also called child support.

Parent with care: the parent who lives with their child most of the time. The parent with care is entitled to receive child maintenance.

Child's other parent: the parent who does not live with their child most of the time. Your child's other parent is required to pay child maintenance.

Shared care: a term used to describe a situation where a child spends time living with both parents in different households. Your child does not necessarily have to spend an equal amount of time in each household but shared care usually means that the child spends some nights sleeping in each home.

Qualifying child: the term used by the CSA to describe a child for whom child maintenance should be paid.

Arrears: unpaid child maintenance that is owed to you by your child's other parent.

What should I do if payments stop?

Many parents using the CSA pay each other directly – this is called 'maintenance direct'. This means that although the CSA works out how much should be paid, your child's other parent pays you directly without the money going through the CSA.

If your child's other parent is paying child maintenance directly to you, the CSA will not know if payments have stopped until you tell them. The first thing you should do is tell the CSA that payments have stopped.

Some maintenance payments are made through the CSA's collection service. This means your child's other parent pays the CSA, which passes the money to you.

This means child maintenance is paid to you by the CSA. If you are using the collection service, the CSA should know straightaway if the payment isn't made – but you may wish to contact them to find out what action they are taking.

If your child's other parent pays child maintenance out of their benefits, Jobcentre Plus should tell the CSA if they stop claiming benefits. If your child maintenance payments stop, you should telephone the CSA as soon as possible.

The CSA has a wide range of powers to enforce the payment of child maintenance. It is up to the CSA to decide which of these powers to use, depending on the other parent's circumstances. Below is a guide to the steps they could take. These steps may change according to the CSA's policy or your child's other parent's circumstances.

Step one

The CSA will contact your child's other parent to find out why payments have stopped. If possible it will start up payments again and agree to clear any arrears. The CSA can take the money from the parent's bank account, wages or benefits.

Step two

If your child's other parent doesn't respond to the CSA's attempts to contact them or doesn't pay the arrears, the CSA may apply to the court for a liability order. This order allows the CSA to use other methods to enforce payment if your child's other parent doesn't cooperate.

After getting a liability order, the CSA may try again to reach a voluntary arrangement with your child's other parent to start regular payments and clear any arrears.

Step three

If the CSA can't reach an agreement, it may use bailiffs to collect arrears. If using bailiffs isn't suitable, they may move straight to stage four.

Bailiffs can't be used to collect current regular maintenance payments, only arrears. The CSA can use a range of methods to collect current payments (see below).

Step four

If the steps above aren't successful, the CSA has a range of legal enforcement powers it can use. The CSA may have to apply to court to use some of these powers. Only one method can be used at a time.

Enforcement powers include:

Deduction from earnings order

Maintenance payments are taken directly from the parent's wages. An amount can be taken to cover current regular maintenance payments as well as arrears. If your child's other parent is employed (rather than being self-employed), you can ask the CSA to use a deduction from earnings order.

Taking money from benefits

The CSA can deduct money from your child's other parent's benefits to pay child support, depending on which scheme applies to your case. A further deduction can be taken to pay any arrears, the amount will depend on the benefit your child's other parent is claiming.

Deduction order

This allows the CSA to take money from a bank or savings account without the parent's permission. It can either take a lump sum to clear arrears or set up regular deductions. This is useful if your child's other parent is self-employed and money can't be taken from their wages.

Disqualification from driving or a prison sentence

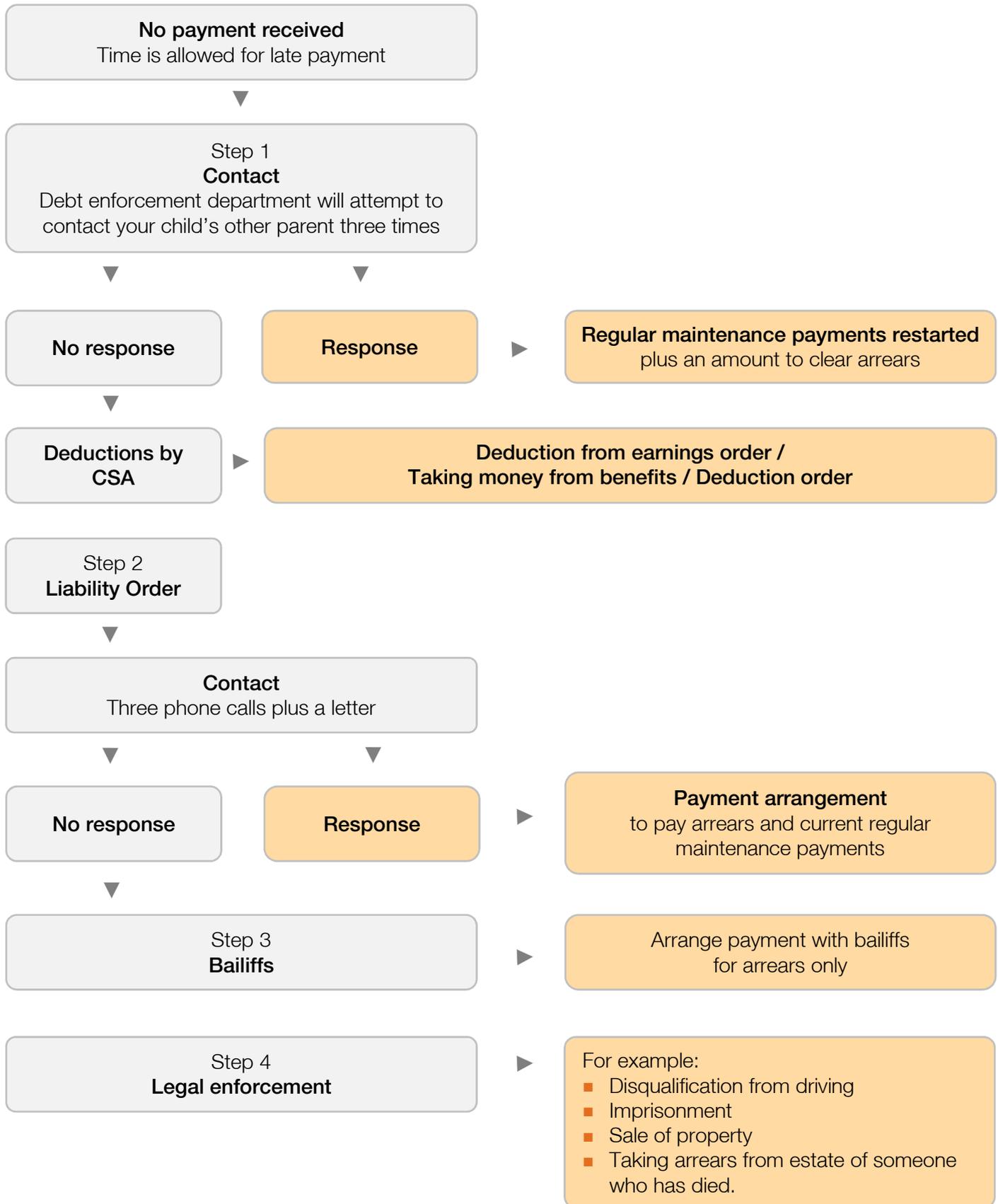
The CSA may use these powers if all other methods to collect the arrears have failed. They are not the first choice for enforcement as they are seen as a punishment and will not help you get your money.

Sale of property

In serious cases, the CSA can apply to the court to secure the arrears owed against any property (such as a house) owned by the other parent. This is called a charging order. Once the order has been made, the CSA has the power to sell property to pay the arrears, although the rules can be complicated.

Enforcement steps

This chart shows steps the CSA may take when payments stop.



Be prepared

Chasing child maintenance arrears is often frustrating and stressful. Not only are you dependent on the CSA to act but some parents will go to great lengths to avoid paying and others simply don't have the money to pay.

Be realistic

The key is to understand the system, be very persistent, give the CSA as much information as you can and use the complaints procedure if things are handled badly. Unfortunately despite even the best efforts, it might not be possible for you to get all the money you're owed.

Keep a record of all your contact with the CSA

Keep copies of letters and make a note of telephone calls, including the date and who you spoke to. If action is promised within a certain time, remind the CSA when that time is up.

Keeping a record helps you talk to the right people the next time you call. It is also useful if you want to complain or get your MP to take up your case.

Check the amount of the arrears

Check with the CSA how much you are actually owed. If the arrears are for a period before 12 April 2010 and you were receiving income support or jobseeker's allowance, not all arrears can be paid to you. Some will be paid to the Department for Work and Pensions (DWP). This is because at that time you were entitled to less income support or jobseeker's allowance if you got child maintenance as well. So, DWP are owed the money you received in benefits that you wouldn't have received if your child's other parent had paid child maintenance at the right time.

When the arrears are collected, the CSA should prioritise paying you what you are owed first. Child maintenance payments no longer affect the amount of benefits and tax credits you can receive. If you claim benefits now, these will not be reduced if you receive child maintenance.

Understand how arrears are calculated

Sometimes, arrears will have built up because your child's other parent failed to provide information. In this case the CSA may have made an interim maintenance assessment or default maintenance decision.

These are temporary estimated calculations based on what information the CSA had at the time.

If the parent later provided the necessary information about their income, the amount owed will have been recalculated. This figure could be less than the amount you were expecting.

Can you reach an agreement with your child's other parent?

If you want to, you can agree with your child's other parent that you will accept a smaller sum in full and final settlement of arrears owed. This is your decision and the CSA should accept it. Try to think of all the pros and cons before agreeing. For example, receiving a lump sum may affect benefits and tax credits that you receive, so check first.

If enforcement action on your case stops or slows down.

There can be a number of reasons why enforcement action on your case has slowed down or stopped.

The CSA can't find your child's other parent

The CSA will stop pursuing a case where it has tried all tracing techniques and hasn't tracked down your child's other parent. It can look at information held by government departments and organisations including Jobcentre Plus. If the CSA stops pursuing your case, it may remain inactive until they have more information.

If you have any information about where your child's other parent is, you should tell the CSA. If you think the CSA hasn't done enough to find the other parent, you can complain. See our factsheet [How to complain to the CSA](#).

Your child's other parent says they can't pay

The CSA may put enforcement action on hold because the parent has been unemployed. If this was some time ago, or you think they are now working, you can ask the CSA to review their decision.

Give the CSA any information or evidence that you have about the other parent's financial position.

For example, you may know that in the past they had two jobs, or worked cash-in-hand, or were paid a large bonus at the end of the year. You may know that they earned considerably more when you lived together and believe that they still earn this amount or more. You may have financial papers which show details of their income and assets.

If you think your child's other parent has been working cash in hand, or has self-employed earnings, consider whether there are internet searches you could make on trade or social networking sites which might reveal more about this income or show evidence of it. It may be that they have set up a company which pays dividends as well as earnings. Dividends are not usually included in a basic child maintenance calculation, but this can be challenged and the CSA can re-calculate the amount of child maintenance due to you to reflect this dividend income.

Call the Gingerbread Single Parent Helpline on 0808 802 0925 for more information or see our factsheet [Challenging your CSA child maintenance calculation](#).

The CSA says your case is too old to take action

If the arrears are from before 12 July 2000, the CSA can't take legal action to enforce the payment of arrears, but it can still apply for deduction from earnings orders or deduction orders. Ensure that you request this from the CSA.

If you feel nothing is happening

If you can't tell what action is being taken on your case or you haven't received a good enough explanation, it's worth making a complaint to the CSA.

Consider making a formal complaint and sending a copy of your letter to your MP. Our factsheet [How to complain to the CSA](#) has further information.

Further help and information

Gingerbread Single Parent Helpline

Freephone 0808 802 0925

www.gingerbread.org.uk

Provides free, confidential advice for single parents. No matter the challenge – around your finances, contact arrangements or help you could receive – our trained advisers are here with tailored advice that works for you.

One Parent Families Scotland Lone Parent Helpline

Freephone 0808 801 0323

www.opfs.org.uk

Run by our partner organisation, One Parent Families Scotland, the Lone Parent Helpline provides free, confidential advice and information for single parents in Scotland.

CSA National Enquiry Line

03457 133 133

www.gov.uk/child-maintenance/contact

Contact details for information about child maintenance including CSA collections and enforcement.

Child Maintenance Options

0800 988 0988

www.cmoptions.org

Information about your options for arranging child maintenance and making an agreement suited to your circumstances. Information booklets, a maintenance calculator and a private agreement form are on the website.

Family Mediation Council

www.familymediationcouncil.org.uk

Search online for a local mediation service

National Family Mediation

0300 4000 636

www.nfm.org.uk

Can answer general enquiries relating to mediation and put callers in contact with local mediation services.

Resolution

01689 820272

www.resolution.org.uk

Association of solicitors specialising in family law, who adopt a constructive, non-confrontational approach to family problems. It can provide a list of local members. The website contains free information on splitting up, parenting apart and child maintenance.

More from Gingerbread

The following related Gingerbread factsheets for single parents are also available:

- > [Making arrangements for child maintenance](#)
- > [Using the Child Maintenance Service](#)
- > [How to complain to the CSA](#)

Download them from our [website](#) or call 0207 428 5400 to request them

Become a Gingerbread member

Membership is available to single parents in England and Wales. Join a community of thousands of single parents who benefit from the mutual support, free advice and information provided by Gingerbread. You can also meet other single parents at one of our local support groups.

Visit our [website](#), call 0800 018 4318 or email membership@gingerbread.org.uk

Gingerbread
Single parents, equal families

Gingerbread, the charity for single parent families, is registered in England and Wales as a company limited by guarantee, no. 402748, and a registered charity, no. 230750. The Gingerbread Single Parent Helpline is supported by the Department for Education, HMRC, The Big Lottery and other funders and is accredited by the Helplines Partnership.

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