



## Interim Attachment

An interim attachment is applied for at the same time as a liability order (LO) application or at any time prior to an LO being granted, when the case manager has strong reason to believe that a paying parent will dispose of any moveable assets before the liability order will be granted.

This action will be taken by case managers within Scottish enforcement.

An interim attachment is valid for six months from the day the LO is granted, or until the day an attachment is granted if that is sooner.

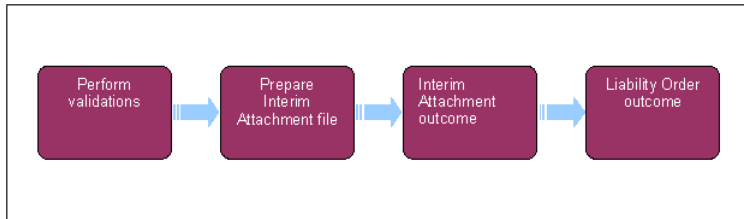


Enforcement Service Requests (SR) and Activity Plans (AP) are supported by an underlying data form, in which the enforcement case manager can record specific details as the action progresses. The complete data form for this process may be found here: [Interim attachment](#)

For more information on apply costs refer to the Policy, Law and Decision Making Guidance. 



Existing business processes should be followed if a Liability Order has previously been granted on any CSA system. For more information refer to the [Enforcement/Liability Order Actions - Check CSA](#) procedures. All Segment 5 cases with previous CSA Legal Enforcement action will automatically generate an SR which will be managed by the 1993/2003 Rules Reassessment team who will build the Liability Order. For more information refer to [Enforcement Transition Part 1](#) and [Enforcement Transition Part 2](#) from [Fundamentals](#).



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.

### Perform validations



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](#).



Due to the nature of the interim attachment action the paying parent will not be contacted prior to the application to the Sheriff Court, as this would increase the risk of them moving or disposing of any assets.

1. Create a new service request (SR):




- **Process = Enforcement**
- **Area = Take Enforcement Action**
- **Sub Area = Interim Attachment**

2. Confirm that the paying parent falls into the correct jurisdiction for this action (i.e. that they are habitually resident in Scotland). Update the SR **Status** to **In Progress**. If you cannot confirm jurisdiction add an explanatory Note and select **Exit**. Go to **step 17** to manually close the SR.




3. The system will present an activity plan of standard validations which may be completed in any order. Select **Exit** and proceed to **step 17** to manually close the SR if you cannot complete any of the validations.



- **Verify Arrears Outstanding:** Check the exact amount of arrears outstanding. Select **Go to Contact**, navigate to the **Financial Accounts** screen, drill down on the **account number** and view the **Payment Schedule** tab. Check the value in the **Total Arrears Balance** field.

- **Consider Welfare Of Child/ren:** This 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 **Update Child Welfare Details - Reason** refer to Policy, Law and Decision Making Guidance .
-  **Letter - Outbound:** Issue letter CMEL9242 to advise the receiving parent of the Child Maintenance Group's (CMG's) intention to apply for an interim attachment  
 Note, letter CMEL9242 is an off system letter, however a letter must be generated to enable you to progress this SR. Generate a blank freetext letter CMEL9271 on the system in order to progress the SR. Xerox will remove and blank CMEL9271 letters before they are issued.
- **Add/Validate Asset:** Select the required paying parent assets from the **Contact Asset** view and associate them with this activity plan
- **Decide Next Steps:** Select **Continue**



If you select Continue the system will automatically present the next activity plan to prepare the interim attachment file.

 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**.

### Prepare interim attachment file




4.  Send covering letter CMEL9244 to the CMG's contracted solicitors along with letter CMEL8094, detailing specific paying parent asset/s the CMG wishes to have interim attached. You may make the interim attachment application at the same time as the liability order (LO) application For more information refer to [Liability Order – Sheriff Court](#).
5. Add a text note to record your reasons for applying for an interim attachment. Update the SR **Status** to **Pending** and set a **Wait** period of 28 days for a response to be received from the solicitor.
6.  Call the contracted solicitor for an update if no response has been received after the Wait period. Set a further **Wait** period if necessary.

### Interim attachment outcome




7.  Send letter CMEL8095 to the receiving parent if the interim attachment is granted. This letter also advises the receiving parent that you are still awaiting the outcome of the LO application. Update the activity plan as follows:
  - **Interim Attachment Granted = Granted**
8. Set a Wait period of 21 days pending the outcome of the LO hearing then go to **step 10** if the LO is not subsequently granted or to **step 12** if it is granted.
9.  Send letter CMEL8090 to the receiving parent if the interim attachment is not granted. This letter also advises the receiving parent that you are still awaiting the outcome of the LO application. Update the activity plan as follows:
  - **Interim Attachment Granted = Not Granted**

Go to **step 16** to apply costs and manually close the SR.

### Liability order outcome

10.
  -  Send letter CMEL9241 to the receiving parent if the LO was not granted and, as a result, the interim attachment is cancelled.
  -  This letter is issued from within the **LO - Sheriff Court** SR.
  -  When speaking to the receiving parent at this stage, consider that they may be frustrated what this action has failed. Explain to them the further powers that the CMG can use to recover the paying parent's debt.
11. Update the activity plan to reflect the outcome:
  - **LO/ALO Granted = Not Granted**

Proceed to **step 16** to record costs and manually close the SR.

  -  The contracted solicitor will cancel the interim attachment if the LO is not subsequently granted. You do not need to take any action to cancel the interim attachment.
12.  Send letter CMEL8091 to the receiving parent if the interim attachment and LO have been granted. The receiving parent should already have received letter CMEL8095 if the outcome of the LO application was pending. In the event that the LO and interim attachment are granted at the same time, issue letter CMEL8091 only.
13.  Send letter CMEL8093 to the Sheriff Officer, instructing them to execute the attachment.

14. Update the activity plan to reflect the outcome:

- **LO/ALO Granted = Granted**
- **Add/Validate LO details = Associate The Liability Order With This Action.**

Proceed to **step 16** to apply costs and to manually close the SR.

15. Select **Update form/document** to navigate to the **Enforce form** and update the fields for **Final Outcome Date, IA Outcome Date, IA Granted, IA Value, Articles Attached, LO Granted** and **Current Arrears Bal on LO**.



The **Articles Attached** field refers to the attached assets and is a freetext field.

### Apply costs

16. Access the **Costs** applet and input any costs associated with the interim attachment.



This step is optional, depending on whether costs have been granted against the paying parent in this procedure. Please refer to **Apply Costs**.

17. To complete the process manually close the work item by updating the SR as follows:

- **Status = Closed**
- **Sub Status = Completed**

#### CMEL8090 Your child maintenance update – interim attachment not granted

Interim attachment has not been granted.

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

#### CMEL8091 Your child maintenance update – interim attachment...order granted

Interim attachment granted - and LO is now granted too Scotland .

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

#### CMEL8093 Instruct sheriff officers to execute interim attachment order

Instruct sheriff officers to execute interim attachment order.

Under the sub heading 'Please execute the interim attachment order'

input the details of the asset in the relevant free text field.

#### CMEL8094 Application for an interim attachment

Instruction to sols to apply for an interim attachment.

Under the sub heading 'Interim attachment' enter the name of the court in the Court Name free text field.

Enter the asset details in the asset details free text field.

Enter the reasons for interim attachment in the reasons for interim attachment free text field.

Enter any additional relevant information in the any additional relevant information free text field.

The letter concludes with three optional paragraphs, depending on which course of action you would like the contracted solicitor to follow:

- When the warrant to interim attach is granted and you require the client to forward the relevant documentation to allow sheriff officers to be instructed, use paragraph 'Option 1'
- When the warrant to interim attach is granted and you require sheriff officers to carry out the interim attachment and also require them to provide you with the necessary documentation on completion of the interim attachment, use paragraph 'Option 2'
- If the court makes an order refusing the warrant to interim attach, and you require the relevant documentation and report to be provided, use paragraph 'Option 3'

#### CMEL8095 Your child maintenance update – interim attachment granted

Tell receiving parent that interim attachment is granted but the LO isn't granted yet.

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

#### CMEL9241 Your child maintenance update – interim...not granted

To receiving parent - enforcement update - interim attachment cancelled as liability order not granted

Under the heading 'Your child maintenance update' enter the date of the outcome in the free text field.

[CMEL9242 Your child maintenance update - application for interim attachment](#)

Off system letter

[CMEL9244 Request to execute an interim attachment \(No LO\)](#)

Request to solicitors to execute an interim attachment (No LO)

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

[Admin Account - Add To.](#)

[Apply Costs](#)

[Attachment](#)

[Liability Order – Sheriff Court](#)

[Terminology Changes](#)