



Court Presentation - Sanctions

Court presenting officers (CPOs) are responsible for attending court, serving summonses and arranging legal representation if needed. An administrative support team check cases, book court dates, pay for centralised court bookings and administer case records.

This procedure describes the role of the court preparation team and court presenting officer in the progress of a completed application for sanctions file through the court process to its outcome. Sanctions include commitment to prison and removal of/disqualification from holding or obtaining a driving licence (referred to as commitment/RODL).

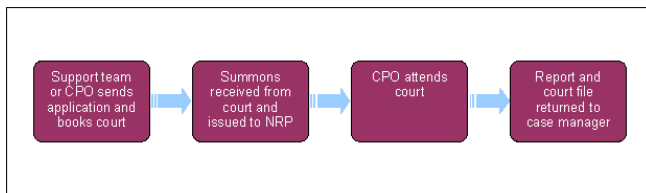
Throughout the process, the enforcement case manager retains ownership of the case and will deal with all aspects outside the court presentation process.

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

The procedure covers all system actions to record decisions and outcomes. As much of the work of CPOs and their support team is done offline, always use the procedure in conjunction with the Policy, Law and Decision Making Guidance 



Where the paying parent fails to comply with an order, the case manager will need to confirm whether the ruling is older than two years, where this is the case, a determination needs to be made as to whether any consideration on the paying parents ability to pay was made by the court. If no consideration was made then the sanction must be applied for again.



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.

Support team case worker action



When an application pack has been assembled by an enforcement case manager they create a Service Request (SR) for Court Presentation




- When you receive the SR, update the **Status** to **In Progress**. The CMS system will generate an activity plan at this point.
 -  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.
- Check that the paying parent's address on court papers matches that in the Contact Details panel in the SR.
- Determine whether the action is to be taken in Magistrates or County Court. In the case of sanctions action the hearing will be taken in the Magistrates Court.
- Update the Activity plan line **Letter Outbound (send court file to support team)** with **Not applicable**, and the **File prepared** line to **Done**.

CPO: Make court booking and send application



- As you may not have access to the CMS System, liaise with the Specialist Services Support Team (SSST) officer acting as single point of contact (SPOC) for commitments to keep their records up to date. Refer to the procedure for [Specialist Services Support Team](#) for further guidance on this team's role.
- When the file arrives, check that it contains the following:
 - A copy of paying parent arrears warning letters
 - A copy of the liability order (LO)
 - A copy of any face to face or inspector's report
 - An order for recovery, if obtained

- A nulla bona certificate from the CMG's bailiffs
- An Order For Sale decision outcome, or reason why this was not pursued
- A copy of any charging order or an explanation of why this was not attempted
- Any documents from Registry Trust Limited (RTL)
- Evidence of wilful refusal/culpable neglect
- Screen prints from **CRA Details** tab - These prints will also need to be scanned and attached to the case. For more information refer to **Scanning - Local** and **CRA interface overview** page for further guidance
- A copy of any third party debt order (TPDO) or an explanation of why this was not attempted
- A copy of the summons CME7211
- Evidence of current arrears balance
- CPO outcome reports from previous legal action taken/attempted
- A copy of the CDDL Suitability Proforma CME9295
- A copy of the paying parent money in/money out form, and accompanying letter
- A copy of the Decision on PP's Ability to Pay proforma

If you feel that you need more information navigate to the **Enforce form** via the **Update form/document** tab and update the **Referral status** field to **File incomplete**.

7. Call the SSST to let them know why you have rejected the case and manually close the SR by using the **Amendment** tab. Please refer to the procedure for **Case Routing - Enforcement** for further guidance on using the **Amendment** tab.
8. If the file contains all that you need, navigate to the **Enforce Forms** tab and update the **Referral Status** field to **File Accepted**.
9. Complete the Statement of Evidence form CME9293 and Scan a copy of the form into the system. Refer to the procedure for **Scanning - Local** for further guidance.
10. Identify the appropriate court based on the paying parent's post code, using Her Majesty's Court and Tribunal Service (HMCTS) online court finder, which can be accessed by the following link: [HMCTS court finder](#).
11. Select the relevant magistrates court using **3rd Party Account** field within **SR Information**.
12. Contact the court administration office to book a hearing date, allowing time for the summons to be validated by the court and returned in time to give the paying parent 21 days notice of the hearing. The fee for a commitment and removal of/disqualification from holding or obtaining a driving licence application is £240.00. Payment should be made directly to the relevant court over the telephone using a government procurement card (GPC). Use of this card is limited to £2,000.00 per single transaction and an overall limit of £5,000.00 per calendar month.
13. When making payment to the court certain processes should be followed. Refer to **Admin Account - Add To** for further guidance.
14.  Send the application pack including the summons CME7211, covering letter CME9183 and statement of evidence to the selected court for validation.
15.  Inform the SPOC once a hearing date is set.
16.  Send letter CME9190 to the paying parent explaining that we are taking sanction action against them.
17. Select **Update Form/Document** to access the **Enforce form**, and update the following fields:
 - **Court name**
 - **Court type**
 - **Type of referral**
 - **Hearing Date**
18. Also update the **Hearing record** tab with these details
19. Set a **Wait** period at your discretion to allow a response to be received from the court.


CPO: Summons received from court and issued to paying parent



20. When booking confirmation is received from the court, scan the completed and validated summons CME7211 and associate it with the case on the system.
 -  In certain circumstances the court may issue the summons themselves.
21.  If a case is withdrawn before the summons is issued, select the **Update Form/Document** tab to access the **Enforce form**, and update the **W/drw Before Summ Issd** field to **Yes**. Go to **Step 62** to complete the process and contact the SPOC to update them.
22. Place the summons in a sealed first class pre-paid envelope.

23. Ensure that the certificate of posting is initialled by the postman on collection and retained in the case file. If the summons is sent from a post office, have the certificate of posting initialled and stamped with the date of posting.
24.  Send the signed summons to the Paying Parent, along with a pack containing all the evidence to be presented at court. Include with the pack a copy of the Statement of Evidence form CMEL9293. See **Step 6** for details. Be sure to retain the certificate of service and proof of posting.
-  Send these documents to the paying parent at least 21 days before the hearing date.
25. Update the **Summons received and issued** line of the activity plan as **Complete** and update **SR Notes** to record that the summons has been issued.
-  Ensure that these documents are sent to the court in plenty of time to ensure that they have been received and on file by the hearing date.
26.  Complete the certificate of service and submit this with a copy of the summons and a CMEL9183 to the court. Some courts may wish to receive a copy of the certificate of posting.
-  Assuming the summons was successful proceed to **step 31**
27. If a summons is returned undelivered and you are confident of the paying parent's address, ask the CPO manager to arrange for the summons to be personally served by the CMG's contracted bailiffs.
28.  Complete a CMEL7288 to request personal service and send this to the bailiffs.
29.  Contact the referring enforcement case manager to request from the receiving parent a description/photo of the paying parent and any other information that may assist the process server.
30. If the summons cannot be served in time, request another hearing date. Do not attempt to personally serve the summons yourself. If an adjournment is required, proceed to **Step 39**.
31. If the summons is returned undelivered, ask the SPOC to check the address. If a new address is found, ask the court to serve the documents at the new address. If a new address is not found, you should continue with the application using the paying parent's last known confident address.
-  It may be necessary to adjourn a hearing while the paying parent's address is being investigated.
32. If legal representation is required, ask the your team leader for permission to arrange this with one of the CMG's approved solicitors. Select the **Update Form/Document** to access the **Enforce form**, and update the the **Legal Rep. Engaged** field to **Yes**.
- Legal representation will 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
-  If the paying parent is represented in court and has not informed the CMG, request an adjournment pending instruction to an agent solicitor.
33.  For commitment/disqualification from driving cases, forward a complete copy of the file to the CMG's legal representative.
34. For default commitment (show cause) cases, in addition to the commitment pack you will receive from the enforcement case manager, complete CMEL7226 failure to comply with a suspended warrant.
35. 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.
36. In the Court Presentation SR, record any **Comments** and mark the checking task **Complete**.
37. If full payment clears prior to the hearing, withdraw the application from court and record this in the **Enforce form** by selecting the **Update form/document tab**.
38.   Once the payment has cleared, call the contracted solicitor to advise them of the situation, and instruct them to withdraw the application. Also send letter CMEL9198 to the contracted solicitor instructing them to withdraw the application.


Ajournment and Amendments


39. If the hearing has been adjourned pending resolution of issues raised by the paying parent and the referring team are unable to resolve them, withdraw the application.
40. If it is necessary to adjourn a case, contact the court by telephone to explain the reason for the adjournment. If you are confident of the length of time required, request another hearing date.

 Some courts may not accept the adjournment by telephone, in which case you may be required to write or attend in person to request an adjournment.

41. Select the **Update form/document** tab to access the **Enforce form**. Complete the fields for **Adjmnt action**, **Adjmnt Reason** and **Adjmnt Instigated By**.
42. In the same panel, enter the next hearing date, the stage at which the hearing was adjourned and any arrest warrant that may be outstanding.
43. If it is necessary to withdraw the case, record the **Reason** using the drop down menu in the CPO **Outcome Details Panel** of the **Enforce form**.  Send a CMEL7035 to inform the court that that the application is being withdrawn and you will not be attending.
44.  Send a CMEL9185 to inform the paying parent of the withdrawal.

Court presenting officer attends court

45. Attend court at the scheduled time and present the case in accordance with the relevant law and policy. For more information on legal enforcement refer to the Law and Policy Handbook 
46. Ensure that you have the following:
 - Enforcement file
 - Copy certificates of service
 - Prepared summary of the case
 - Contact details of referring team
 - Authority to Act (Magistrates' courts)
 - A copy of the Paying Parent statement of evidence and any supporting evidence they have provided.
 - A copy of Child Support: The Legislation by Jacobs, which contains the Child Support Act 1991, associated regulations and subsequent amendments with a comprehensive commentary.
47. On arrival, report to the court usher and check whether the paying parent has attended. If the paying parent has not attended, proceed to **Step 60** to complete a Warrant for Arrest referral.
48. Make contact with the court clerk and discuss anything that may affect the smooth running of the court.
49. Meet the CMG's legal representative, if present, to discuss any issues likely to arise in the hearing.
50. If the paying parent has attended, explain the proceedings before the hearing and any subsequent actions the CMG may take.
51. Negotiate with the paying parent in accordance with the debt steer. Always check with the enforcement case manager that this will not undermine any existing arrangement or parallel action.

For more information on CMG's debt steer refer to the Policy, Law and Decision Making Guidance 

52. If the paying parent pays in full, request an adjournment while payment clears. If the payment is made, by debit or credit card or by banker's draft, withdraw the application. Do not accept cash from a paying parent, cash payments should be made over the counter at a convenient bank. Debit or credit card payments can be taken by telephoning the enforcement case manager who will process and confirm the payment. Once payment clears, withdraw the case.

 Any payment made at a bank will need to carry the unique 12 digit reference number of the relevant liability order to ensure correct allocation of funds.

53. Once called into the court, you may be required to swear an oath, which negates the requirement for physical evidence.
54. Assure the magistrate/s that a paying parent who has not attended has been served with a summons and that no change of address has been notified.
55. Present the case using a prepared summary if necessary.
56. Remember to request costs. The CMG is entitled to request costs in any case. Most magistrates' courts only add costs on request.
57. Record your attendance at the court and the outcome of the hearing in the Court Presentation SR.

Report and court file returned to SPOC

58. Select the **Update form/document** tab and complete the **CPO outcome** details in the enforce forms & Hearing Records and **Outcome Type**. Type the number of days in the Length of sentence field if required.
 - **Sanc Order End Dt** – Complete if an order is awarded for a specific time period, this field contains the end date of that period
 - **Hearing Outcome** - If the hearing outcome is **Suspended Sentence**, then the caseworker needs to select **G/I Committal Sentence**, **GI Hold/Obtain DL**, **GI Hold/Obtain TA** from the list of values dropdown. Update the SR **Notes** with 'The outcome is committal sentence for XXXX (paying parent name)
 - **Outcome Granted Reason** – use if **Hearing Outcome is Given**

- **Case Dismissed Reason** – use if the Hearing Outcome is **Dismissed** or **Withdrawn**
- **Final Outcome Date** – may be **Sanction Hearing Date** – Update with the date of the courts decision
- **Length of Sentnc Day** – use if Outcome Granted is **Immediate Committal or Sentence** or **Immediate Disqual Driving Lic** (leave **Length of Sentnc Yr/Mnth** blank)

59. Unless adjourned, return to the SPOC by secure post/courier the full case file containing:

- The signed warrant for commitment /order for disqualification from driving
- Your report on the hearing – CMEL9194/9195
- The CMG’s barrister’s report and notes
- Certificates of posting/service
- Copy of the signed summons
- A clear statement of any order to pay made by magistrates
- Any signed direct debit mandate or receipt for payment

Warrant for Arrest Referral

60. The paying parent must attend court for a RODL or commitment hearing. If they fail to do so complete form CMEL9196 (Warrant for Arrest referral form). This is an off system letter and you will need to add the following details:

- Paying parent personal details (NINO, date of birth, description)
- Paying parent home and work addresses
- Paying parent occupation
- Risk of paying parent or other residents at addresses being potentially violent
- Liability order reference numbers
- Description of paying parent

61. Send the completed CMEL9196 to the contracted supplier (the Bailiff) who will issue the Warrant for Arrest.

Complete action

62. Manually close the SR by updating the **Status** to **Closed** and the **Sub status** to **Completed**.

CMEL7211

Off system letter
Summons

CMEL9196

Warrant of arrest referral form

Off system letter

CMEL9293 Statement of Evidence Form

This is a generic form which accompanies the court presentation file for commitment to prison/disqualification from holding or obtaining a driving licence. Record evidence as follows:

- Chronological order showing what, when and how
- New line for each piece of evidence with corresponding documents labelled accordingly
- Corresponding documents should be photocopies, annotated, signed and dated that they are true and original copies
- Clear distinction between arrears unpaid under the LO and the total arrears outstanding
- A copy of the pack containing the statement and the relevant documents is to be served to the paying parent together with summons at least 21 days prior to the hearing.

Include the following information:

Details Required	Example of evidence/details required
Brief background	Paying parent and receiving parent names, number of QCs, intial effective date
Details of relevant assessments/payment instructions	Date when paying parent was advised of appeal rights, current OGM weekly liability and details of any disputes and reconsiderations

Payments not made and legal action	Dates and total amount of arrears, details of CMEL7000(a) or (b) legacy debt, issued to paying parent
Details of LOs	Date and court where LO granted, amount and period of LO
Details of levying distress	Date bailiff instructed, amount of times and dates of attempted and successful recovery
Details of County Court action	Date and court name where Charging Order was obtained and property address owned by paying parent
Evidence of paying parent's ability to pay	Evidence that the paying parent has the means to pay e.g details of any CRA checks uncovering current loan payments, details of current monthly earnings
Evidence of wilful refusal/culpable neglect	Details of contact with paying parent and response e.g. too busy, calls not returned, refusal to pay
Outstanding arrears	Details of amount paying parent owes under LO, further arrears accrued and OGM liability



Ensure the accuracy of quoted amounts and dates and that the CMEL9293 is accompanied by copies of corresponding documents referred to in the statement e.g. Initial Assessment notification, CMEL7000 (a) and (b), LO, Bailiff report, Final Charging Order, CRA check or earnings details source, contact notes and any other relevant correspondence.

CMS 2012 and CMEL7207 should be used to confirm additional information required for completion of CMEL9293.



Presenting Officers (PO) must cross check information contained in CMEL9293. This can be done on CMS via SSST.

CMEL9183 - Application for a court hearing

Generic CPO letter to accompany application for court hearing.

Enter the type of application in the add type of application free text field.

Enter the GB legal entity or court in the enter GB legal entity or court free text field.

Enter either an interim order or a summons in the interim order or a summons free text field.

Enter whether or not fee has or will be paid and how it will be done in the whether or not fee has or will be paid and how it will be done free text field.

CMEL9194/9195

Report on Hearing

CMEL9198 - Please withdraw action application

Tell solicitor to withdraw action application/that we've withdrawn application.

Under the sub heading 'Action to recover child maintenance arrears' enter the enter details of action in the details of action free text field and select one of the following:

- If we would like the solicitor to withdraw, use paragraph 'If we would like the solicitor to withdraw'
- If we are withdrawing ourselves, use paragraph 'If we are withdrawing ourselves'

Enter the date the NRP was notified in the date NRP notified free text field.

CMEL9190 - Action update. We have applied to court to...

Tell NRP that we're applying for sanction action

Under the sub heading 'We have applied to court to disqualify you from driving or to commit you to prison' enter the name of the court the LO was granted in the name of court - D1206 - where LO granted free text field.

Enter the name of the court where the hearing is taking place in the enter name of court free text field.

Tell paying parent that we're applying for sanction action

CMEL7288 - Please excuse personal service

Instruct Bailiff to execute personal service

CMEL7226 - You have failed to comply with a suspended warrant

Related items

[Appeals](#)

[Case Routing - Enforcement](#)

[CMG Appeals](#)

Letters (Outbound) - Off system

Terminology Changes

Variation Order