



## Charge For Payment

A charge for payment is a legal demand for payment, served after a liability order (LO) has been granted against a paying parent. It requests payment of the sum/s granted under the LO within 14 days, or 28 days if the paying parent is overseas. A charge for payment must be applied for if you are considering taking attachment and exceptional attachment action against a paying parent.

This procedure will be carried out by case managers within Scottish enforcement and describes the validations and process for referring a charge for payment to the sheriff officers.

The charge for payment must be served by two sheriff officers, and can be delivered directly to the paying parent's residence or employer, or placed on display in the court that covers the paying parent's address if the paying parent cannot be located. They may also publish a notice in the press. If the sheriff officers cannot confirm that the paying parent is still resident at their last confident address, they may decide not to serve the charge for payment.



Service by posting on the sheriff court walls or through newspaper advertisement are both costly procedures and should only be undertaken in exceptional circumstances and with the agreement of the G7 principle legal enforcement manager. If authorisation is provided the contracted solicitors should be instructed to arrange this.

Along with the charge for payment the sheriff officers are required to provide the paying parent with a debt advice information pack (DAIP).

A charge for payment is valid for two years from the date it is served. The process to renew a charge for payment is triggered by a system alert, but is no different from the initial application.

An arrestment, attachment, exceptional attachment or inhibition may also be applied for concurrently with a charge for payment, although the 14 or 28 day payment period must have expired before the sheriff officers can carry out an attachment or exceptional attachment.

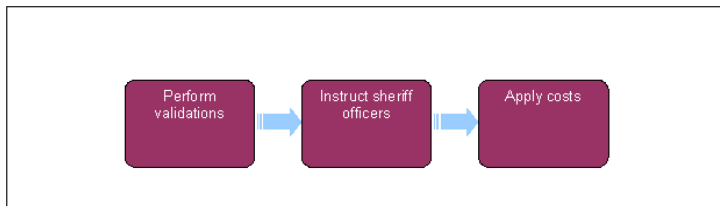


Existing business processes should be followed if a Liability Order has previously been granted on any CSA system. For more information refer to the [Enforcement/Liability Order Actions - Check CSA](#) procedures. All Segment 5 cases with previous CSA Legal Enforcement action will automatically generate 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: [Charge for payments](#)

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](#).

1. Create a new service request (SR):



- **Process = Enforcement**
- **Area = Take Enforcement Action**
- **Sub Area = Charge For Payment**

2. Confirm that the paying parent falls into the correct jurisdiction for this action (i.e. they are habitually resident in Scotland) and update the SR **Status** to **In Progress**.


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




The decision to apply for a charge for payment is a discretionary decision and must be recorded as a Note entry in Update Child Welfare Details – Reason.



3.  Call the receiving parent to advise of the decision to apply for a charge for payment and the timescales involved. Ask the receiving parent if the paying parent has any Assets which could be considered for further Enforcement actions.
4. The system will present an activity plan for **CFP validation**.
  - Verify the arrears outstanding on the Liability Order.
  - 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 in Update Child Welfare Details – Reason refer to Policy, Law and Decision Making Guidance .
  - We do not send a letter to the receiving parent at this stage as we do not want to advise them that we are considering a charge for payment until we have confirmed that it is a viable prospect. Select **Done** for this step as **Not Applicable** will close the SR. Please refer to the procedure for [Letters outbound - contingency summary](#) for further details
  - Add/validate LO: Select the relevant liability order (LO) and associate it with this activity plan
  - Decide next steps: Select Continue



Go to **Step 13** to manually close the SR if you cannot complete any of the validations. If you select Continue the system will automatically present the next activity plan for **Prepare CFP file**.

5.  Call the paying parent to allow a final chance to pay arrears prior to instructing Sheriff Officers.

### Instruct Sheriff officer

6.  Select the template for form CMEL8085 and send this along with a copy of the liability order (LO) extract decree, or a certified true copy of the LO to the solicitors who will instruct the sheriff officers to serve the Charge for Payment. Set a Wait period of 28 days for a response to be received. For further information on issuing this letter refer to Letters (Outbound) - Third Parties/Forward.
 



 If the paying parent contacts the Child Maintenance Group (CMG) upon receiving the notification of the charge for payment, explain what this action will mean for them, and that it is a legal request for payment of a liability order debt. Consider signposting the paying parent to external organisations who may help them with debt management, and to the debt advice information pack that was issued to them by the sheriff officer.
7.  Create an ad-hoc activity plan line and send CMEL8087 to the receiving parent, letting them know that we have asked the sheriff officer to serve a charge for payment.
 

 If the receiving parent contacts the CMG in response to this letter take this opportunity to explain the charge for payment process to them, and to explain if you are taking any concurrent action such as arrestment, attachment, exceptional attachment or inhibition.
8.  Call the sheriff officers for an update if no response has been received after the **Wait** period. If necessary set a further **Wait** period.
9. Consider your next action if the sheriff officers are unable to serve the charge for payment. Go to **step 13** to manually close the SR. For more information refer to [Case Routing – Enforcement](#).
10. Once a response is received from the sheriff officers update the activity plan by setting **Artefact** flag to **Yes**.

This action records costs for the charge for payment, and sets a flag against the liability order to show that this action has been completed.

### Apply costs

11. Access the **Costs** applet and enter any costs associated with the charge for payment.
 

 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](#).
12.  Send letter CMEL8086 to the receiving parent (Notify receiving parent when a charge for payment is served) and update the Activity Plan.
13. Close the work item by updating the SR as follows:
  - **Status = Closed**
  - **Sub Status = Completed**

[CMEL8085 Instruction to serve a charge for payment](#)

Request to enforce liability order.

Under the heading 'Please serve a charge for payment' insert the court name into the free text field.

[CMEL8086 Your child maintenance update – charge for payment](#)

Tell receiving parent whether or not paying parent paid after sheriff served charge for payment.

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

- If the paying parent has made payment, select paragraph 'If payment received'
- If the paying parent has not made payment, select paragraph 'If no payment received'

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

- If all arrears are cleared, select paragraph 'If all arrears cleared and no ongoing maintenance'
- If arrears are cleared by maintenance continues, select paragraph 'If all arrears cleared but ongoing maintenance remains'
- If other periods of debt remain, select paragraph 'If all arrears under this LO are cleared but other arrears remain'
- If other periods of debt, and ongoing maintenance remain, select paragraph 'If the arrears under this LO are cleared but other arrears and ongoing maintenance remain'
- If some arrears remain from this LO and some has been allocated to this receiving parent, select 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 and none has been paid to this receiving parent, select paragraph 'If some arrears remain under this liability order but none of the payment is allocated to receiving parent'
- If no payment has been received, select paragraph 'If no payment received'

[CMEL8087 Your child maintenance update – charge for payment](#)

Tell receiving parent that we've asked the sheriff officer to serve a charge for payment.

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

[Admin Account - Add To](#)

[Apply Costs](#)

[Arrestment](#)

[Attachment](#)

[Case Routing - Enforcement](#)

[Create Costs](#)

[Exceptional Attachment](#)

[Inhibition](#)

[Letters outbound - contingency summary](#)

[Terminology Changes](#)

[How will a caseworker know if there are any costs to be applied when court action is taken?](#)

Costs are standard for any given court action, but can be awarded for collection by the sheriff's court on a discretionary basis.