



## Court Presentation - County Court

Enforcement case managers will book and pay for court hearings. Court presenting officers (CPOs) will serve summonses and arrange legal representation if needed. Please note that this procedure is not applicable to Northern Ireland.

CPOs present the following in county courts:

- Charging orders
- Third party debt orders (TPDO)
- Variation orders and hardship orders

Initial applications for charging orders and TPDOs will be made by enforcement case managers, CPOs will become involved once the interim order is granted.


The purpose of this procedure is to describe the role of the CPO in progressing an application in the county court, following on from the role of the enforcement case manager. For more information refer to [Charging Order](#) and [TPDO](#). It also covers the CPO role in processing hardship orders and variation orders relating to orders for recovery.

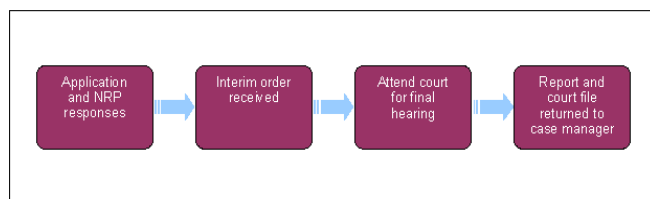
Throughout the process, the enforcement case manager retains ownership of the case and will deal with all aspects other than court presentation.

Third parties, solicitors and legal advisors will not have access to the system. However they will be able to contact case managers for necessary documents or information.



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: [Court presentation](#)

The procedure covers all system actions to record decisions and outcomes. As much of the work of CPOs is done off line, you should always use the procedure in conjunction with 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.

### Application and paying parent responses



Applications for charging orders and third party debt orders (TPDOs) will be completed, and payment organised by enforcement case managers. You should not need to make any applications to the county court. For more information on charging orders and TPDOs refer to the Policy, Law and Decision Making Guidance 



Currently, court presenting officers (CPO) don't have access to the CMS system, for actions that the CPO needs to follow to allow the case to be updated on CMS, refer to **Procedural Exceptions, Manual Process for Court Presenting Officers**.


1. When an application pack for a charging order or third party debt order has been assembled by an enforcement case manager, the interim order has been granted and a hearing date set for the final order, that task is marked as complete and a **Court Presentation** service request (SR) is created allowing you access to the necessary activity plans.



You must ensure that you raise the SR on the correct person as this will determine which area the referral moves to.



When updating enforcement activity plans always update the **Outcome** field of each activity plan line rather than the **Status** field. Failure to do so may result in a technical error.

2. When a paying parent makes an application for a variation order in response to an order for recovery of award being granted, this application is forwarded to the enforcement case manager by the court. If the variation application proceeds to court, the enforcement case manager will create a **Court Presentation** SR. There might be a variation order hearing. For more information refer to [Variation Order](#) . For more information on variation orders refer to the Law and Policy Handbook 



If a paying parent applies for a hardship order, you should be asked to appear at the hearing (if held) as an interested party. If this is not possible, you should submit the Child Maintenance Group's (CMG)'s objections in writing to the court. For more information refer to [Third Party Debt Order - TPDO](#).

### Interim order received from court

3. Change the Status of the Court Presenting SR to **In Progress**.
4. Select the relevant county court using **3rd Party Account** within SR Information. Once you've selected the court, this will enable you to record the court details in **Enforce Forms**.
5. On receipt of the interim TPDO or charging order from the enforcement case manager, select **Update Form/Document** to access the **enforce Form**. Then update the following fields in **Case Preparation Details**:
  - Court name
  - Court type - High court will not be on this list, see info point below.
  - Type of referral
  - Referral status
6.  Interim orders received from courts will be scanned and the originals requested by the enforcement case manager for service on the relevant parties.
7. Some county courts may require a copy of the N322 and/or the liability order to be presented at the final hearing.
8. When an interim charging order (HMCTS form N84) or interim third party debt order (HMCTS form N87) is granted, this will give the date of the final hearing. TPDOs will be sent to the paying parent and third parties by the court unless the case manager has requested them for service on a specific date. Charging orders will be sent to the paying parent and third parties by the enforcement case manager. The enforcement case manager will forward the CMG's copy to you. HMCTS forms can be accessed via the HMCTS website: <http://www.justice.gov.uk/about/hmcts>
9. Under some circumstances you may receive the interim order direct from the court. In this case you should ensure that the documents are scanned onto the system and continue with service on the parties involved if required.
10. If the appropriate notification of a final hearing is returned undelivered and you are not confident that the paying parent's address is current, adjourn the hearing if necessary while a new address is found and request that the court serve the documents to the new address.
11. If the appropriate notification of a final hearing is returned undelivered and you are confident that the paying parent's address is current, consider asking the CPO manager to have the papers personally served by the CMG's appointed bailiffs, court bailiffs or another process server. Do not attempt to serve papers yourself.
12. If no new address is found, continue with the application using the paying parent's last known address.
13. If the paying parent raises issues pertinent to the application and likely to affect the hearing, request an adjournment to allow the referring team time to resolve these.
14. If the hearing has been adjourned pending resolution of pertinent issues raised by the paying parent and the referring team are unable to resolve them, withdraw the application from court and record this using the **CPO Outcome Details** panel of the Court Presentation SR.
15. If full payment has cleared prior to the hearing, withdraw the application from court and record this using the **CPO Outcome Details** panel of the Court Presentation SR.
16.  If it is necessary to withdraw the case, record the **Reason** using the drop down menu in the **CPO Outcome Details** panel of the **Court Presentation SR**. Send a CMEL7035 to inform the court that the application is being withdrawn and you will not be attending.
17. If it is necessary to adjourn a case, contact the court by email or by letter and explain the reason for requesting adjournment. If you are confident of the length of adjournment required, request another hearing date. Complete the **CPO Adjournment** Details panel in the Court Presentation SR. Using the drop down menus, select the **Reason** for the adjournment and by whom it was instigated.
18. If a hearing is adjourned at the instigation of the CMG, the paying parent or the court itself, the court will notify you and any other interested parties of the new hearing date.
19. In the same panel, enter the reconvened hearing date (if this is available) and the stage at which the hearing was adjourned.
20. A paying parent might make an application for a variation order on a county court order/maintenance order. For more information refer to [Variation Order](#).
21. If legal representation (barrister or agent solicitor) is required, ask the CPO team leader for permission to arrange this with one of the CMG's approved solicitors. In the **Court Presentation SR**, mark the **Legal Rep. Engaged** field **Yes**.  
Representation may be required if:
  - The paying parent indicates an intention to be represented in court
  - The paying parent or paying parent's partner is legally qualified
  - The case is high profile or unusually complex
  - The case cites the Human Rights Act
22. If representation is arranged, send a duplicate of the court file to the CMG's appointed legal representative.

23. On the last available day before the hearing, check with the enforcement case manager that there has been no payment or other significant contact from the paying parent.

### Attend court for final hearing


24. Attend court at the scheduled time and present the case in accordance with the relevant law and policy.
25. Ensure that you have the following:
- Enforcement file
  - Copy certificates of service
  - Contact details of referring team
  - Authority to Act (currently CSF 958)
  - A copy of Child Support: The Legislation by Jacobs and Douglas, which contains the Child Support Act 1991, associated regulations and subsequent amendments with a comprehensive commentary.
  - A copy of the civil procedure rules
  - In the case of a variation order hearing, go to **step 42**.
26. On arrival, report to the court usher and check whether any paying parents and/or interested third parties have attended.
27. Meet the CMG's legal representative, if present, to discuss any issues likely to arise in the hearing.
28. If the paying parent attends, introduce yourself and before the hearing, explain the proceedings and any subsequent actions the CMG may take.
29. If the paying parent attends, attempt to negotiate within the CMG's policy on debt negotiation. Make it clear to the paying parent that nothing short of full payment will prevent the order being finalised. For more information on debt negotiation refer to the Law and Policy Handbook
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-  Ensure that any negotiation with the paying parent does not adversely affect any existing arrangement or parallel action.
30. If the paying parent pays in full on a TPDO, request an adjournment while payment clears. If the payment is made by banker's draft, withdraw the application.
31. If the paying parent makes full payment on a charging order, continue with the application, explaining that the order will be lifted once payment has cleared.
32. Do not personally accept cash from a paying parent, cash payments should be made over the counter at a convenient bank quoting the unique 12 digit reference number from the liability order on which the application is based. Once payment clears, withdraw the case.
33. Once called into the court, you may be required to swear an oath, which negates the requirement for physical evidence.
34. Assure the judge/s that any paying parent who has not attended has been served with the appropriate papers within the prescribed time limit and that no change of address has been notified. Ask the court to proceed in the paying parent's absence.
35. Present the facts of the case, if directed to do so by the district judge. You may be required to produce certificates of service filed with the court relating to service of the interim third party debt order or charging order.
36. The district judge will hear representations from the paying parent and any other interested party such as a joint owner or mortgage provider as well as the CMG's representations.
37. Remember to request costs. The CMG is entitled to request the costs of registering interim charging orders with HM Land Registry and Land Registry search fees in addition to the fee for the application. The fee for registration of the liability order in the county court will have been added to the charging order or third party debt order application.
38. The district judge's decision will be announced in court and recorded on the court file. You must be sure to record the judge's verbal decision in your report.
39. If a final charging order is granted, the court's administration office will prepare the order. Copies of the order (HMCTS form N87) will be posted to the paying parent and any interested parties. A copy will be sent to the CPO or directly to the enforcement case manager. If any order is in respect of stocks, shares or trusts, the district judge will also issue a stop notice directing the relevant party to release the required asset.
40. If a final third party debt order is granted, the court's administration office will prepare the final order. A final TPDO (HMCTS form N84) will be served on the paying parent and one on the relevant third party. The final order will be awarded in the amount applied for unless there are insufficient funds or a hardship order is awarded to the paying parent.
41. If the paying parent applies for a hardship order, this will normally be after the interim order is granted. The hardship application may be heard at the final hearing. If it is heard separately, this may be at very short notice. The court will inform the enforcement case manager of the hearing and they will contact you immediately with the details. If you are unable to attend the hearing, you should attempt to arrange for another CPO to attend, or submit written objections to the court.
42. If neither party attends, a judge will decide whether to grant a hardship order based on written submissions from the CMG and the paying parent.

### Variation orders

43. If the paying parent applies for a variation order and the enforcement case manager considers the offer of payment unacceptable, you will receive a file from the enforcement team comprising:

- A copy of the N322/N322A
  - A copy of the paying parent's application for a variation order (HMCTS form N245), including a repayment proposal and a statement of the paying parent's means.
  - A copy of the enforcement team's rejection of the offer in the N245 (made prior to the court order) HMCTS form N246
  - A copy of the variation order determination (HMCTS form N35a) issued by the court
  - Any evidence gathered by the enforcement case manager that the paying parent can afford more than is claimed in the variation application
  - A copy of the CMG's on notice application made to the court by the enforcement team to appeal against the variation order, if applicable
44. Using the evidence provided by the enforcement team, make representation to the court as to why the court should not accept the paying parent's offer.
45. If there are insufficient funds to satisfy the order, request that the final TPDO be adjusted to seize such funds as are available.
46. If a final charging order or TPDO is not granted, you must consider stating the CMG's intention to appeal and you must request the judge's reasons in writing. For more information refer to **CMG Appeals** in related items.
47. Record you attendance at court on the **Court Presentation SR**.

### Return report and court file to enforcement case manager


48. Return the final order by secure post/courier to the referring enforcement case manager if it has not been sent direct by the court. The enforcement case manager will register a final charging order against land or property with HM Land Registry if the interim has not been registered.
49. The referring enforcement case manager will ensure that a TPDO has been served to the paying parent and all interested parties.  
 The CPO should make it clear to the case manager whether or not service on the paying parent and other parties is required or not.
50. In the **Court Presentation SR**, record the outcome of the hearing and, in the case of a TPDO, the value of assets seized.
51. Mark the process complete and exit the Court Presenting SR.

#### Manual Process for Court Presentation Officers

### Manual Process for Court Presentation Officers

Currently Court Presentation Officers won't be having access to the 2012 scheme system to update the Court Presenting SR. The Specialist Service Support Team (SSST) will complete all system action once the hearing has been completed. Follow the steps detailed below to complete all action to allow the system to be updated.

This process only replaces action needed on the system, the steps in this procedure detailing action to take when at the hearing should still be followed.

1. You will be assigned a casefile by your workgroup manager.
2. 48 hours before the hearing date, email SSST (CM 2012 SCHEME South West Specialist Services Support Team) and ask them to carry out a potentially violent (PV) check on the 2012 system. SSST will check the system and email to provide details, if any, of any PV indicator.  
 When sending the email, ensure that a read receipt is requested and follow up with a telephone call.
3. Check the 1993/2003 scheme for any PV indicator and confirm the same on Customer Information Service (CIS).

#### Day of the hearing

4. Just before the hearing is due to commence, contact the Visiting Service Allocation Team (VSAT) to advise that the hearing is about to commence.
5. Complete the action as described in Details under the heading Attend court for final hearing.
6. At the end of the hearing, contact VSAT to advise that the hearing has concluded.

#### Update SSST and the Enforcement Case Manager (ECM)

7. Complete the outcome report template and send it along with the casefile to the ECM and SSST.
8. Once the casefile has been received by ECM and SSST, delete the shared folder relating to the case.

#### CMEL7035 We are withdrawing a third party debt order application

Inform Court that we've withdrawn TPDO action.

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

Her Majesty's Court and Tribunal Service (HMCTS) forms:

N322A – application for order for recovery, county court (PDF format)  
N322 – order for recovery, county court  
N84 – interim charging order  
N379 – application for third party debt order (PDF format)  
N349 – application for charging order (PDF format)  
Interim TPDO  
Final TPDO  
N245  
N246  
N85A variation order  
Hardship order  
Link to HMCTS website: <http://www.justice.gov.uk/about/hmcts>

**Case Routing - Enforcement**

**Charging Order**

**CMG Appeals**

**Court Presentation – Magistrates Court**

**Liability Order - Register In County Court**

**Order For Sale**

**Specialist Service Support Team  
TPDO**

**Terminology Changes**

**Variation Order**

**If a change was reported by telephone whilst the case is with the CPO who would deal with this?**

The owning caseworker should receive the call and update the CPO with the details.