

## Freezing Order

Where there is a risk of asset disposal or removal from jurisdiction (i.e. the United Kingdom) in order to avoid paying child maintenance, the Child Maintenance Group (CMG) can freeze the paying parent's assets to stop them. Freezing orders can be granted across a range of the paying parent's assets. They cannot however be granted on assets that are being disposed of in the course of the paying parent's business.

The purpose of a freezing order is to prevent the paying parent from selling the asset to avoid paying child maintenance. The strategic intent behind the CMG possessing this power is to act as a deterrent; to make the legal profession aware that the CMG has these powers and enable them to advise their clients.

The enforcement case manager must obtain an approximate value of the asset/s, using the services of specialist investigative officers if necessary.



The collective value of the asset/s has to exceed £3,000 before a freezing order can be applied for.

The enforcement case manager must establish the jurisdiction of the asset/s to ensure that action can be taken.



Where the paying parent resides in England and Wales but has an asset in Northern Ireland (e.g. a holiday home), the CMG cannot take enforcement action against that asset. The reverse of this is also true – where a paying parent resides in Northern Ireland, the CMG cannot take enforcement action against an asset in England and Wales.

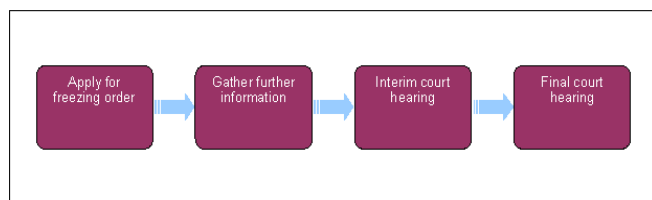
After the asset/s have been frozen they will still be in the paying parent's possession, and further debt recovery enforcement action can progress. The paying parent can either appeal or seek a variation to the freezing order. If the freezing order is unsuccessful, the case manager determines the next best course of action.

The enforcement case manager is supported by the judicial review and litigation team (JR team) who will offer advice and guidance to progress the case and review the application prior to referral to solicitor.



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: [Freezing Order](#)

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.

### Apply for freezing order



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](#).



#### Case manager

1. Review the case history. Look at the details of all actions completed previously, the arrears amount and also the caseworker notes on why the relevant action was taken. Select the **Go To Contact** button to view the **Contact Summary**, to locate all the previous actions for the paying parent. Specifically check to see that the paying parent's **Asset** screen has been completed with details of the asset for which you want freezing order action to go ahead. After considering all the information, make your decision on whether the freezing order action is appropriate.

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

2. Check the paying parent's address in the **Contact Summary**. Ensure that the paying parent lives within England, Wales or Northern Ireland.
3. Create a service request (SR) with:

- **Process = Enforcement**
- **Area = Take Enforcement Action**
- **Sub Area = Freezing Order**

4. Update the **Status** to **In Progress**. An activity plan will generate.
  5. Perform the validations listed in the activity plan:
    - Check the exact amount of arrears outstanding on BaNCS
    - Consider the welfare of any child/ren in the case and record your decision to continue in **Update Child Welfare Details – Reason**. The decision to apply for a freezing order 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** refer to Policy, Law and Decision Making Guidance .
    -
- Associate the relevant asset/s to the Freezing Order SR. In the **Contact Asset** view, highlight the relevant asset and select **Promote To SR**.
-  Use the Asset view to record assets on the system. Use the **Contact Asset** view to associate an asset to your enforcement SR. When recording assets, only use the data fields under the applet name. Don't use the menu next to **Asset Type**.
- We do not send a letter to the receiving parent at this stage as we do not want to jeopardise the enforcement action by inadvertently making the paying parent aware of the action. 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
6. Ask your team leader to carry out a preliminary check of the evidence and authorise Freezing Order action. This is a manual step as this particular authorisation isn't built into the system.

### Team leader

7. Complete a preliminary check of the evidence and decide whether Freezing Order action is appropriate. Once you've done this, record your decision in the SR **Notes**, and explain this to the case manager. This is a manual step as this particular authorisation isn't built into the system.

### Case manager

8. Continue this process once your team leader has completed their preliminary check.
  - To continue with the freezing order, select the activity plan outcome **Continue** and update the Activity Plan with the reason for your decision. Go to **step 9**
  - If it is not appropriate to continue with the freezing order, select the Activity Plan outcome **Exit** and update the activity plan with the reason for your decision. Close the SR.
9. Review the evidence available for the action. This may be correspondence from the receiving parent or relevant third party, Land Registry documents, etc. Guidance on accessing the Her Majesty's Land Registry site can be found [here](#).
10. Decide whether you need any further information:
  - To gather further information go to **step 24**. Then return to **step 11**.
  - If further information is not required, go to **step 11**.
11. Decide whether there is any evidence that disposal of the paying parent's asset is imminent. For example, a "For Sale" sign outside a house:
  - If there is not enough evidence for the disposal being imminent, select the activity plan outcome **No Evidence**, update the activity plan with your comments and close the SR.
  - If there is enough evidence for the disposal being imminent, select the activity plan outcome **Evidence** and go to **step 12**.
12. Select **Update Form/Document** above the activity plan to access **Enforce Forms**. Update **Evidence Supplied** with the source of your evidence. Then consider whether the asset value exceeds £3,000 and the debt value exceeds £3,000. This is the minimum value of assets and debt considered to be appropriate for freezing order action. Investigative officers are used at **step 10** to gather any further evidence if it is not clear what is the advertised price on the asset for sale:
  - If either the asset value or the debt value does not exceed £3,000, select the activity plan outcome **Does Not Exceed**, update the activity plan with your comments and close the SR.
  - If both the asset value and the debt value separately exceed £3,000, select the activity plan outcome **Exceeds**, update the activity plan with your comments and go to **step 13**.
13. If you are going to proceed with the freezing order and do not yet have a liability order (LO), then apply for a LO in parallel. For more information refer to [Liability Order - Magistrates Court](#).
14. Record the arrears balance for the debt period by updating the following fields in **Enforce Forms**:
  - **Balance Due** - the arrears balance for the LO debt period.

- **Debt Period Start** - record **01/01/3000** to enable progression through the system
- **Debt Period End** - record **01/01/3000**



Balance due today is defined as 'The amount of debt at application date for a defined debt period'. This will be the sum of debt (arrears) for which you are making a LO application for. Use the debt period and amount that has been defined for the LO. In the instance where one LO is already in place and our intention is to apply for a second LO, the debt period for the freezing order would be: the start date of the debt period for LO1 and the end date of the debt period for which we are about to apply.

15. Generate letter CMEL7332 to be sent out to the judicial review and litigation team (JR team). Complete the CMEL7332 with details of the freezing order application and select **Link To SR** to link it to the current task item.
16. Link any relevant documents to the CMEL7332 to be sent out to the JR team. Check the Documents and Evidence screens to highlight any relevant items and select **Link To SR**.



Ensure you link copies of notifications to the paying parent of the debt outstanding, as we need to demonstrate that the paying parent is aware of the debt.



Some examples of relevant documents to include are:

- Valuation of the asset
- Advertisement of the asset for sale
- Estate agent details concerning the asset for sale

17. Send the CMEL7332 freezing order application pack including the relevant documents to the JR team for approval.  
 Send the pack by email - the SR and the case ownership remains with you, it is not transferred to the JR team.
18. Send an authorisation request to your team leader by changing the SR status to **Pending Approval** and the sub status to **Pending Approval Team Leader**. This will prompt your team leader to arrange a conference call with the JR team to discuss the case.

19.

Prepare a case file to keep hard copies of all the relevant letters and documents.

### Team leader action

20. When you receive an **Approval** SR, allow three days for the JR team to review the application pack sent by the case manager. Arrange a conference call between yourself, your enforcement area manager and the JR team to discuss the case.

21.



Discuss the freezing order application with the JR team and the enforcement area manager. The JR team will decide whether to grant approval to continue with the freezing order. Once you've discussed the application, update the case manager on the outcome.

### Case manager action

22. Take the following action depending on the JR team's decision:
  - If the JR team reject the freezing order application, select the Activity Plan outcome **Rejected**. Update the activity plan with the reason/s why the freezing order application has been rejected, update **Rejection Reason** in **Enforce Forms** and close the SR.
  - If the JR team request further information, select the activity plan outcome **More Info Needed**. Update the activity plan with the comments on what info is needed to gather information, then go to **step 23**.
  - If the JR team approve the freezing order application go to **step 32**.

### Gather further information


23. Complete **steps 24-31** if you need an investigative officer (IO) to gather information. If you don't need to gather further information refer to **step 32**.
24. Select the activity plan outcome **Initiate** against the **Initiate Investigative Action** SR activity. The system will create a new SR with:
  - **Process = Enforcement**
  - **Area = Use Specialist Services**
  - **Sub Area = Investigative Action**

25. Assign the investigative action to an investigative officer. For more information refer to **Investigative Action** in related items.



The investigative officer will work through the task list and you can view the updates. Once the findings are obtained, the **Investigative Action** SR will be closed.

26. Review the activities performed by the investigative officer as well as the findings submitted to ensure the information available is sufficient to proceed.

27. Update the CMEL7332 freezing order application pack with the information gathered by the investigative officer. Link any new relevant documents to the application pack.
28.  Send the CMEL7332 updated freezing order application pack, including the relevant documents to the JR team for approval.
- 29.

Update the case file with hard copies of the CMEL7332 updated application pack and relevant documents. Ask your team leader to approve the updated application as detailed in **step 18**.

#### Team leader action

30.






Discuss the freezing order application and the further information gathered, with the JR team and the enforcement area manager. The JR team will decide whether to grant approval to continue with the freezing order.

#### Case manager action

31. Take the relevant action depending on the JR team's decision. Refer to **step 22** for more information.

### Interim court hearing

32. Once the JR team has approved the freezing order application, change the SR **Status** to **In Progress**. Select the activity plan outcome **Approval Granted**.
33.  Send the CMEL7332 updated freezing order application pack including the relevant documents to the DWP litigation team using the internal courier. Set a **Wait** period of seven days to allow time for the hearing date to be arranged.
-  The DWP litigation team will be responsible for arranging the court hearings.
34. When the DWP litigation team contacts you, record the hearing details on the system. Select the relevant court using **3rd Party Account** within **SR Information**. Once completed, this will enable you to update **Select Court Name** in **Enforce Forms**. When you're ready, update **Select Court Name**. Then record the hearing in **Hearing Records**.
35. Contact the specialist services support team to arrange a court presenting officer (CPO) to attend the interim court hearing to support the litigation team.
36. Set a **Wait** period to the day of the court hearing. Set the SR **Status** as **Pending**. You will be on standby on the date of the court hearing to answer any questions the judge may have, and the CPO will advise you of the outcome.
37.  If the due date passes and you haven't received an update on the outcome, contact the CPO to find out the status of the freezing order application.
38. You will receive contact from the CPO regarding the outcome of the interim court hearing for the freezing order application. Record the updates received onto the **Freezing Order** form.
39. Update the activity plan with the outcome from the court hearing:
- If the court did not grant the freezing order, select the activity plan outcome **FO Not Granted**. Update the **Reason** field with your comments and go to **step 40**.
  - If the court granted the freezing order, select the activity plan outcome **FO Granted**. Update the **Reason** field with your comments and go to **step 42**.

40.





Discuss the reason/s why the freezing order was not granted and any grounds for appeal with the litigation team and the enforcement area manager:

- To appeal against the court decision, go to **step 41**
- To accept the court decision, go to **step 60**

41.

Initiate the **CMG Appeal** process. Once the **CMG Appeal** process is complete you will return to the **Freezing Order** SR to:

- Continue with the freezing order at **step 42**
- Apply costs at **step 60**
- Close the SR

42.  Send letter CMEL7333 to inform the receiving parent of the freezing order action. Call the receiving parent to explain the action we are taking and be clear and realistic about how long legal action could take.
43.  Issue letter CMEL7331 to the third party who the asset is associated with to inform them that an interim freezing order has been granted.

## Final court hearing

44.  Call the paying parent to inform them of the order:
-  If the telephone call is successful, record the telephone conversation and post the notice to the paying parent.
  - If the telephone call is not successful, arrange a bailiff to serve the notice in person.
- To serve notice correctly you must include:
- Covering letter CME7330
  - Copy of freezing order from the court
  - Originating summons – equivalent of CSF1141
  - Affidavit of service – equivalent of FL415
  - Acknowledgement of service – equivalent of CSF1142
-  In England and Wales, the order can be served in person by a bailiff or by post. In Northern Ireland the order is served by post
45. The notice must be served successfully to the paying parent in order to progress to the final court hearing. Record whether the final hearing can progress:
- If notice has been served successfully, select the activity plan outcome **Yes** - to arrange CPO court attendance go to **step 47**
  - If notice cannot be served and freezing order action must cease, select the activity plan outcome **No** to apply costs go to **step 60**
  - If freezing order action must cease and another enforcement power would be more appropriate, select the activity plan Outcome **Initiate Case Routing** and go to **step 46**
46. Initiate the **Case Routing - Enforcement** process. Once you have worked through the **Case Routing - Enforcement** process you will return to the **Freezing Order** SR to:
- continue with the freezing order at **step 47**
  - apply costs at **step 60**
  - Close the SR
47. Contact the specialist services support team to arrange a CPO to attend the court hearing to support the litigation team.
48. Set a **Wait** period to the day of the court hearing. Set the SR **Status** as **Pending**. You will be on standby on the date of the court hearing to answer any questions the judge may have, and the CPO will advise you of the outcome.
49.  If the due date passes and you haven't received an update of the outcome, contact the CPO to find out the status of the freezing order application.
50. The CPO will give you the outcome of the final hearing for the freezing order application. Update **Hearing Records** and the following fields in **Enforce Forms**, where relevant:
- **Court Decision Date** - the date of the court's decision
  - **Application Outcome**
  - **Date FO Served**
  - **FO Application Number** - the identification number allocated to the freezing order by the court
  - **End Date for Order** - when **Application Outcome** is **Granted** - the end date when an order is awarded for a specific time period
  - **Cost Awarded** - record whether the court has awarded costs
51. Update the activity plan with the outcome from the final court hearing:
- If the court adjourned the freezing order, select the activity plan Outcome **FO Adjourned** and update the **Reason** field with your comments. Go to **step 24** and gather further information to satisfy the court then return to **step 47** to arrange the final hearing
  - If the court did not grant the freezing order, select the activity plan outcome **FO Not Granted** and update the **Reason** field with your comments. Go to **step 60** to apply costs
  - If the court granted the freezing order, select the activity plan outcome **FO Granted** and update the **Reason** field with your comments.
52. Consider whether the court decision is a consequential direction:
- If no consequential direction was given, go to **step 53**
  - If consequential direction was given, initiate the relevant enforcement procedure




A consequential direction example would be where the judge directs that a liability order should be obtained within a certain time frame. The freezing order is granted for a certain period of time to allow the case manager to undertake any appropriate actions against the asset (usually property). So, a liability order would be the most likely directions that the judge would recommend.

53. Set a **Wait** period to monitor compliance with the order. Set the SR **Status** to **Wait**.
54. If the paying parent breaches the order, check to see if the paying parent has applied for a variation:
- If the paying parent has not applied for a variation, go to **step 60** to apply costs
  - If the paying parent has applied for a variation, go to **step 55** to process the variation




A variation example would be where the paying parent requests that the freezing order is made against a different asset. The variation application would be made to the court, and the court would notify us that the paying parent had applied for a variation.

55. Update the CMEL7332 freezing order application pack with the details of the variation. Link any new documents to the application pack.
56.  Send the CMEL7332 updated freezing order application pack including the relevant documents to the litigation team to handle the variation.
57. Update the case file with hard copies of the CMEL7332 updated application pack and relevant documents.
58. Set a **Wait** period to hear back from the litigation team. Set the SR **Status** as **Wait**.
59. You will receive inbound contact advising you of the court outcome. Update **Freezing Order** form with the court outcome.
60. Apply any costs to the paying parent's debt. For more information refer to **Apply Costs** in related items.



The CPO will request costs to cover the application at the final hearing. This step is optional, depending on whether costs have been granted against the paying parent in this procedure.

61.  Send letter and call the receiving parent to inform them of the final outcome of freezing order action:
- CMEL7334 informs the receiving parent that a freezing order has been granted and what this means. Call the receiving parent to explain the successful outcome of the freezing order action and explain what action we will proceed with, e.g. liability order and order for sale. Be clear and realistic about how long legal action could take
  - CMEL7335 informs the receiving parent that a freezing order has not been granted and what this means. Call the receiving parent to explain the unsuccessful outcome of the freezing order action and explain that we will look again to see what further action we could take and we will keep them updated. Bear in mind that the receiving parent may be struggling financially and they may be very disappointed with this outcome.
62. Review the activity plan to confirm that all of the activities required for this process are complete. The enforcement case manager will now proceed with **Case Routing - Enforcement**.

For land registry guidance in NI, go to [http://www.dfpni.gov.uk/lps/index/land\\_registration-2/the\\_land\\_registry.htm](http://www.dfpni.gov.uk/lps/index/land_registration-2/the_land_registry.htm)

#### CMEL7330 – Action Update – Freezing order granted

Letter to paying parent to advise interim Freezing order has been granted and provide the date of the final hearing.

Under the sub heading 'Freezing order granted' complete all of the relevant free text fields.

Under the sub heading 'What happens next' input the name and address of the court in the free text area.

#### CMEL7331 – Freezing order granted

Tell third party interim freezing order granted – no final hearing.

Under the sub heading 'Freezing order granted' complete the relevant free text fields.

#### CMEL7332 Letter sent to accompany documents issued to solicitor

Off system letter.

#### CMEL7333 – Your child maintenance update – Freezing Order action

Letter to receiving parent to advise that we have an interim Freezing Order and what this means / manage expectations.

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

#### CMEL7334 – Your child maintenance update – Freezing Order granted

Letter to receiving parent to advise final Freezing Order granted, what this means and manage expectations.

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

#### CMEL7335 – Your child maintenance update – Freezing Order not granted

Letter to receiving parent to advise that final Freezing Order has not been granted and manage expectations.

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

Admin Account - Add To  
Apply Costs  
Case Routing - Enforcement

Charge For Payment  
CMG Appeals  
Enforcement Action - Consider (E and W)

Enforcement Action - Consider (NI)

Enforcement Action - Consider (Scotland)  
Investigative Action

Letters (Outbound) - Send To Client

Liability Order - Magistrates Court

Order For Sale  
Set Aside Disposition Order

Terminology Changes

What is a freezing order?

A Freezing Order will prevent the paying parent from disposing of any asset/s, the removing assets from jurisdiction or any dealing in the assets.

What is the minimum amount of assets that can be frozen?

The collective value of the asset/s has to exceed £3,000