




## Arrestment On Dependence

An arrestment on the dependence is a means of freezing a paying parent's bank/building society accounts or assets that are held by a third party. This is applied for at the same time as an application for a liability order in cases where there is strong reason to believe the paying parent will transfer or dispose of their financial assets to avoid paying their debt. An arrestment on the dependence may be granted by the sheriff court upon the dependence that that the liability order is subsequently granted. Refer to the Law and Policy handbook for a full list of third parties and assets that may be arrested. For more information refer to the Policy, Law and Decision Making Guidance. 

This process will be carried out by case managers within Scottish enforcement, who will refer the case to the Child Maintenance Group (CMG's) contracted solicitors. The contracted solicitors will lodge the application in the sheriff court and the warrant to arrest on the dependence may be granted with or without a hearing. Where a hearing is required the contracted solicitors will represent the CMG at the hearing.

The CMG may make an application for an arrestment on the dependence in respect of several assets simultaneously. The arrestment may be in respect of both sole or jointly owned bank accounts or monies owed to the paying parent by third parties such as building contractors or insurance companies. The sheriff court may decide to grant a restricted arrestment on the dependence for less than the total debt applied for by the CMG.

Scottish law allows for a protected minimum sum of £415 that cannot be arrested from a bank or other financial institution. This protected sum is only allowed once, regardless of how many accounts or assets are subject to the arrestment.

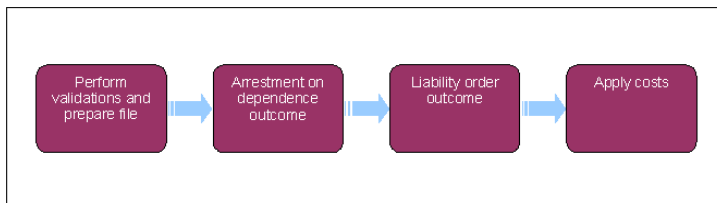
Once an arrestment on the dependence has been granted the contracted solicitor/case manager will instruct the sheriff officers to serve the schedule of arrestment on the debtor and also serve the schedule and certificate of execution on the third party or bank/building society and to the CMG. The third party or bank/building society is required to contact the CMG within 21 days of receipt of the schedule of arrestment, providing details of the arrested asset/s, however if no money has been attached there is no legal requirement for the arrestee to send a notice of disclosure advising that no money has been attached.

When the liability order is granted the CMG must serve a copy of the liability order extract decree to the arrestee and a debt advice information pack (DAIP) must also be sent to the paying parent within 48 hours. For more information refer to [Arrestment](#).


 Existing business processes should be followed if a Liability Order has previously been granted on any CSA system. For more information refer to the [Enforcement/Liability Order Actions - Check CSA](#) procedures. All Segment 5 cases with previous CSA Legal Enforcement action will automatically generate an SR which will be managed by the 1993/2003 Rules Reassessment team who will build the Liability Order. For more information refer to [Enforcement Transition Part 1](#) and [Enforcement Transition Part 2](#) from [Fundamentals](#).

 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: [Arrestment on Dependence](#)

For more information refer to the 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](#).

 Due to the nature of arrestment action the paying parent will not be contacted prior to the application to the sheriff court, as this would increase the risk of the paying parent moving or disposing of their assets.




1. Open a new service request (SR) using the following options:
  - **Process = Enforcement**
  - **Area = Take Enforcement Action**
  - **Sub Area = Arrestment On Dependence**
2. Confirm that the paying parent falls into the correct jurisdiction for this action (i.e. that they are habitually resident in Scotland). Update the SR **Status** to **In Progress**. If you cannot confirm jurisdiction add an explanatory text and select **Exit**. Go to **step 16** to manually close the SR.
3. The system will present an activity plan of standard validations which may be completed in any order:
  - Verify arrears outstanding
  - Consider welfare of child/ren: Record your decision in **Update Child Welfare Details – Reason**. The decision to apply for an arrestment on dependence is a discretionary decision, this includes making a Welfare of the Child Decision, for more information on discretionary decisions including a verbatim statement to record in **Notes** refer to Policy, Law and Decision Making Guidance
  -  Letter - outbound: Issue letter CMEL8096 to advise the receiving parent of the CMG's intention to apply for an arrestment on dependence.
  - Add/validate asset: Select the required paying parent assets from the **Contact Asset** view and associate them with the SR.
  - Decide next steps: Select **Continue** or **Exit** If you are unable to confirm any of these validations

Go to **step 16** to manually close the SR if you decide to exit from this activity plan. If you select **Continue** the system will automatically present the next activity plan to prepare the arrestment on dependence file.

 Use the **Asset** view to record assets on the system. Use the **Contact Asset** view to associate an asset to your enforcement SR. When recording assets, only use the data fields under the applet name. Don't use the menu next to **Asset Type**.


 When speaking with the receiving parent regarding the intention to apply for an arrestment, stress to them the importance of not letting the paying parent know about the proposed action. Making mention of it on social networking sites or to mutual friends will greatly increase the risk of the paying parent becoming aware of the action and disposing of any assets.

## Prepare Arrestment on dependence file

4.  Select the template form CMEL9007 (Scottish courts Form 1) and send it to the sheriff court for a warrant to cite to be granted.
5.  When the sheriff court returns Form 1, complete CMEL9008 (Scottish courts Form 2) and send both forms to the contracted solicitor along with an instruction to obtain a warrant for the arrestment on the dependence. Set a **Wait** period of 28 days for a response to be received.
6. Alternatively, if the arrestment is very urgent the contracted solicitors may be instructed to immediately seek the warrant to attach on the dependence, by amending the liability order application on CMEL9007 (Form 1) to include this application for warrant to arrest on the dependence. Set a **Wait** period of 28 days for a response to be received
7.  Call the contracted solicitor if no response is received after the wait period. Set a further **Wait** period if required.

## Arrestment on dependence outcome

8. If the Arrestment on Dependence is granted, update the activity plan as follows:
  - Arrestment on dependence granted: **Granted**

Go to **step 10** if the liability order is not subsequently granted, or to **step 12** if it is granted.
9.  Send letter CMEL9151 to the receiving parent if the arrestment on dependence is not granted. This letter also advises the receiving parent that you are still awaiting the outcome of the liability order application. Update the Activity Plan as follows:
  - Arrestment on dependence granted: **Not Granted**

go to **step 14** to record any costs associated with this process and to manually close the SR.

## Liability order outcome

10. Update the activity plan to reflect the outcome:
  - LO/ALO granted: **Not Granted**
  - Letter Outbound to solicitor: send letter CMEL9152 to the contracted solicitor to advise them to cancel the arrestment on dependence

Go to **step 14** to record costs and manually close the SR.
11. Update the activity plan as follows if the liability order is granted:

- LO/ALO granted: **Granted**
  - Add/validate LO details: Add details of the liability order to associate it with this service request
12. Subsequent actions are taken once the liability order has been granted, and the arrestment on dependance may then be treated as an ordinary arrestment. For more information refer to **Arrestment** in related items.
  13. Please refer to the procedure for [Liability Order - Sheriffs Court](#) for the correct letters to issue related to a dependance action once the outcome of the LO application is confirmed.

### Apply costs

14. Access the **Costs** applet and input any costs associated with the arrestment. The amount released from the arrestment in execution will be what remains after the judicial expenses and the costs of executing the arrestment have been deducted.



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](#).

15. To complete the process manually close the work item by updating the SR as follows:

- **Status = Closed**
- **Sub Status = Completed**

#### CMEL8096 Your child maintenance update – arrestment on the dependence

Tells the receiving parent that we are taking arrestment on the dependence action.  
All fields in this letter are system generated, no manual intervention is required.

#### CMEL9007 Summary application for a liability order

(off system)  
Liability order application

#### CMEL9008 LO form Sheriff Court

(off system letter)  
Liability order application

#### CMEL9151 Your child maintenance update – arrestment not granted

Tell receiving parent that arrestment on dependence was not granted, however the LO application is ongoing and we will update on LO progress later.  
All fields in this letter are system generated, no manual intervention is required.

#### CMEL9152 Please cancel an arrestment on dependence

Tell solicitor that the LO was not granted therefore please cancel the arrestment on dependence.  
All fields in this letter are system generated, no manual intervention is required.

[Action Of Furthcoming](#)

[Admin Account - Add To.](#)

[Apply Costs](#)

[Arrestment](#)

[Liability Order - Sheriffs Court](#)

[Terminology Changes](#)