




## Action Of Furthcoming


An action of furthcoming is carried out in cases where an arrestment has taken place but the paying parent has failed or refused to return the mandate authorising the release of the arrested funds.

This action will be completed by case managers within Scottish enforcement.

Arrested assets are automatically released by the arrestee 14 weeks after the arrestment is served, but if there is justification for retrieving the funds sooner then an action of furthcoming will need to be raised in the sheriff court.

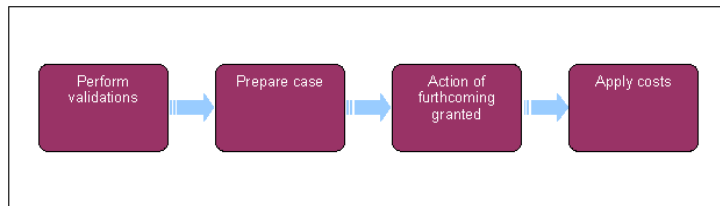
 An action of furthcoming is often undertaken at the request of a receiving parent. When dealing with a receiving parent at this stage of the enforcement process, manage their expectations with regards to the timescale for assets to be seized from an arrestment and give consideration to whether a writ of furthcoming would be justified.

There are two forms of action of furthcoming, depending upon the sum you are seeking to secure. An amount of £5,000 or less is subject to a summary cause. If the sum is over £5,000 it is recovered by an initial writ.


 There is a cost of at least £350.00 associated with this process. A warrant of furthcoming should only be applied for if this is justified.

 Enforcement Service Requests (SR) and Activity Plans (AP) are supported by an underlying data form, in which the enforcement case manager can record specific details as the action progresses. The complete data form for this process may be found here: [Action of Furthcoming](#)

For more information refer to Policy, Law and Decision Making Guidance 



 When speaking to clients always use the new terminology - for more information refer to [Terminology Changes](#).

 This procedure uses the terms receiving parent and paying parent.



The receiving parent is the parent who receives or who is expected to receive child maintenance, known as the parent with care (PWC) or person with care (PeWC) on the system and in legislation. The paying parent is the parent who pays or who is expected to pay child maintenance, known as the non resident parent (NRP) on the system and in legislation.

### Perform Validations

 Some actions may require an up front payment to the service provider (eg Courts). This payment will be made using the government procurement card (GPC), for more information refer to [Admin Account - Add To](#).

1.

This service request (SR) is created as a child SR from within the Arrestment SR, which is not closed until the arrested asset has been secured. Update the **Status** of the Action of Furthcoming SR to **In Progress** and the system will automatically present an activity plan.

 The decision to apply for an Action of Furthcoming is a discretionary decision. this includes making a Welfare of the Child Decision and must be recorded as a freetext entry in **Update Child Welfare Details - Reason**. For more information on discretionary decisions including a verbatim statement to record refer to Policy, Law and Decision Making Guidance .

2. The activity plan contains a list of standard validations, which may be completed in any order. Select **Exit** if you cannot validate the liability order or paying parent's asset. Go to **step 17** to manually close the SR.

3.






Update the activity plan to reflect the amount of the asset/s you are planning to secure

- For £5,000 or less select **Summary Cause** and go to **step 7**
- For over £5,000 select **Initial Writ** and go to **step 8**




4. Select **Update Form/Document** to access the **Enforce Form** and update the **Curr. Balance against LO** field and the **AOF Type** field with the action you are taking

5. Access the Scottish Court Service website, and use the **Locate Your Court** button in the Sheriff Court page to find the sheriff court which has jurisdiction for the paying parent concerned. Here is a link to the website: [Scottish Court Service](#).
6. Select the relevant sheriff court using **3rd Party Account** within **SR Information**. Once you've selected the court, this will enable you to **Sheriff Court Name** in **Enforce Forms**. When you're ready, update Court Name. This will enable future correspondence to be issued to the correct court.


### Prepare Case

7.  Complete form CMEL7072 if applying for a summary cause and send to the contracted solicitor along with covering letter CMEL7070 and set a **Wait** period of 28 days for a response. Go to **Step 10**.
8.  Complete form CMEL7074 if applying for an initial writ and send to the contracted solicitor along with covering letter CMEL7070 and set a **Wait** period of 28 days for a response. Go to **Step 9**.
9.  Call the solicitor for an update if no response has been received after the **Wait** period. If necessary set a further **Wait** period.
10. Update the SR when inbound correspondence is received from the contracted solicitor:
  - **Update Case Status = Done**
  - **Decide Next Step** = If the Action of Furthcoming was granted select **Granted** and go to **step 13**. If it was not granted select **Not Granted** and go to **step 11**.
11.  Call the receiving parent to update them if the Action of Furthcoming was not granted. Go to **step 16** to manually close the SR.
  -  When speaking to the receiving parent at this point advise them that the asset secured by the arrestment will still be released once the remainder of the 14 weeks has passed.
12. Select **Update Form/Document** to access the **Enforce Form** and update the **AOF Granted** field to reflect the outcome of the application

### Action of Furthcoming granted

13.  When the Writ of Furthcoming is granted the system will present a new activity plan to enable you to execute the action. Issue letter CMEL7071 to the paying parent (the debtor) and update the activity plan.
14.  Call the receiving parent to advise them that the Action of Furthcoming has been granted.
15.  Issue the probative mandate of decree of furthcoming to the arrestee and set a **Wait** period at your discretion to monitor for payments.

### Apply costs

16. Access the **Costs** applet and input any costs associated with the Action of Furthcoming.
  -  This step is optional, depending on whether costs have been granted against the paying parent in this procedure. For more information refer to [Apply Costs](#).
17. Close the work item by updating the SR as follows:
  - **Status = Closed**
  - **Sub status = Completed**
18. Once you have completed the Furthcoming SR return to the parent Arrestment SR and complete any outstanding actions.

#### CMEL7070 Please raise an action of furthcoming

Solicitor decree of furthcoming – instruction.

All fields in this letter are system generated, no manual intervention is required.

#### CMEL7071 Please make an arrestment for child maintenance arrears

Issue Decree of furthcoming to arrestee.

Under the heading Please make an arrestment for child maintenance arrears enter the arrestee reference number and the name of the sheriff court in the free text fields.

#### CMEL7072 Summary cause summons

Case manager prepares summary cause

(off system letter)

Enclose CSF549S

## CMEL7074 Initial writ

Sent to solicitor

At the head of the form:

- In the field 'First defender and arrestee' insert the name of the bank or building society that the writ is being applied against.
- In the field 'Second defender and common debtor' insert the name and address of the paying parent, along with any former address.

Under the paragraph heading 'The pursuer and arrestor craves the court', populate the relevant fields in bold below:

- To grant decree against the first defender and arrestee for payment to the pursuer and arrestor of the sum of amount arrested in words if known. If not known, enter full amount due to the Child Maintenance Group (CMG) (£amount arrested in figures if known. If not known, enter full amount due to the CMG) Sterling or such other sum as may be owing by the first defender and arrestee to the second defender and common debtor and arrested in the hands of the first defender and arrestee at the instance of the pursuer and arrestor on enter date arrestment was served by virtue of a Liability Order for the sum of £LO amount Sterling and expenses of £expenses awarded with respect to LO Sterling granted on date order was made and extracted on date issued by the court.

Under the section headed 'Condescendence', populate the relevant fields in bold below:

- In paragraph one, complete the fields highlighted in bold print:

The pursuer and arrestor is designed as in the instance. He is responsible for the CMG on whose instructions the arrestment which forms the basis of this action was served. The first defender and arrestee is enter name of bank/building society/third party and enter one of the following three: 'has its registered office at' 'has a place of business at' 'resides at' enter address of bank/building society/third party. The second defender and common debtor paying parent name resides at paying parent address and postcode. If applicable, also enter 'and formerly residing at' enter paying parent former address. He is believed to have resided there for more than three months. The common debtor is domiciled within the jurisdiction of e sheriff court name Sheriff Court. This court accordingly has jurisdiction.

- In paragraph three, complete the fields highlighted in bold print:

On the date LO made the Sheriff of sheriffdom of LO at court where LO made granted a liability order under Section 33 of the Child Support Act 1991 in favour of the pursuer and arrestor for the sum of £amount of unpaid maintenance on LO Sterling plus expenses of £LO expenses Sterling. An Extract of said liability order dated extract date from LO totalling the sum of £sum of unpaid maintenance and LO expenses Sterling is produced herewith. The pursuer and arrestor incurred expenses of £expenses from successful arrestments on this action on this first defender and arrestee Sterling in arresting the funds which are the subject of this action of furthcoming. The total sum due to the pursuer and arrestor including the cost of the arrestment or arrestments is £sum of aggregate of LO (unpaid & expenses) and expenses of this successful arrestment.

- In paragraph four, complete the fields highlighted in bold print:

By virtue of said liability order granted on date LO made the pursuer and arrestor executed an arrestment on date arrestment served in the hands of the first defender and arrestee at the first defender and arrestee's place of business for the sum of £value from Schedule of Arrestment money less or more due and addebted by the said first defender and arrestee to the said second defender and common debtor. The Certificate of Execution of Arrestment is produced herewith.

The pursuer and arrestor believes and avers that such sums have been attached by virtue of said arrestment. The first defender and arrestee refuses to divulge any information relating to said arrestment to the pursuer and arrestor.

The first defender and arrestee advised the pursuer and arrestor by letter dated date that the sum of £amount had been attached by virtue of the arrestment. A copy of said letter dated date is produced herein incorporated brevittatis causa.

The second defender and common debtor advised the pursuer and arrestor by telephone call on date that the sum of £amount had been attached by virtue of the arrestment.

The second defender and common debtor advised the pursuer and arrestor by letter dated date that the sum of £amount had been attached by the arrestment.

[Admin Account - Add To](#)

[Apply Costs](#)

[Arrestment](#)

[Terminology Changes](#)