



Enforcement Charge - Apply

A paying parent is subject to a fixed, enforceable charge if the Child Maintenance Group (CMG) take any of the following enforcement actions:

- Deduction from earnings order (DEO) - £50.00
- Deduction from earnings request (DER) - £50.00
- Regular deduction order (RDO) - £50.00
- Lump sum deduction order (LSDO) - £200.00
- Liability order (LO) £300.00



Charging applies for each action. i.e. if you apply for a liability order and later obtain paying parent bank details and seek an LSDO you would still apply the £200.00 charge for the LSDO.

This action is completed by enforcement case managers in all areas.

The charge is applied at the beginning of the enforcement process.

The charge does not apply to CSA arrears. However if the debt subject to enforcement action includes an element of CMS arrears the charge is applied.

If the DEO is split between more than one employer, then the charge is only applied once.

Any fees awarded by the court are additional to the enforcement charge applied by CMG and must be applied for separately. Please see the procedure for [Apply Costs](#) for more information.



Before taking enforcement action, give consideration to the impact of the added charge on the total amount applied for. Minimum enforceable amounts should be observed in all cases.

For more information on enforcement charging and please refer to the procedure for [Civil Enforcement Overview](#)

This procedure guides you through the steps to take to apply or associate an enforcement charge.



When speaking to clients always use the new terminology - for more information refer to [Terminology changes](#) in related items.



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.

Case manager action



Enforcement Charges should not be applied for cases undergoing a Segment 5 compliance opportunity. Where a Segment 5 compliance opportunity is in progress, return to the procedure you were directed from and continue without taking enforcement charge actions.

Create a new charge



The following steps take place within the activity plan of the enforcement action you are completing. For each enforcement action they appear in the following activity plans:

- Liability order - Magistrates court: **Prepare mag file**
- Liability order - Sheriff court: **Prepare SC file**
- RDO -Set up: **RDO frequency/amount**
- DEO/DER - Set up: If applying a charge for DEO or DER proceed to **Step 3**
- LSDO - Set up: **Interim LSDO stage**

The CMS automatically presents the appropriate charge for the action you are taking (e.g a charge of £300.00 is presented for Liability Order (LO) action).



For a top up Liability Order a further charge is not applicable, however the CMS will prompt you to apply a £300.00 charge. When completing a top up LO, proceed with **Steps 1 to 7** to apply the charge, then refer to the procedure for [Enforcement charge - Reversal](#) to remove it.



If a Paying Parent changes between an enforced DEO and DER, without any break in payment (e.g if they leave the armed forces and start a civilian job, having advised us of the change) a further £50.00 charge is not applicable. However, the CSM will see this as a new deduction and present a fresh charge. When completing a change to DEO directly from a DER, or to a DER directly from a DEO, proceed with **Steps 1 to 7** to apply the charge, then refer to the procedure for [Enforcement charge - Reversal](#) to remove it. Similarly, if a paying parent advises the CMG of a change of employer there will be no further charge for re-issuing an enforced DEO.



If applying a charge for a DEO or DER following the end of a Segment 5 Compliance Opportunity, complete **Steps 3 to 5**.

A system pop up message will warn that applying the £50.00 charge is to be considered when an enforced DEO is imposed on the paying parent and the charges have not been applied. The warning message "This SR (Payments - Setup Mandatory DEO MOP) is chargeable. Please apply charges to the SR" will still allow the DEO to proceed without applying a new charge if appropriate.

- To apply a new charge continue to **Step 2**. To associate an existing enforcement charge to more than one enforcement action go to **Step 8**.
- Select the activity plan line **Caseworker applies Charge** if charging is active.
- Navigate to the **Charges** view within **more tabs** and from the dropdown, select **Check charges**. This will allow you to check if there are any previous enforcement charges, and at this point the CMS will present the charge that is applicable for the action you are taking.



If a DEO/DER is not marked as mandatory the **Check Charges** button is not enabled.

- Once you have checked the **Charge history** and are satisfied that a charge is applicable, return to the **Charges** view and update the **Existing charge** field as appropriate:

Yes - when selecting a previous charge
No - When you are creating a new charge

- The **From Account Number** automatically self populates. Select **Save**.
- Select **Apply Charge**, then return to the previous procedure you are completing to continue enforcement action.

Associating an existing charge

- It is possible to associate a single enforcement charge with more than one action. For example, when you are taking multiple actions that only need to have a single charge applied, e.g. a deduction from earnings order (DEO) that covers multiple employers.



The CMS does not allow a previous LO charge to be associated to a subsequent action. A new LO period is always chargeable. However the charge does not apply to a top up LO. Refer to the procedure for [Civil Enforcement Overview](#) for more information on when a charge is suitable.

- Select the paying parents **Contact** screen and then check **Charge History** via the more tabs dropdown.



A list of all previous charges will now be shown, ensure you note the relevant previous charge.

- Return to the **Method of Payment From - DEO SR** and select the **Charges** tab.
- Select the **Check Charges** button, this will then enable the **Existing Charges** field.
- Within the **Existing Charges** field select **Yes**. This will generate the **Charge Reference** field.
- Select the **Charge Reference MVG** button to list of all previous charges and select the relevant charge as identified in **Step 9**.
- When you are associating a charge select **Save**.



A BaNCS message will now appear to state **Not Sent due to Referenced Charge**. The charge has now been successfully associated.

Send a revised collection schedule

- As the case/s debt balance has changed as a result of the enforcement charge, send a new liability schedule to the Paying Parent.
 - When completing a DEO or DER return to the originating SR to complete that action. A collection schedule will be generated along with the notifications to the paying parent's employer once the action is completed. Refer to [DEO - Enforced](#) or [DER - Enforced](#) for further guidance
 - When completing a Liability order send a new schedule once the letter CMEL7003 has been sent to the paying parent, and the 10 day Wait period for them to make payment has expired. Refer to [Liability Order - Magistrates Court](#) or [Liability Order - Sheriffs Court](#) for further guidance.

Apply Costs
 Arrears (negotiated payment schedule) - Calculate
[Civil Enforcement Overview](#)
[DEO - Enforced](#)
[DER - Enforced](#)
[Enforcement charge - Reversal](#)

[Liability Order - Magistrates Court](#)
[Liability Order - Sheriffs Court](#)

[Terminology changes](#)