

Variation Order

A variation order is a county court order/maintenance order to vary the terms of repayment of a liability order. When a liability order (LO) has been registered in the county court, a paying parent may apply in writing to the county court for a variation order.

The purpose of this procedure is to guide the enforcement case manager through the process of accepting or rejecting an application.

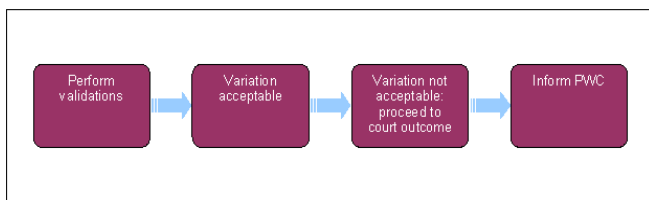
If the Child Maintenance Group (CMG) applies for a charging order or a third party debt order, the paying parent is given 14 days to apply for a variation order.

The court will submit this application to the CMG and the enforcement case manager will consider whether to accept the paying parent's proposal.

If the proposal is rejected, the case manager will respond to the court. A court presenting officer (CPO) may need to present the CMG objections in court. A county court judge will then decide whether to order the CMG to accept a variation.

If the proposal is accepted, or the court makes an order of variation, no further enforcement action can be taken on the relevant LO. The case manager will pass the case to payments to set up a new payment schedule.

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.

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](#).

1. If the paying parent applies for a variation, you will receive a Her Majesty's Court and Tribunal Service (HMCTS) form N245 from the county court containing the paying parent's proposal, and a HMCTS form N246 to be completed with the Child Maintenance Group (CMG) response. The N245 and N246 will be scanned on receipt. You will need to request the original hard copy from the scanning contractors.
2. Select the Variation Order service request (SR) via the following tabs:
 - **Process = Enforcement**
 - **Area = Take Enforcement Action**
 - **Sub Area = Variation Order**

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

3. In the **Variation Order** SR, a list of standard validation tasks is presented. These validation tasks must all be completed before you can proceed through the **Variation Order** SR. They may be performed in any order.
4. Select the **Enforcement Orders** tab to check the outstanding balance on liability order/s (LO/s) on which the variation application is based.
5. Open the **Update Child Welfare** task from the list. 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 **Notes** refer to Policy, Law and Decision Making Guidance .
6. Mark the **Outbound Letter** activity **Done**. There is no requirement to inform the receiving parent at this stage.
7. Select **Add/Validate LO** to display a list of LO/s for the chosen paying parent then select **Add** to associate the LO/s on which the variation application is based.

8. Decide whether to accept or reject the paying parent's offer to repay the debt and record your decision using the **Yes/No** drop-down. Record the reasons for your decision using the **Notes** facility in the Update Child Welfare task.



Consider the paying parent's offer in relation to the CMG policy on repayment of arrears. Take into account the paying parent's current circumstances and discuss with your manager.

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


9. Record the variation order details in **Enforce Forms** by selecting **Update Form/Document** above the activity plan. Then update the following fields:

- **VO Offer Received Date** - the date the variation order was received from the court
- **Notice Period Expiry Date** - the expiry date of the variation order notice period - refer to HMCTS form N245






Leave **CC Order Ref Number** blank as this field isn't in use.

Variation acceptable


10.  Confirm that the offer is acceptable by completing CMEL7023, and the original hard copy of the HMCTS form N246 received from the court. Scan the N246 into the system. Then send both forms to the return address given by the court, within the deadline recorded in the N245.

11. Update **Enforce Forms** with the outcome:

- **Court Outcome**
- **Response Sent Date** - the date you sent the N246 and CMEL7023 to the court
- **Is NRP's Offer Acceptable** - select **Payment Schedule Acceptable**

12.  Issue a CMEL7020 to the paying parent to advise we've received the variation notice from the court and find it acceptable
13. In the **VO Acceptable** activity plan, complete step **Initiate Case Routing - VO** to launch a **Review Case and Decide on Action** SR. Use this SR to set up the new payment schedule once you've completed the remaining steps in the **Variation Order** SR.
14. When setting up the schedule, cancel all enforcement actions relating to the period of debt covered by the variation order. For more information refer to [Case Routing - Enforcement](#).
15.   Send a CMEL7402 to inform the receiving parent that further enforcement action has been suspended. Record the date of issue in **Letter to PWC Date**. Call the receiving parent to explain the circumstances and be clear and realistic about how long action could take.

Variation not acceptable: proceed to court outcome

16.  Confirm that the offer is not acceptable by completing CMEL7024, and the original hard copy of the HMCTS form N246 received from the court. Scan the N246 into the system. Then send both forms to the return address given by the court, within the deadline recorded in the N245. .
17. Inform the court preparation team so that a court presenting officer (CPO) can be allocated to the case.
18. Prepare a file containing the HMCTS forms N245, N246, a copy of the LO file, and any evidence to support CMG's rejection of the offer. This can be done using hard copies or by locally scanning the completed N246 and associating the other documents on the system, bearing in mind the time limit.
19. Send the completed pack to the court preparation team to forward to the appropriate CPO.
20. Cancel or pause any on going or pending enforcement actions such as charging order by manually opening the **Enforcement Case Routing** SR. For more information refer to [Case Routing - Enforcement](#).
21. Open the **Court Presentation** SR and record the date the N246 is returned. The **Court Presentation** SR will then become accessible to the CPO.

Court outcome

22. If the court grants the variation order, the CPO will report this and you will receive HMCTS form N35a from the court ordering the CMG to accept the paying parent's offer of payment.



The CPO will appeal against the court's decision unless there are exceptional circumstances. You may be approached for evidence or information supporting that appeal.



23. When the CPO informs you of the outcome, update the relevant fields in **Enforce Forms**:

- **Court Outcome**
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- **Outcome of court hearing**
- **Response received date** - The date the court responded to the N246

- **First Payment Date** - the date the court ordered the paying parent to make the first payment - use when the variation order is granted

- If the court does not issue a variation order, continue with planned enforcement action.
- If the court issues a variation order, go to **steps 11 to 15** and proceed as if the variation request had been accepted. Then go to step 26.

Inform receiving parent

- There are no recoverable costs to the CMG as the paying parent pays the court fees on application. Mark the **Costs** activity **Done** and exit.
-   Send letter CMEL7025 to inform the receiving parent that we have accepted a variation offer or the court has imposed a variation order. Record the date of issue in **Letter to PWC Date**. Call the receiving parent to explain the variation order and explain that we hope this should make sure that the paying parent pays the full amounts at the right times. Reassure the receiving parent that if the paying parent does not stick to the new payment schedule we will take every appropriate action that we can to get the child maintenance that is owed.

CMEL7020 – Your Variation Request Accepted

Give notice that we've received the variation from court and find it acceptable
All fields in this letter are system generated, no manual intervention is required.

CMEL7023 - We have accepted a variation order

Tell the court that we accept the variation order
All fields in this letter are system generated, no manual intervention is required.

CMEL7024 - We do not accept a variation order

Tell the court that we do not accept the variation order
All fields in this letter are system generated, no manual intervention is required.

CMEL7025 -Your child maintenance payments are going to change

Tell the receiving parent that we accept a variation order from the paying parent
All fields in this letter are system generated, no manual intervention is required.

CMEL7402 - Your child maintenance update – Enforcement action postponed

Tell receiving parent that we are suspending enforcement action with free text for reason.
Under the heading 'Your child maintenance update' enter free text to explain the reason why we have decided to stop the enforcement action for the moment.

[Admin Account - Add To](#)

[Apply Costs](#)

[Correspondence \(inbound\) - Summary](#)

[Terminology Changes](#)