

A CHILD MAINTENANCE SERVICE FOR IRELAND

A proposal paper on the establishment of a Child Maintenance Service based on the service currently in place in the North of Ireland for the 26 Counties to assist lone parents in seeking maintenance



John Brady TD

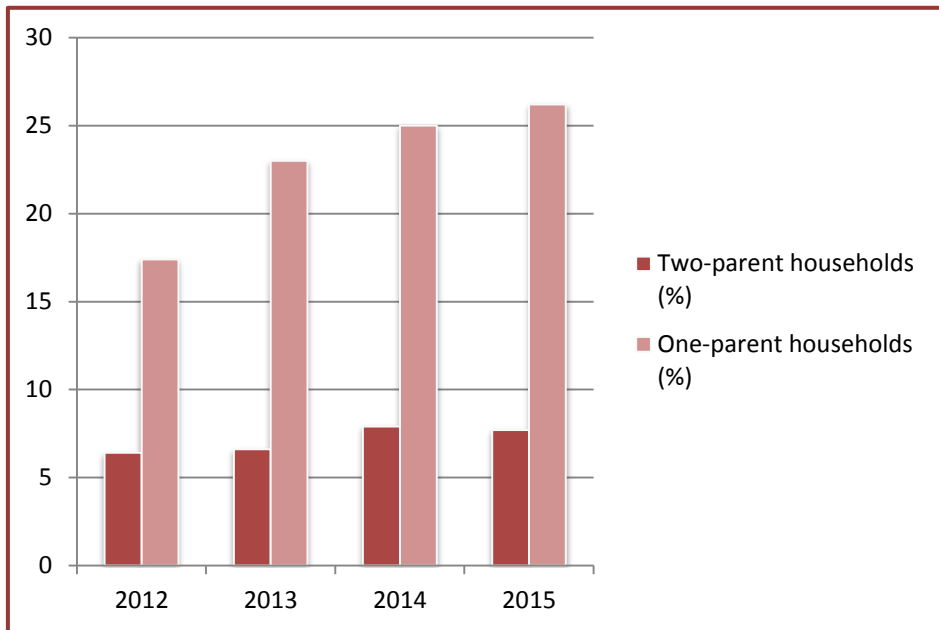
*Sinn Féin
Spokesperson for
Social Protection*

1. Introduction

To its shame, Ireland has an appalling track record when it comes to supporting lone parents and their families. In fact, successive Governments have not only failed lone parents but they have taken policy decisions that have made life more difficult for them and their children. Typically, thanks to Government policy, lone parents are either unemployed or underemployed trapped in low paid precarious part time work; living in poverty and struggling to afford basic necessities. In many cases, access to and affordability of adequate childcare are huge barriers when it comes to lone parents either returning to education or gaining full time employment. Added to this, is the lack of financial supports available to assist lone parents especially, since the changes to the One Parent Family Payment.

Budget 2012 saw the announcement of changes to the One Parent Family Payment by Fine Gael and the Labour Party as part of cost saving measures. As a result of these changes, from 2014, the One Parent Family Payment was only payable to lone parents with children below the age of seven. While, the Minister at the time, Joan Burton had promised that no such change would be implemented until a Scandinavian type childcare service was in place, the changes went ahead regardless.

Recent figures from the CSO’s Survey on Income & Living Conditions (SILC) tells us that 26.2% of children in lone parent families are living in consistent poverty, more than three times the rate of consistent poverty among their counterparts living in two parent families.¹ Further to this, SILC data also showed that the ‘at risk of poverty’ rate for households with one adult and one or more children aged under 18 is 36.2%. Those same households also had the



¹ CSO: Survey on Income & Living Conditions
<http://www.cso.ie/en/releasesandpublications/er/silc/surveyonincomeandlivingconditions2015/>

highest deprivation rate in 2015 at 57.9%. The chart² (*insert*) shows the levels of consistent poverty among one parent and two parent households between the years 2012 and 2015. Year on year, there is clear evidence that the consistent rate of poverty is highest among lone parent families.

While, there is no one measure that will tackle this consistent poverty rate on its own, it is well recognised that child maintenance has a role to play. Research (Hakovirta, 2011)³ has shown that in the U.K, there was a 30% reduction in the poverty gap as a result of child maintenance payments (where there was compliance with orders). This research concluded that child maintenance “has a relatively large impact in reducing child poverty for those who receive it.”

For this reason, Sinn Féin believes that a child maintenance service similar to that which is operating in the North of Ireland should be established here.

2. Child Maintenance: the current situation

In March 2017 the United Nations published its report on the ‘Convention on the Elimination of All Forms of Discrimination against Women’ making a number of recommendations for Ireland. One such recommendation read:

“Consider establishing a statutory maintenance authority and prescribing amounts for child maintenance in order to reduce the burden on women of having to litigate to seek child maintenance orders.”⁴

Currently, there is no set procedure in place for the collection of child maintenance. The pursuit of child maintenance is left firmly up to the lone parent with no proper assistance from the State. From our discussions with lone parents and lone parent representative organisations we know that securing child maintenance is costly, complex and time consuming for lone parents – so much so, that it actually deters lone parents from seeking it.



The only option in cases where a maintenance agreement cannot be reached by parents is through the Irish court system where the custodial parent seeks a maintenance order from the court. There are a number of issues with this system:

1. Courts will not issue summons for maintenance unless the custodial parent can provide an address for the non-custodial parent – this is not always known

² Source: CSO SILC data

³ Hakovirta, Mia: ‘Child Maintenance and child poverty: a comparative analysis’
<http://docserver.ingentaconnect.com/deliver/connect/tpp/17598273/v19n3/s5.pdf?expires=1503409171&id=91269084&titleid=75006380&accname=Guest+User&checksum=4A88370ABEDFB8DCB64270C1ADC0F682>

⁴ ‘Convention on the Elimination of All Forms of Discrimination against Women’:
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgA84bcFRy75ulvS2cmS%2f%2bil2Olic4vOOol%2b%2fJdEApK4Y1bDvJfs5hiCDBBEjK%2fEX3%2bio9SY4Wyo2qG7JijYBEmlaDNBkAtODampBJJZhUgVH%2fSStH8n1EM2GaPB3lu%2bPRA%3d%3d>

2. There are no statutory guidelines on the level that maintenance payments should be set instead, they are at the discretion of the court
3. If the non-custodial parent fails to comply with the maintenance order, it is up to the custodial parent to issue enforcement proceedings themselves
4. If the non-custodial parent fails to appear at court proceedings, a bench warrant is issued but rarely acted upon as there is no prosecuting Garda involved - this then delays any further proceedings while the warrant remains unexecuted

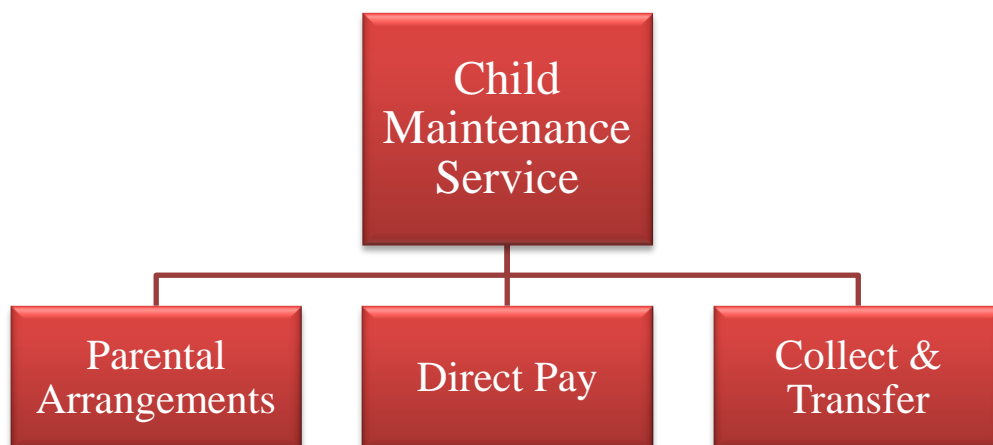
In cases of domestic abuse, it is incomprehensible that a lone parent is expected to pursue his/her ex-partner (and abuser) for maintenance payments especially, through rigorous and lengthy court proceedings. In these situations, it is more likely and understandable that lone parents will avoid seeking maintenance even though they should not have to.

3. A Child Maintenance Service for Ireland: Sinn Féin proposal

Sinn Féin wants to see the establishment of a Child Maintenance Service (CMS) based on three guiding principles:

- The child/children are central to all child maintenance agreements
- Lone parents are assisted and supported throughout the entire process
- Maintenance is treated as a means to help lift children out of poverty and not as a source of household income

Our proposal would see three options made available to lone parents under the CMS:



1. Parental arrangements:

While, the CMS will encourage parents to make their own arrangements, this will not be enforced given that the majority of parents will not use the CMS unless they have to. In cases of domestic abuse, parental arrangements will not be put forward as an option and therefore, no lone parent will be expected to make any contact with their ex-partner for maintenance. Parents who are willing to arrange child maintenance themselves can avail of assistance from the CMS who will provide them with free advice, support and information on reaching an agreed payment amount.



2. Direct Pay

This option can be used in cases where the non-custodial parent is willing to pay child maintenance but an agreement on the amount to be paid cannot be reached by the parents. This option will allow the CMS to examine the individual case and calculate the amount to be paid by the non-custodial parent.



On arriving at an amount, and where there is agreement on that amount, this payment will be made directly from the non-custodial parent to the custodial parent.

3. Collect & Transfer

The third option will allow the CMS to calculate the child maintenance payment, collect the payment from the non-custodial parent and pay it to the other parent. This option will be used in cases where the non-custodial parent refuses to pay child maintenance or it may become the option where child maintenance ceases to be paid under the Direct Pay option. This option will be used automatically in domestic abuse cases.



<p>Fees to use the CMS</p> <p>Penalties for Collect & Transfer option</p>	<p>A fee for lone parents to use this service cannot be justified. We believe that lone parents should not be charged to use this service and we therefore, propose the service is free.</p> <p>The Collect & Transfer option will be a last resort for lone parents where the non-custodial parent refuses to pay child maintenance. We therefore, believe that the non-custodial parent should be penalised for this through an added fee. This fee will be set at 20% and would incentivise non-custodial parents to pay child maintenance and therefore, avoid additional penalties.</p>
<p>Enforcement</p>	<p>The CMS must be relentless in its pursuit of child maintenance on behalf of lone parents. Proper enforcement action not only ensures payments are retrieved but also acts as a deterrent. We must do this from the outset to ensure that we do not allow for the non-compliance experienced in the U.K.</p> <p>We therefore, propose the following:</p> <ol style="list-style-type: none"> 1. Strong enforcement powers, including the ability to deduct child maintenance from earnings, social welfare payments, and bank accounts. 2. Instruct bailiffs to collect arrears or seize payments 3. Commit to prison <p>In this State, a person can be committed to prison for failing to pay fines including the television licence, failure to pay child maintenance should be no different.</p>
<p>Information & Advice</p>	<p>It is essential that lone parents are made aware of the CMS and the options available to them if they need to use it. We propose support and information being available both online and over the telephone for all lone parents to avail of especially, in the Direct Pay option.</p>
<p>Links to Revenue</p>	<p>We must ensure that there are strong links between Revenue and the CMS. Revenue must be consulted on the establishment of the CMS so there is absolute clarity on what is expected of both parties from the outset. Revenue will also need to advise the CMS on the type of information they can access in order to be of assistance. We also propose that a much broader spectrum of income is examined and not just earned income especially, where a non-custodial parent may own additional property.</p>
<p>Special circumstances - domestic abuse victims</p>	<p>It is particularly important to ensure that victims of domestic abuse are not forced to make contact with the non-custodial parent at any stage in order to seek maintenance. We propose two measures to be put in place in these cases:</p> <ol style="list-style-type: none"> 1. Training for all CMS staff on domestic abuse 2. A fast track option for all cases

4. Child Maintenance and other payments

Child maintenance is not a type of household income and should not be considered as means when it comes to other State supports.

Currently, those in receipt of child maintenance payments are penalised through reduced Rent Supplement and other social welfare payments (such as Jobseekers Transitional Payment, Disability Allowance, and One Parent Family Payment). Once a maintenance order is in place regardless of whether or not it is paid, the maintenance is treated as income calculated as means and therefore, reduces other payments.

This is totally unacceptable. Under our proposal, child maintenance will not be used in the calculation of means towards any other State support.

Cost: There will be a one-off initial cost to establish the Child Maintenance Service and annual running costs thereafter. We had sought an estimated set up cost from the Department of Public Expenditure & Reform however; they were unable to provide us with such a figure. We know that the Child Maintenance Service in the U.K costs £230 million per annum but this takes into account the costs of transferring from an old maintenance system. Given that there are over 2 million lone parents in the U.K compared to 218,817 here, the annual running costs once established would be far less.

5. Conclusion

Every year data shows us that there is a distinct gap in consistent poverty rates among families with two parents and families with one. Children in lone parent families experience greater poverty and greater deprivation. We know that child maintenance payments play a role in reducing child poverty among lone parent families therefore, we must act on this. Leaving lone parents to pursue maintenance is unfair, instead we must support lone parents and their children in securing the maintenance they so badly need and deserve. A Child Maintenance Service will achieve this.

*Ag tacú le tuismitheoirí
aonair*



Supporting Lone Parents