Court Orders

Clients frequently send court orders which could affect Child Maintenance jurisdiction and you will have to deem whether the order is a valid maintenance order. The guidance below has been developed to assist in identifying valid maintenance orders.

It is strongly recommend that if you have any doubts, questions or concerns in relation to any court document(s) that you encounter when making a jurisdiction decision to contact the A&G team for advice.

Ensure the order is complete, that is page numbers, paragraphs and subparagraphs and so on run in strict alpha/numeric sequence, e.g. not pages 2,3 and 6.

Only if the maintenance for the child is included in the section headed "[BY CONSENT] IT IS ORDERED THAT" is it a maintenance order for child support purposes; if only mentioned in the undertakings, it is not.

Consent/maintenance orders:

- are usually headed "In the Xxxxxxxx County Court";

- will normally have a "matter number" or a "case number" on 1st page;

- will name a Petitioner and a Respondent;

- will name the Judge the order was put before;

- may have a court stamp or a seal impressed on it;

- may be signed and dated by the judge. (If signatories are the Applicant/Petitioner, the Respondent and their respective solicitors, it is likely to be only a draft of the proposed consent order. If the document has a matter/case number, you could contact the relevant County Court and ask them to confirm whether the order is in force and when it was actually made;

- are usually in two parts:

  o a preamble, undertakings (also known as recitals) to the court setting out 'agreements', beginning with UPON/AND UPON; and

  o a section headed "[BY CONSENT] IT IS ORDERED THAT" or similar, which covers the orders of the court.

- must include in the latter section wording (or similar to) on the following lines:

  o "the Respondent do pay or cause to be paid periodical payments to xxxxxxxxx for the benefit of the children of the family", otherwise it is not a maintenance order for child support purposes.

- usually ends with:"Dated this the ** day of (Month) (Year)"