

Help For the Receiving Parent

Where possible, parents are encouraged to make their own arrangements, including financial support, for their children. When that is not possible, an application to CMS may be necessary.

The application process is made online, although a telephone call can be made if you prefer. An online application will detail all the alternative options for making a child maintenance arrangement outside of the CMS service. If, after reading that information you wish to proceed, you will be able to complete the application online. There is a £20 application fee, although this is waived if there is any record of Domestic Abuse. There is no fee for applicants in Northern Ireland.

The application can be monitored through the online account, and once complete, the details of the maintenance calculation can be seen. A notification may also be issued to you. This can sometimes take a couple of weeks.

If your ex-partner is non-compliant, securing an appropriate maintenance award can be a battle itself, with added challenges if the NRP simply fails to pay and enforcement action is necessary.

The following are some basic principles that a Receiving Parent should consider when dealing with the CMS.

- Where possible, use the CMS online account to communicate with your case worker. There are many links within the calculation details that will allow you to report any aspects that you believe to be wrong.
- Always keep a record of telephone calls with CMS, including the date, time, and name of the case officer that you speak to. Ask them to record your concerns in their Freetext log.
- If you write to CMS, be sure to send letters recorded delivery and keep copies of the letter together with the postage receipt.
- Do not allow too much time to pass in between contacts. Aim to be calling them every 2-3 weeks for a progress report.
- If you are not receiving sufficient responses, escalate your query through the complaints process. Involving your MP in any complaint is always beneficial.
- CMS source the income information directly from HMRC. If you disagree with the information given by HMRC, it is a matter to raise with HMRC, not CMS. If you simply believe the income is not fully declared, you must raise a variation application. There are more details on our website about the variations scheme.

- If you dispute the maintenance calculation, and/or variation decision, you must raise a mandatory reconsideration request, and if necessary, submit an application to HM Courts and Tribunals.
- An amount of arrears notified to you may not be correct. It is important not to budget on expected arrears payments, as there may be other outstanding actions that will affect the amount of maintenance and arrears due to you.
- You must notify CMS as soon as payments are not paid, or not paid in full. You can report this through the online account. CMS will then contact the Paying Parent, requesting proof that payment has been made. If no evidence to that effect is provided, the case will be managed on the Collect and Pay service. This will result in a 4% fee being deducted from any maintenance that you receive.
- A Paying parent must show compliance with payments in full for a period of 6 or 12 months before the CMS will consider reverting the case to a Direct Pay arrangements.
- You have no say in how quickly the arrears are repaid, but the CMS must not allow an unreasonable time. It was generally accepted 2 years to repay arrears was reasonable, although in some cases this may be extended further. If you disagree with the term imposed for repayment of arrears, you should raise a complaint and possibly enlist the help of your MP.
- CMS have a range of enforcement powers to collect arrears. They can deduct money from salaries or from bank accounts. Court orders can be applied for, which allows CMS to then instruct Bailiffs or place a charge against the Paying Parent's home (or other property) which can, if necessary, be sold by force. But CMS can be very slow in putting such measures into practise. If you are owed arrears and

For tailored support and guidance, please [click here](#) to purchase a consultation