

Father is barred from selling home over child-support debt

First case under new law on parents' assets

Frances Gibb Legal Editor

A father who owes more than £78,000 in child maintenance has been prevented from selling a luxury house he was advertising on a property website.

The sale was blocked by a High Court order in the first case of its kind involving new powers which came into effect in April to stop parents trying to dodge responsibilities.

The Child Maintenance and Enforcement Commission sought the order under new powers to halt or reverse the sale of assets by parents trying to avoid payments.

The legal action is part of a stepped-up enforcement campaign in which the Commission has started "order for sale proceedings" against almost 500 properties around Britain.

The man, who cannot be named for legal reasons, had paid nothing to his former partner for almost 12 years and failed to respond to letters or phone calls from the Child Support Agency, which is now part of the commission.

The "freezing order" was sought after the man put his house on the market, raising fears that he would try to put the proceeds beyond the agency's reach. The particulars of sale for the four-bedroom property included improvements, such as a luxury fitted kitchen and home cinema. It noted there was "no chain" to hold up a quick

sale. The commission has several other cases pending, some of which are likely to see it asking the courts to nullify or reverse the sale or transfer of property. These "setting aside" orders are intended to halt the practice by some parents of putting valuable assets in the names of new partners or relatives to evade their maintenance responsibilities.

The legal proceedings are proving effective at persuading indebted par-

£3.8bn

unpaid maintenance since 1993

Source: Times database

ents to settle their arrears, the commission said.

More than £2 million in arrears has been recovered so far, but fewer than 15 properties have been taken into possession and sold.

Lump-sum deduction orders forcing banks to hand over money held in the accounts of indebted parents have also been introduced. More than 400 orders have been imposed with up to £40,000 being deducted in some cases.

Dame Janet Paraskeva, chairwoman of the commission, said: "This case sends a clear message to all parents who have run up substantial mainte-

nance arrears. Step by step the commission is closing the escape routes for parents who think they can cheat their children out of money from which they are entitled to benefit.

"No longer can houses, cars and other valuable assets be sold off quickly to prevent the CSA taking possession of them. Those who cynically transfer the legal ownership of property into the names of their new partners risk having those transactions reversed."

James Pirrie, chairman of the child maintenance committee of Resolution, the family lawyers' association, which has campaigned for better enforcement of child maintenance laws, welcomed the new measures.

Mr Pirrie said: "The sooner people realise that payment of their child maintenance obligations is non-negotiable the better."

The charity Families Need Fathers said: "Child support is a highly sensitive subject, intertwined all too often with wider difficulties between estranged parents.

"It is important that the commission pursues parents who are not providing for their children financially.

"On the other hand, applying draconian measures which may not be in the best interests of the child is more likely to drive irresponsible non-payers underground. They certainly won't increase co-operation with it."

