

Attachment

A [Summary](#) attachment is a Scottish legal process that allows a sheriff officer to seize moveable assets belonging to a paying parent. The sheriff officer is allowed to recover assets from the paying parent's work, garage or shed, but may not directly enter their living space. Assets seized by the sheriff officer will be auctioned to recover outstanding debt.


This process will be carried out by case managers within Scottish enforcement.

This action is allowed only after a liability order (LO) has been granted and a charge for payment has been served and the days of the charge have expired and debt advice information pack (DAIP) has been served upon the paying parent.

Goods seized must not be subject to a hire purchase agreement but may be owned wholly by the paying parent, or jointly with a third party.

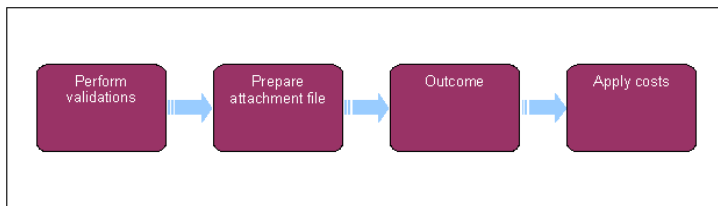
If no goods are seized or full payment is not recovered, the sheriff officer will send a report and return the liability order and charge for payment.

A paying parent will have 14 days to either lodge objections to the attachment to the court or to make payment to recover their seized belongings, at a value set by the sheriff officer. After this time the sheriff officers will contact the case manager for authorisation to proceed to auction.


 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: [Attachment](#)

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

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

1. Create a new work item
 - **Process = Enforcement**
 - **Area = Take Enforcement Action**
 - **Sub Area = Attachment**
2. Confirm that the paying parent falls into the correct jurisdiction for this action and update the service request (SR) **Status to In Progress**.
3. The system will present an activity plan of standard validations which may be completed in any order. Select **Exit** if you are unable to confirm any of these validations.
 - Verify arrears outstanding: Check the exact amount of arrears outstanding. Select **Go To Contact** button, navigate to the **Financial Accounts** screen, drill down on the account number and view the **Payment Schedule** tab. Check the value in the **Total Arrears Balance** field.


- Consider welfare of child/ren: This 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 .
 -  Issue letter CMEL9018 to advise the receiving parent of CMG's intention to apply for an attachment.  Before sending the letter, add the relevant liability order as in the next bullet point.
 - Add/validate LO: Select the appropriate liability order and associate it with this SR
 - Add/validate asset: Select the required paying parent assets from the **Contact Asset** view and associate them with this activity plan.
 -  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**.
 - Decide next steps: Select **Continue** or **Exit** If you are unable to confirm any of these validations
4. 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 attachment file.
-  The decision to apply for an attachment is a discretionary decision and must be recorded as a free text entry in **Update Child Welfare Details - Reason**. For more information on discretionary decisions refer to the Policy, Law and Decision Making Guidance. 

Prepare attachment file

5.  Select the template form CMEL9247(S) and send it to the sheriff officer. The original extract liability order or a true certified copy of the liability order should be sent along with the Charge for Payment.
6. Record the date you send CMEL9247(S) on the data form and set a **Wait** period of 28 days for a response to be received.
7.  Call the sheriff officer for an update if no response is received after the wait period, and set a further **Wait** period if required. Once a response is received, update the activity plan.
8.  Close the SR manually if the attachment was not executed and complete letter template CMEL9015, advising the receiving parent that we cannot proceed with the attachment. Go to **step 9** if the attachment is executed.
-  When speaking to the receiving parent at this stage, consider that they may be frustrated that this action has failed. Explain to them the further powers that the Child Maintenance Group (CMG) can use recover the paying parent debt.

Outcome

Paying parent makes full payment

9. Select **No Further Action** from the **Additional activities required** line of the activity plan if the sheriff officer reports that the paying parent has made full payment to redeem the asset.
10. Go to **Enforce Forms** and update the data sheet and the **NRP Redeemed Articles** field to **Yes**.
-  The paying parent is allowed 14 days after the asset/s are seized to make payment. Record any **Notes** and go to **step 23** to complete this procedure.

Paying parent disposes of asset

11. Select **Required - NRP Breaches Attached Assets** from the **Additional activities required** line of the activity plan if the paying parent disposes of the asset before it can be seized by the sheriff officers. An asset may have been sold or gifted by the paying parent, or damaged/destroyed. Record any Notes and go to **step 23** to complete the procedure.

Paying parent requests release of asset

12. The sheriff officers will contact the CMG if the paying parent makes a request for an asset to be released. Select **Required - NRP Appln For Release** from the activity plan if you agree to release the requested asset.
13. Go to **Enforce Forms** and update the data sheet and **Released Articles Appln** field to Yes.
14. Return to the SR and update the **Additional activities required** line of the activity plan to **No additional activities**. Proceed to **Step 23** to apply costs

Auction action

15.  The sheriff officer will contact you to confirm that you wish for the attached assets to be auctioned. Issue letter CMEL9091 to the sheriff officer if you agree that the action should proceed. Set a **Wait** period of 28 days for an update of the outcome. When the proceeds of the auction are received they will show as a receipt in the paying parent's payments from account and will pay out to the receiving parent/s in the normal manner.
16. Go to **Enforce Forms** and update the data sheet and **Auction Appropriate** field to **Yes**.
17.  Send letter CMEL9018 to the receiving parent to advise that you intend to send the paying parent asset/s to auction.

18.  Call the sheriff officer for an update if no response is received after the wait period and set a further **Wait** period if required. Once a response is received, update the activity plan.



If goods fail to sell and ownership reverts to the CMG contact the policy team to discuss the next possible actions.

Asset not sold

19. If the asset/s fail to sell at auction ownership of the goods reverts to the CMG. The paying parent's arrears are then reduced by the net value of the asset/s which is the open market value as determined by the sheriff officers less the amounts due for diligence fees (charge for payment and attachment fees) and judicial expenses (liability order expenses awarded by sheriff court etc).
20. If the asset/s fail to sell the CMG System will generate the activity plan **Attached assets not sold**. Select **Done** in the activity plan line **Offset attached assets against NRP**. This will cause a child SR to be generated for **Drawdown from admin**.
21. Update the sub status of the child Drawdown from admin SR to Pending assignment. This will send the SR to CFAT who will make payment to the receiving parent or Secretary of State (S of S) equivalent to the net determined value.
22. Once you have been advised that the drawdown from admin SR has been completed, select **No additional activities** in the final line of the activity plan **Additional activities required** and proceed to **Step 23** to apply costs and complete the action.

Apply costs

23. Access the **Costs** applet and input any costs associated with the attachment.



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**.

24.  Issue letter CMEL9015 to the receiving parent (Inform receiving parent of outcome – action successful) and update the activity plan.



If the auction has been successful then the costs will be met from the proceeds of the sale. If the auction has not been possible or successful then the costs must be met by the CMG.

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

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

CMEL9015 Your child maintenance update – attachment and auction

Inform receiving parent of outcome of attachment and auction

Under the sub heading 'Your child maintenance update select one of the following:

- If paying parent has paid in full, use paragraph 'If paying parent has paid in full'
- If paying parent has made part payment, use paragraph 'paying parent has made a part payment'
- If paying parent has made a payment agreement, use paragraph 'If paying parent has made a payment agreement'
- If there are no suitable assets to attach, use paragraph 'If there were no suitable assets to attach'
- If the sheriff officer successfully attached assets and the money covers part of the debt under these orders, use paragraph 'If the sheriff officer successfully attached assets and the money covers part of the debt under these orders'
- If the sheriff officer successfully attached assets and the money covers the full debt under these orders, use paragraph 'If the sheriff officer successfully attached assets and the money covers the full debt under these orders'
- If the sheriff officer attached assets but couldn't sell them at auction, use paragraph 'the sheriff officer attached assets but couldn't sell them at auction'
- If attachment isn't appropriate in this case any more, use paragraph 'If attachment isn't appropriate for this case any more' and add any free text notes required

Under the sub heading 'What this means for you' select one of the following:

- If all arrears are cleared and no ongoing maintenance, use paragraph 'If all arrears cleared and no ongoing maintenance' explain what will happen now in the free text field
- If all arrears are cleared but ongoing maintenance remains, use paragraph 'If all arrears cleared but ongoing maintenance remains'
- If all arrears under this LO are cleared but other arrears remain, use paragraph 'If all arrears under this LO are cleared but other arrears remain'
- If the arrears under this LO are cleared but other arrears and ongoing maintenance remain, use paragraph 'If the arrears under this LO are cleared but other arrears and ongoing maintenance remain'
- If some arrears remain under this liability order and some or all of the payment is allocated to this receiving parent, use paragraph 'If some arrears remain under this liability order and some or all of the payment is allocated to receiving parent'
- If some arrears remain under this liability order but none of the payment is allocated to this receiving parent, use paragraph 'If some arrears remain under this liability order but none of the payment is allocated to receiving parent'

- If we receive a part payment and are continuing with this action, use paragraph 'If we received a part payment and are continuing with this action'
- If there were no suitable assets to attach, use paragraph 'If there were no suitable assets to attach'
- If the sheriff officer attached assets but couldn't sell them at auction, use paragraph 'If the sheriff officer attached assets but couldn't sell them at auction'
- If attachment isn't appropriate for this case any more, or any other variant of options above, use paragraph 'If attachment isn't appropriate for this case any more or any other variant of options above' and explain what will happen next in the free text field

[CMEL9018 Your child maintenance update – attachment and auction](#)

Tell the receiving parent that we're taking attachment and auction action.

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

[CMEL9091 Request Sheriff Officers to execute an auction](#)

This letter initiates auction action.

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

[CMEL9244 Request to execute an interim attachment \(No LO\)](#)

Request to solicitors to execute an interim attachment (No LO).

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

[Admin Account - Add To](#)

[Apply Costs](#)

[Case Routing - Enforcement](#)

[Charge For Payment](#)

[Exceptional Attachment](#)

[Terminology Changes](#)