




## Wilful Refusal/Culpable Neglect

This procedure will guide you through the action to take when a paying parent displays wilful refusal or culpable neglect.

Wilful refusal is the legal term for when a person specifically refuses to meet a known obligation, for example, the paying parent saying or putting into writing that they are not going to pay child maintenance.

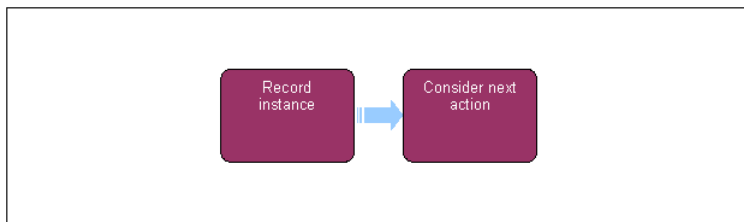
Culpable neglect is the legal term for when a person fails to meet a known obligation, for example, the paying parent organising their affairs in such a way as to make it impossible to meet their obligations, for instance by paying for expensive foreign holidays instead of paying their child maintenance.

For more information on wilful refusal/culpable neglect refer to the Policy, Law and Decision Making Guidance 

Wilful refusal has now been extended to cover instances where the paying parent doesn't make contact during the 14 day period following the sending of the provisional calculation. When this is the case the paying parent is considered to be informing the child maintenance group that they are not going to pay child maintenance. Therefore a deduction from earnings order will have been imposed. Lines to take are available for when a paying parent contacts to query this.

It is important that you record instances of wilful refusal/culpable neglect as they may be used as evidence for any future enforcement action or sanctions. This process may be initiated at any point in the case lifecycle where a paying parent has demonstrated wilful refusal or culpable neglect, e.g. in a telephone conversation or a letter.

For more information on refusal to pay by any MOPF 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.

### Record Instance

1. Go to the client record and select the Instances view.
2. To create a new instance, select the **New** button.
3. Select an **Instance type** of **Enforce incident** and record the details of the incident using the following information:
  - Instance summary (e.g. paying parent refuses to make any payments)
  - How the information was received (e.g. email, telephone call, face to face, letter)
  - The source of the information (e.g. paying parent, employer, third party, face to face report)
4. Where the Instance is linked to any previous Instance recorded against the client, complete the **Related Instances** field.
5. An Instance reference number associated with this action generates automatically. The Instance reference number may be quoted when taking any subsequent enforcement action to which the paying parent's wilful refusal/culpable neglect is a contributory factor.
6. After completed this action, return to the originating SR and proceed with it as usual.

 Depending on where the case is currently located, give consideration to whether a referral to enforcement would be appropriate at this point, based on the paying parent's unwillingness to comply.

[Arrears Negotiation and Missed Payments](#)

[Civil Enforcement Overview](#)

[Gather Paying Parent Information](#)

[Segment 5 Compliance Opportunity](#)

[DEO - Self Selected - Set Up](#)

[Sanctions \(E, W & NI\)](#)

[Sanctions Scotland](#)

[Defaults \(E, W & NI\)](#)

[Defaults \(Scotland\)](#)

[What if the Instances view doesn't show in the client record?](#)

If this isn't shown, drill down on the client's surname, select the More tabs drop down option at the end of the tabs toolbar and select Instances from the list displayed.