

ENHANCED MAINTENANCE ENFORCEMENT PROCESS

1. APPLICATION

Application

- Applicant (“A”) applies online for enforcement.
- A may also apply online for financial assistance under the ComCare Short-to-Medium-Term Assistance scheme.

Service

- The Family Justice Courts serves Respondent (“R”) with summons.
- Parties are required to submit documents (e.g. parties’ payslips and bank statements) to the Maintenance Enforcement Officer (“MEO”).

A and R submit documents for review by MEO

- If necessary, MEOs may obtain further information on parties’ assets and means from:
 - A and R themselves; and/or
 - Stipulated third parties, e.g. banks and certain Government agencies

MEO refers A and/or R for financial assistance (if necessary)

2. CONCILIATION AND HEARING

Conciliation Sessions with MEO

- MEO recommends solutions for parties’ consideration and facilitates agreement.

Submission of Report to Court

- MEO submits report to the court.
- Court gives direction for further information to be gathered, or to proceed with hearing.

Hearing (No full settlement)

- Where appropriate, the court may rely on MEO’s report to make the necessary orders, without having to call for oral evidence.
- Where R has breached the maintenance order, the court must make a Show-Payment Order¹. The court may additionally make one or more enforcement orders².

Hearing (Full settlement)

- Court records consent order.
- Court may make a Show-Payment Order. The court may additionally make one or more enforcement orders³.

3. POST-HEARING

Within 6 months

R breaches Show-Payment Order (period of Show-Payment Order is typically 6 months from the date of the Hearing)

- If R does not show good cause for his breach, the court may sentence R to imprisonment. The court may additionally make one or more enforcement orders.
- If R does not attend before the court to show proof of payment, the court will issue a Warrant of Arrest.

Within 1 year

R fails to pay maintenance within 1 year of the Hearing and after the period of any Show-Payment Order has ended

- A files enforcement application online.
- R is directed to attend before the court, and parties need not attend conciliation sessions.
- Where appropriate, the court may rely on MEO’s report submitted in previous proceedings to make the necessary orders to enforce the maintenance order, without having to call for further evidence.

After 1 year

R fails to pay maintenance after 1 year of the Hearing and after the period of any Show-Payment Order has ended

- A files enforcement application online, and parties go through the full enforcement process.
- Court may make the appropriate orders to enforce the maintenance order.

¹ Under the Show-Payment Order, R must show proof of payment to the court on dates specified by the court. When there has been a breach of the maintenance order and there is no full settlement, the court must also specify a term of imprisonment for R’s breach of the Show-Payment Order, unless there are special circumstances which make imprisonment inappropriate. When there is full settlement and the court records a consent order, the court has discretion to make the Show-Payment Order and to specify an imprisonment term for breach of the Show-Payment Order.

² The enforcement orders that the court may make when the maintenance order has been breached are: (a) an order sentencing R to imprisonment for breach of the maintenance order; (b) attachment of debt owing from a third party to R; (c) attachment of R’s property; (d) an order requiring R to furnish security by means of a banker’s guarantee; (e) a financial counselling order; (f) a community service order; and (g) an attachment of earnings order. In certain circumstances, the court hearing an enforcement application may also vary a maintenance order.

³ Where there is full settlement and the court records a consent order, the court may make one or more enforcement orders listed in footnote 2, except the imprisonment sentence.