



Maintenance Orders Overview

The purpose of this procedure is to give caseworkers an overview of how to process a maintenance order at the initial application stage.

When the system says court order it is actually referring to either:

- A written maintenance agreement made before 5th April 1993
- A maintenance order made before 3rd March 2003 is still in force
- A maintenance order made after 3rd March 2003, and has not yet been in force for one year

When recording a maintenance order on the system, CMS2012 asks you for court order information. This is where you would enter the maintenance order.

Once the maintenance order has been entered the system will determine whether the maintenance order is less than 12 months old. Where this is the case, the application will end and the client will be issued with CMSL0076 which tells them why the application has been stopped.

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

When Shared Care is either being added to a new application or has been reported as a change of circumstances. A court order specifying overnight care can be considered as acceptable evidence.

 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.

Maintenance Order


Application stage

At the application stage it is important to consider whether a qualifying child (QC) is included within a maintenance order.

A maintenance order is an order awarded by a court that requires a person to make payments for child maintenance.

When completing an application you'll need to determine whether the QC is included in a maintenance order and if so, whether the maintenance order will prevent the application from progressing. If there are more than one QC included in the application, you will need to confirm that each QC is included in the maintenance order.

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

 If you receive a maintenance order and are unable to determine whether the Child Maintenance Group (CMG) has jurisdiction, contact advice and guidance (A&G). This includes maintenance orders issued by a court from outside the United Kingdom.

For more information on referring a case to A&G, refer to [Advice & Guidance - Create Request](#).

To record a maintenance order whilst completing an application you'll need to complete the following steps:

1. Select the **Eligibility** tab to enter the maintenance order information. The system will only let you assign one maintenance order per case, so it's important in cases with more than one QC that you confirm that the maintenance order specifies each QC in the case. Refer to the example below.

 The receiving parent has three QCs, only two QCs are mentioned on the maintenance order. The maintenance order was only issued three months ago. In this scenario, you would end the two QC's named in the maintenance order and not add the maintenance order to the

system. If you were to add the maintenance order to the system it would result in the third QC also being removed from the case and the application being closed.

- From the drop down list select the type of maintenance order that the client has provided. If the maintenance order type is not in the list, select other and record the type of maintenance order provided. If there is an issue with the maintenance order you can contact the issuing court to clarify.



Where the applicant fails to provide information of the maintenance order within a defined period. You will need to decide whether you have enough information to proceed or whether the application needs to close. If the applicant hasn't provided enough information but knows the court in which the maintenance order was granted you can consider contacting the court to attempt to obtain the information. Whether you decide to close the application or continue remember to record your decision in **Notes**.

- Once you have gathered and recorded as much information on the maintenance order as you can, save the record.
- The system will determine whether the maintenance order is less than 12 months old. If it's less than 12 months old the application will close. When the application is closed, CMSL0076 will automatically generate as you save the record. Go to the letter outbound activity and issue this letter to the applicant.



If the maintenance order is within one month of expiring (the court order is 11 months old) the system will display a warning message advising that it will pause the application for one month. You must ignore this and close the application as you would normally with a maintenance order and advise the applicant to reapply once the maintenance order has expired.

- If the maintenance order is over 12 months old, the application can continue and the Child Maintenance Group (CMG) will replace the maintenance order. Return to the application procedure you were in to complete the remainder of the application:
 - [Application - Receiving Parent](#)
 - [Application - Paying Parent](#)
 - [Application - Child in Scotland](#)
 - [Gather Paying Parent Information](#)

Court orders and Shared Care

When considering a shared care dispute, a court order specifying the number of nights QC/s stay with the paying parent can be considered as acceptable evidence. Examples include:

- (Joint) Residency Order
- Contact Order
- (Joint) Custody Order
- Shared Residence Order

This type of court order differs from the ones issued on respect of maintenance. For more information refer to the Policy, Law and Decision

Making Guidance 

For more information on completing shared care disputes on the system refer to one of the following:

- [Shared Care Dispute at Application](#)
- [Change - Shared Care of QC](#)

Notifications of CMS applications to HMCTS where a Court Order is in place

In the UK and Wales, court services have been centralised and all correspondence with the courts should be sent to one of the following addresses:

MEBC - UK (except London)

Address:
Triton House
St. Andrews Street North
Bury St Edmunds
Suffolk
IP33 1TR
MEBC.BSE@hmcts.gsi.gov.uk

MEBC- London

Address:
Central Family Court
First Avenue House
42-49 High Holborn
London
WC1V 6NP
MEBC.London@hmcts.gsi.gov.uk

MEBC - Wales

Address:
Port Talbot Justice Centre
Harbourside Road

Port Talbot
South Wales
SA13 1SB
Wales_MEBC@hmcts.gsi.gov.uk



In Scotland, all correspondence should continue to be sent to the local Courts who continue to have administrative offices for child maintenance cases.

[CMSF0005 Changes to a child maintenance arrangement](#)

Letter to Court to advise that we will be taking over the child maintenance arrangement.

[CMSL0076 Your Child Maintenance Application](#)

Letter to applicant. Send when we cannot continue the application because a court order is already in place

There are five possible reasons why you would issue this letter:

- If a written maintenance agreement made before 5 April 1993 is still valid, use paragraph **TM_00254_E** "Use if a written maintenance agreement that was made before 5 April 1993 is still valid"
- If a court order made before 5 April 1993 is still valid, use paragraph **TM_00255_E** "Use if a court order made before 5 April 1993 is still valid"
- If a court order made after 2003 has been in place for less than 12 months, use paragraph **TM_00256** "Use if court order made after 2003 has been in place for less than 12 months"
- If a court order made before 2003 is still valid, use paragraph **TM_00257_E** "Use if a court order made before 2003 is still valid"
- If there is a court order in place which means we can't accept the application, use paragraph **TM_00258_E** "Use if there is a court order in place which means we can't accept your application"

Once completed review the letter to ensure the correct information is provided.

[CMSL0082 - Court Order cancelled](#)

Letter to client informing them that we have requested the court cancel their court order for child maintenance, where possible under child support law. Use when some or all QC's named in application are covered by the court order.

[Related Items](#)

[Advice & Guidance - Create Request](#)

[Application - Child in Scotland](#)

[Application - Paying Parent](#)

[Application - Receiving Parent](#)

[Change - Shared Care of QC](#)

[Gather Paying Parent Information](#)

[Shared Care Dispute at Application](#)