



## Liability Order - Register In County Court

Registration of a liability order (LO) in the county court system allows the Child Maintenance Group (CMG) to take further recovery action in the county court, including charging orders and third party debt orders.

The aim of this procedure is to guide the enforcement case manager through the production and dispatch of an application pack.

When an LO is registered, the county court will issue an order for recovery of an award. This order forms the basis of any subsequent county court applications.

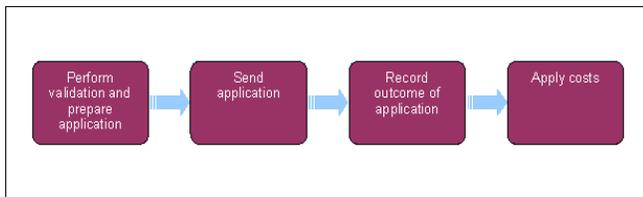
An order for recovery is an order to pay, and some county courts stipulate that a paying parent must be given 14 days or more to pay before further action is taken.

The CMG will only seek an order for recovery if the paying parent has property or assets that would make a charging order or third party debt order worthwhile.

 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](#).

 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: [LO - Register in County Court](#)

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



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

 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



If Paying Parent changes jurisdiction while enforcement action is on-going, caseworker must ensure that the Lock Assignment flag is set. Please see [Case-routing-enforcement](#) for further information.

1. Check the paying parent address in the **Contact Summary**. Ensure that the paying parent lives within England or Wales.
2. Create a **Register LO in CC** service request (SR) using the following selections:
  - **Process = Enforcement**
  - **Area = Take Enforcement Action**
  - **Sub Area = Register LO in CC**
3. Link the SR to the existing **Liability Order - Magistrates Court** SR to which it relates.
4. Update the **Status** of the SR to **In Progress** and the system will automatically generate the first activity plan.
5.  The system will present an activity plan of standard validations which may be completed in any order. Add an explanatory note in the **Update Child Welfare – Reason** field and select **Exit** if you cannot complete any of the validations. Proceed to **step 32** to manually close the SR:
  - Verify Liability Order Arrears Outstanding
  - Update Child Welfare Details

- Letter Outbound – CMEL9301 to receiving parent
- Add / Validate LO - Associate the relevant liability order to the **Register LO in CC** SR. Go to the **Enforcement Actions** view and select **Enforcement Orders** to see any LO's granted against the paying parent. Select **Add**, then select appropriate LO.
- Decide Next Step – Register LO in CC

These validation tasks must all be completed as done before you can proceed with registering the liability order (LO) in the county court (CC). They may be performed in any order.

## Verify outstanding arrears balance

6. In order to complete the **Verify Arrears Outstanding** step in the activity plan you will need to verify the arrears outstanding by taking the following actions:
  - Go to the **Contacts** view
  - Select the **Financial Accounts** tab
  - Select **Enforce Enquiries**
  - Check the **Order Number** field for the relevant **LO reference number**
  - Select **Query**
  - Select the **Order number** and input the **LO reference number**
  - Select **Go** to display all relevant line items for this **LO reference**
  - Select **Total Amount Paid** to view payments against this LO
  - Select **Total LO Amount Outstanding** to view the remaining **LO balance**
  - Also make a note of the costs associated with the LO
7. Note the amount and period of debt for use in completing the data form.
8. If there is no enforceable debt, mark the task as **Not Applicable** and exit the task.
9. The decision to register the LO in the county court 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 **Updated Child Welfare Considerations – Reason** refer to Policy, Law and Decision Making Guidance .
10.  Where applicable issue CMEL9250 to the paying parent accountant for further information about the paying parent.

## Prepare application

11. Identify the county court serving the paying parent's postcode using the court finder facility on Her Majesty's Court and Tribunal Service (HMCTS) website. The HMCTS website can be accessed using the following link: <http://www.justice.gov.uk/about/hmcts>
12. Select the appropriate court from the **3rd Party Account** field in the SR
13. In the SR, select **Update Form/Document** to navigate to the data form specific to the registration process. Record the following information:
  - Register LO in County Court
  - Amount to be registered
  - Arrears balance against LO
  - Sum applied for
  - Sum outstanding
  - Update the **Warning Letter** field to **01/01/3000**
  - Update the **Registration of LO** field to **In Progress**.
  - Set the **Hearing/Court order type** to **Local**
  - Enter the name of the court you selected in **step 12**
14. Complete HMCTS form N322A (application to enforce an award) using the guidance on the HMCTS website. This is a PDF form and can be saved.
  -  Remember to add the application fee to the liability order balance when completing the N322A, and enter the following in the 'Applicants name' section on the form 'The Secretary of State for Work and Pensions: The Child Maintenance Service'.
15. If a local scanning facility is not available, print a copy of the N322A to send for scanning to be associated on the system with the case.

## Send application

16.  Send a copy of the N322A and of the LO and a clerical CMEL9002 covering letter to the selected court. Court will contact SSST for payment.
17. Send an email to the Specialist Services support Team (SSST) at CM 2012 SCHEME South West Specialist Services Support Team to make them aware of the application. Include the client's name, SCIN, the court and the amount of payment that will be due. The SSST will make payment for the action by government procurement card (GPC). Set a **Wait** state of five days to allow the SSST to confirm payment.
18. Select **Update Form / Document** to access the **Enforce Form**, and update the **County Court Date** field.
19. Once SSST contact you, record the payment. refer to the procedure for [Admin account - Add to](#).
20. Set the **Status** of the SR as **Pending** and set a **Wait** state of six weeks, allowing time for the court to respond.
21. Call the court if a response has not been received by the expected date and ask for an update on the current status of the application. Reset the **Wait** state as appropriate.

## Record outcome of application

22. If the application is rejected, record any comments in the text field of the SR and mark the task as **Complete**. The SR will automatically return to the preparation stage to allow a further application.
  -  The application will only be rejected if it has been incorrectly completed.
23. If the application is accepted, an HMCTS N322 order for recovery will be received from the court. In the activity plan, record that the **Registration Is Accepted**.
24. Select **Update Form / Document** to access the **Enforce Form**, and update the **County Court Registration** (claim) **Number** field
  -  The County Court Claim Number is eight alphanumeric characters and must be entered in the following format (0AA00000). If you receive a claim number that is not in this format, enter the default number 0AA00000 into the claim number field then enter the correct claim number into the sr notes field.
25. Set a further **Wait** state for 21 days to allow the paying parent to apply to the court for a variation.

## No variation received

26. Once the variation **Wait** period has expired, select **Update Form / Document** to access the **Enforce Form**, and update the **NRP applied for VO field** to **No**. Go to **Step 29**.

## Variation received

27. The court will send a form N246 to CMG if the paying parent makes an application for a variation order. CMG has 14 days to respond to the court with a decision, using form N245, which the court will have provided a blank copy of. Refer to Policy, Law and Decision Making Guidance for more information about Variation Orders 
28. Consider the paying parent's case history, including factors such as:
  - The amount of debt outstanding
  - Previous compliance history
  - Does the offer represent the best option for clearing the debt

Once you have completed your action, select **Update Form / Document** to access the **Enforce Form**, and update the **NRP applied for VO** field to **Yes**. Go to **Step 29**.

 do not start any other enforcement action while the Variation Order is being considered.

## Complete action

29.  Send letter CMEL9300 to the receiving parent to advise that the liability order has been registered in the County Court. CMEL9300 is a clerical letter, from the dropdown in the activity plan select CMEL 9271. Select **Done** for this step. Please refer to the procedure for [Letters outbound - contingency summary](#) for further details
30. Mark the task as **Complete**. The next activity plan will be presented.
  -  To confirm that the LO has been registered at the county court, view the closed SR's and the information (e.g. county court name and location) will be displayed.

## Apply costs

31. Select appropriate **Cost Type** from the drop down menu and enter the date on which the order for recovery was granted and the amount of **Application Fee**.
32. To complete the process close the work item by updating the **Status** to **Closed** and the **Sub status** to **Complete**.

### CMEL9002 Register Liability Order in the county court

Send Registration file to local County Court for Registration.

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

**CMEL9250 Ask accountant for further information about a paying parent**

Ask accountant for further information about a paying parent .  
Complete the free text areas for point 5 and input any further questions if necessary.

**CMEL9300 Inform Receiving Parent outcome of registering LO in county court**

This is an off-system letter.

**CMEL9301 Inform Receiving Parent registering LO in county court**

This is an off-system letter.

[Admin Account - Add To](#)

[Apply Costs](#)  
[Charging Order](#)

[Letters outbound - contingency summary](#)

[Liability Order Referral - TL](#)

[Liability Order - Magistrates Court](#)

[Terminology Change](#)

[TPDO](#)

[Variation Order](#)