



# What happens if you don't pay child maintenance?

A guide for  
paying parents

## About this leaflet

This leaflet explains the actions that we can take if you don't pay child maintenance. It is about child maintenance that has been arranged through us, the Child Maintenance Service. It is about child maintenance that has been arranged through us, the Child Maintenance Service.

It explains the powers that we have in England and Wales, and the different powers that we have in Scotland.

## Important information

This leaflet is only a guide and does not cover every circumstance. It only refers to the statutory child maintenance scheme provided by the Child Maintenance Service. It does not refer to any child maintenance schemes provided by the Child Support Agency.

We have done our best to make sure the leaflet is correct as of 1 October 2012, but it may not reflect changes to the law or to our procedures after this date. You may want to get independent advice before making financial decisions based on the content of this leaflet.

## About us

The Child Maintenance Service is the government's statutory child maintenance service. We work out, collect and pay out child maintenance payments on behalf of some separated parents in England, Wales and Scotland.

Our role is to make sure that parents who live apart from their children contribute towards their children's upkeep by paying child maintenance.

## What is child maintenance?

Child maintenance is regular, reliable financial support that helps towards a child's everyday living costs.

In most cases, the parent who does not have the main day-to-day care



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## What we will do if you don't pay

We always take action if you don't pay the right amount of child maintenance at the right time. We'll contact you straight away to find out why you haven't paid and see if we can arrange for you to make a payment. We're happy to talk to you about any changes to your circumstances or problems you've had with paying. We'll also do what we can to work out a payment schedule that suits everyone, but you must still pay your child maintenance.

If you don't pay the child maintenance you owe in full and on time, we will take collection action. We'll take this action ourselves, and we don't have to apply to a court first. We can do one or all of the following:

- take money directly from your earnings
- take money directly from your bank, building society or Post Office account. (Your bank, building society or Post Office may charge you each time we take a payment.)

If you still haven't paid, or if we think it is a better course of action, we will use our enforcement powers through the courts to get the child maintenance that you owe. We will also ask the courts to award us our costs, which you may also have to pay. This type of action can also affect your credit rating and make it more difficult for you to, for example, get a loan or a credit card in the future. Please see below for more information.

First, we will apply for a court order called a 'liability order'. This means asking a court to recognise that you have built up an amount of child maintenance debt over a certain period of time. The order gives us the power to take legal actions (shown over the page) that help us to collect the money you owe.

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We will use the liability order to take action such as:

- asking bailiffs or sheriff officers to go to your home and seize your belongings, and then sell them to cover the child maintenance that you owe
- putting a 'charge' against your property or some other asset you own so that you can't sell or remortgage it without the child maintenance you owe being paid off first
- forcing the sale of your property or other asset and collecting the money from the sale to pay your child maintenance
- taking away your driving licence
- sending you to prison.

There are five other times when we can take legal action. These are:

- 1 If you avoid paying child maintenance by not giving us information when we ask for it.
- 2 If you give us information that you know is untrue.
- 3 If you knowingly cause or knowingly allow untrue information to be provided.
- 4 If you don't tell us that your circumstances have changed.
- 5 If we suspect that you are disposing of, or have already disposed of, a valuable asset to stop us enforcing the child maintenance you owe.

## Changes you should tell us about

You should tell us if any of the information you gave us to work out child maintenance changes, because the amount of child maintenance you need to pay might go up or down.

Changes could include a change of income, a change of employer, a change of address, or the details of any new family if it includes children.

The law says you **must** tell us about some changes. These are:

- if your address changes (you must tell us about this within 7 days from the date that your address changes)
- if you pay child maintenance through a 'deduction from earnings order' and you change or leave your job.

In this case you **must** tell us:

- how much you earn, or expect to earn, in your new job
- the name and address of your new employer (if any)
- the type of work you are, or will be, doing and
- your payroll number (if any).

**Important:** changing your job doesn't necessarily mean leaving an employer to go and work for another one. If you change jobs, for example, because you get promoted or have a change of role you still need to tell us.

If you don't tell us about these changes, or if you give us information that you know is untrue, we can take you to court. If you are found guilty the court can fine you up to £1,000.

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### If we take collection action against you

We will usually (but not always) warn you that we are about to take action against you and tell you that you can stop our actions by paying what you owe. There are a number of ways you can pay, including using your credit or debit card over the phone.

We can take one action at a time or, if it is appropriate, we can take two or more at the same time.

If you are employed by a company, or if you have an occupational pension, we can take money straight from your earnings. We send a 'deduction from earnings order' to your employer, telling them to take money from your earnings to cover what you owe. If the employer doesn't take the deductions and they don't have a good reason, we can take them to court and the court can fine them.

Finally, we can apply to the magistrates' or sheriff courts for a liability order. If the court grants this order, it will mean that we can work with the court to take further legal action against you.

### If we take legal action against you

We can take a range of legal actions once we have a liability order. We can take one action at a time or, if it is appropriate, we can take two or more at the same time. What we do will depend on each individual case, and on whether you live in England or Wales, or in Scotland.

#### If you live in England or Wales

##### **Bailiff action**

We can tell bailiffs to go to your property, seize your belongings, and sell them to get the money that you owe. The bailiffs can also add their charges to the debt.

## **Register of Judgments, Orders and Fines**

We can enter a 'liability' (a debt) onto the Register of Judgments, Orders and Fines.

When a credit reference agency checks this register, your ability to get finance (loans, mortgages, credit cards and so on) will be affected. If you have your own business and your suppliers know that you are on this register, they may change the way they ask you to pay for business supplies. Being on the register can also stop you from joining a professional organisation, or affect things if you are already a member.

## **Charging order**

We can tell Land Registry to put a 'charge' against a house, land or other assets that you own (or jointly own). If you then decide to sell any of them, we can claim the money that you owe from the money you make from the sale.

## **Order for sale**

Once we have a charging order, we can apply to the court for an order that allows us to force the sale of your property, land or other assets you own. Once the sale goes through, we can collect the money raised from it to pay the child maintenance you owe.

## **Freezing order, third party debt order and set aside disposition order**

We can ask the court to freeze your money and other assets so that you can't sell or transfer them. We can also ask the courts to get back anything that you've already sold or transferred.

## **If you live in Scotland**

### **Charge for payment**

We can ask sheriff officers to demand that you pay through a 'charge for payment'. This gives you 14 days to pay, or 28 days if you are living temporarily outside the UK. If you don't pay, we can use any of the following actions to help us to get the child maintenance that you owe.

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### **Arrestment**

We can ask the courts to freeze money or goods through an 'arrestment'. This means that you won't be able to use money in an account, and you won't be able to receive any money into it that you are owed. If you are owed goods, we can tell the company that is holding the goods to cancel the transaction and transfer the money used to pay for them to us instead.

### **Attachment and auction and exceptional attachment**

We can ask the court to make a list of items that belong to you, value them, and stop you from selling or transferring them. If you still don't pay, the items can be taken and sold at a public auction. We will then take the money you owe from the money made through the sale.

### **Inhibition**

We can instruct sheriff officers to register the amount you owe against any 'heritable property' (like a house, garage, business premises or land) that you own on the Register of Inhibitions and Adjudications. This will stop you selling or transferring it until you pay what you owe.

### **Order for interdicting and action for reduction**

We can ask the court to freeze your money and other assets so that you can't sell or transfer them. If you break the order, we can ask the courts to get back anything that's already been sold or transferred.

## **Wherever you live in Great Britain**

### **Driving disqualification and commitment to prison**

We can apply to the courts for:

- an order of disqualification – taking away your driving licence or stopping you from getting a driving licence for up to 2 years
- a warrant of commitment – sending you to prison for up to 6 weeks.

Even if you are punished with one of these orders, you will still have to pay all the money you owe.

## When we will use our powers

We only use enforcement and legal powers when we have to. We will always give you the chance to pay voluntarily, and we will usually warn you that we are about to take action.

Unfortunately, we have to use our powers every day to make sure that children get the child maintenance money they are owed.

## Useful information

### Help and information

If you want to know more about child maintenance, go to **[www.gov.uk/child-maintenance](http://www.gov.uk/child-maintenance)** You can find information and leaflets here, and find out more about our services.

If you would like to talk to someone about your case, please call us on **0845 266 8792\***. Our TextBox and textphone number is **0845 266 8795\***.

Please have your customer reference number with you when you call. This is a 12-digit number starting with the number 12. It will be shown as 'your reference' at the top of any letter we've sent you.

We may record our phone calls to check our service and to train our employees.

If you don't have a case with us, you can call Child Maintenance Options on **0800 988 0988\*** between 8am and 8pm, Monday to Friday, and between 9am and 4pm on Saturdays. The person taking your call can help you with general questions about child maintenance.

### Other languages

If English is not your first language, you can use your own interpreter or one that we provide. Call us on **0845 266 8792\*** for more information.

## Information in other formats

This leaflet is available in other languages and in Braille.

Contact us on **0845 266 8792\*** for more information. Our TextBox and textphone number is **0845 266 8795\***.

## \*Call charges

Calls to 0845 numbers from BT land lines should cost no more than 5p a minute with a 13p call set-up charge. You may have to pay more if you use another phone company or a mobile phone, or if you are calling from abroad.

Calls from mobile phones can cost up to 40p a minute, so check the cost of calls with your service provider.

Charges were correct as of the date of this leaflet.

Calls to 0800 numbers are free from BT landlines but you may have to pay if you use another phone company, a mobile phone or if you are calling from abroad.

The Child Maintenance Service administers the statutory 2012 Child Maintenance Scheme (2012 Scheme) and is part of the Department for Work and Pensions.

[www.gov.uk/child-maintenance](http://www.gov.uk/child-maintenance)

We print on recycled paper. This keeps costs down and helps look after the environment.

**CMSB005GB** v001 (October 2012) ISBN 978-1-84947-738-3

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CMSB005GBRAMBV\_102012\_001\_001

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by the word centre