

## Child Support and maintenance arrears

You may have a financial responsibility for a child or ex-partner that you are no longer living with. If so, you may be paying in one of several ways. You may be paying:

- money to either the a child or ex-partner on a voluntary basis. This is called voluntary maintenance
- money to a child or ex-partner that has been ordered by the court. This is called maintenance
- money for a child to the Child Support Agency (CSA). This is called Child Support.

If you fall into arrears with these payments, the consequences are different according to the way you're paying.

If you fall into arrears of voluntary maintenance, your partner could take court action against you.

If you fall into arrears of Child Support or maintenance ordered by the court, the consequences could be very serious. So it's really important to sort out these debts before you deal with other debts you might have like credit card or catalogue debts, loans or overdrafts.

This fact sheet tells you what can happen if you get into arrears of Child Support or maintenance ordered by the court.

### Child Support arrears

If your financial circumstances change and you think you can no longer keep up your Child Support payments, or you think the payments are no longer reasonable, you should contact the CSA as soon as possible. Ask them to re-calculate how much you should be paying and send them a copy of your budget sheet to show them your financial circumstances.

If you get into arrears, you can contact the CSA to try to come to an agreement on how you will pay the arrears. Even if they don't contact you, you may want to contact them just to discuss your position. If you don't, the CSA will contact you about this. They almost never agree to write off arrears, even if you go bankrupt. They have to follow guidelines which say they must be reasonable when coming to an arrangement. It's very important not to ignore any letters you get from the CSA. Get advice immediately if you don't know how to reply.

If you don't keep to the agreement, the CSA can:

- order payments to be taken from your bank account
- order your employer to **deduct money from your wages**. This money will go towards paying on-going maintenance and for the arrears, or
- order payments to be made direct from your **benefit**, or
- apply to the magistrates' court for a court order called a **liability order**.

You can find out more about how the CSA deals with non-payment on the Directgov website at: [www.direct.gov.uk](http://www.direct.gov.uk).

Once they have a **liability order**, the CSA can:

- instruct **bailiffs** to go to your home and take away your belongings that will then be sold to pay off your arrears
- apply to the county court for extra powers to make you pay – for example, they could take money direct from your bank account to pay off the arrears. This is called a **third party debt order**. Or they could get an order that could lead to your home being sold to pay off the arrears. This is called a **charging order**.

If the CSA still can't recover the money you owe, they can apply to the magistrates' court for another court order which could **send you to prison** or disqualify you from driving. This would only happen if you had the money but failed or refused to pay.

If the CSA has applied for a liability order against you, you should get advice from an experienced adviser.

## Maintenance ordered by the court

When the court first decided how much maintenance you must pay, it took into account your income and outgoings. However, your financial circumstances may change. For example, you may get ill or lose your job, or be in a relationship with someone else and have more children. If your circumstances change and you can no longer afford the amounts ordered by the court, you can apply to the same court to change (**vary**) the order. You should send a copy of your **budget sheet** with your application to vary the order. You will have to pay a fee to make your application but this could be reduced or waived if you're on a low income.

If you get into arrears, the court can order you to attend a court hearing called a **means enquiry hearing**. They will look at your financial circumstances and will take one of the following actions depending on your circumstances:

- **write off** (remit) the arrears, if they are satisfied that you have good reasons for falling into arrears and can't afford to pay
- order you to pay the arrears by **direct debit** or **standing order**
- instruct **bailiffs** to go to your home and take your belongings away. They will be sold to pay off your arrears
- order your employer to make **deductions from your wages**.

If you are ordered to attend a means enquiry hearing, you should get advice.

## Further help

### Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

### Other information on Adviceguide which might help

- Help with debt
- Dealing with people you owe money to
- What happens if you are taken to court for money you owe
- Sample debt letters
- Bailiffs

This fact sheet is produced by [Citizens Advice](#), an operating name of The National Association of Citizens Advice Bureaux. It is intended to provide general information only and should not be taken as a full statement of the law. The information applies to England and Wales only.

This fact sheet was last updated on 14 November 2011 and is reviewed regularly. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - [www.adviceguide.org.uk](http://www.adviceguide.org.uk) - where you can download an up-to-date copy.