



## Liability Order Referral - TL

When clients select the collection service the Child Maintenance Group (CMG) will issue a payment schedule to the paying parent and the receiving parent. When a scheduled payment is missed the CMG always take action.

Caseworkers in the maintenance service decide the appropriate arrears action. Enforcement methods are considered in the following order:

- Deduction from earnings order/request (DEO/DER)
- Regular deduction order (RDO)
- Lump sum deduction order (LSDO)
- Liability order (LO)

A LO is a legal recognition that a debt is owed. Although it does not force a paying parent to pay, it enables the use of civil recovery actions to recover the debt.

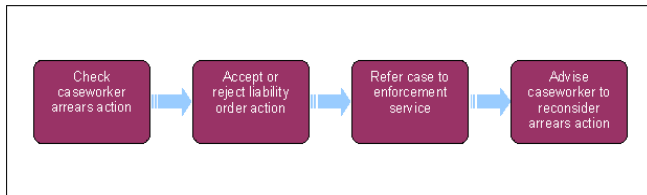
When a caseworker recommends LO action they record this on the system. A team leader (TL) will locate an LO service request (SR) in the work allocation screen to authorise this action before the case is sent to enforcement service.

Where LO action is appropriate the TL will record this on the system and the case will be sent to enforcement service who will take ownership of the case.

Where LO action is not appropriate the TL will return the case to the caseworker, recording the recommended arrears action to take instead.

The purpose of this activity is for a TL in maintenance service to authorise an LO referral and update the system with the outcome.

For more information refer to the Policy, Law and Decision Making Guidance 



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.

### Check caseworker arrears action

1. Locate the Liability Order SR in the work allocation screen with the following values and self-assign if necessary:

- **Process = Arrears**
- **Area = Arrears management**
- **Sub Area = LO**

2. Open the SR and set the **Status** to **In Progress**. Complete the steps in the activity plan.

3. Confirm the arrears action required. For more information refer to **Arrears - Consider Action**.

For more information on authorising an LO please refer to the Policy, Law and Decision Making Guidance 

4. Review the arrears action to ensure that LO action is appropriate. Check that the caseworker has considered the following:

- Confident address held for the paying parent
- Inbound/outbound contact with the paying parent and the receiving parent/s
- Arrears, current balance and agreements in place
- CMSL6038 was sent to paying parent and they have been allowed 7 days to respond. If an arrears notice has been issued there is no need to send another unless the paying parent has made all their payments on time for a consecutive 12 week period and new arrears have then accrued

- Welfare of the child
- Other relevant enforcement methods, deduction from earnings order/request (DEO/DER), disclosure for regular deduction order (RDO) and lump sum deduction order (LSDO)
- Caseworker notes

The list is not exhaustive.

### Accept or reject LO action

5. Update the activity plan to confirm that you have checked the case details and completed due diligence.



Due diligence means that you have checked the case thoroughly as detailed in **steps 3 and 4**.

6. Record whether or not LO action is appropriate.
7. If LO action is appropriate, select the **Resolution code** of **LO Authorised**, then refer the case back to the originating caseworker.
8. If LO action is not appropriate, select **LO Inappropriate** and complete **steps 9 - 10**.
9. Record the reasons why LO is not appropriate in the **Notes** tab and recommend alternative arrears action for the caseworker to take.
10. Refer the case back to the originating caseworker.

#### [Arrears - Consider Action](#)

#### [Arrears Negotiation and Missed Payments](#) [Arrears Overview](#)

#### [Case Routing - Enforcement](#)

#### [Civil Enforcement Overview](#)

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

#### [Liability Order - Register in County Court](#)

#### [Liability Order - Register With The Register of Judgement, Orders and Fines](#)

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

#### [Missed Payment - Collections](#)