

# 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 Order<sup>1</sup>. The court may additionally make one or more enforcement orders<sup>2</sup>.

### Hearing (Full settlement)

- Court records consent order.
- Court may make a Show-Payment Order. The court may additionally make one or more enforcement orders<sup>3</sup>.

## 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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.