

# A Child Maintenance Service for Ireland



Ag tacú le tuismitheoirí aonair  
Supporting Lone Parent families

*Sinn*  *Féin*

**Claire Kerrane TD**  
SINN FÉIN SPOKESPERSON ON SOCIAL PROTECTION





## 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 parent families, but they have also actively and knowingly taken policy decisions that have made life more difficult for lone parents and their children. As a result of these policy decisions, many lone parents are either unemployed or underemployed, trapped in low paid precarious part time employment, living in poverty, and struggling to afford the most basic necessities. In many cases, access to and affordability of adequate childcare are huge barriers when lone parents try to return to education or gain full time employment. Added to this, is the lack of financial supports available to assist lone parents.

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.

The most recent figures from the CSO's Survey on Income & Living Conditions (SILC) tell us that 21.6% of lone parent families live in consistent poverty.<sup>1</sup> This is compared to a consistent poverty rate of 3.5% for two-parent households. This means that lone parent families are six times more likely to be living in consistent poverty compared to two-parent households. Further to this, the same data shows that the 'at risk of poverty' rate for lone parent households is 31.8% with a deprivation rate of 47.8%.<sup>2</sup>

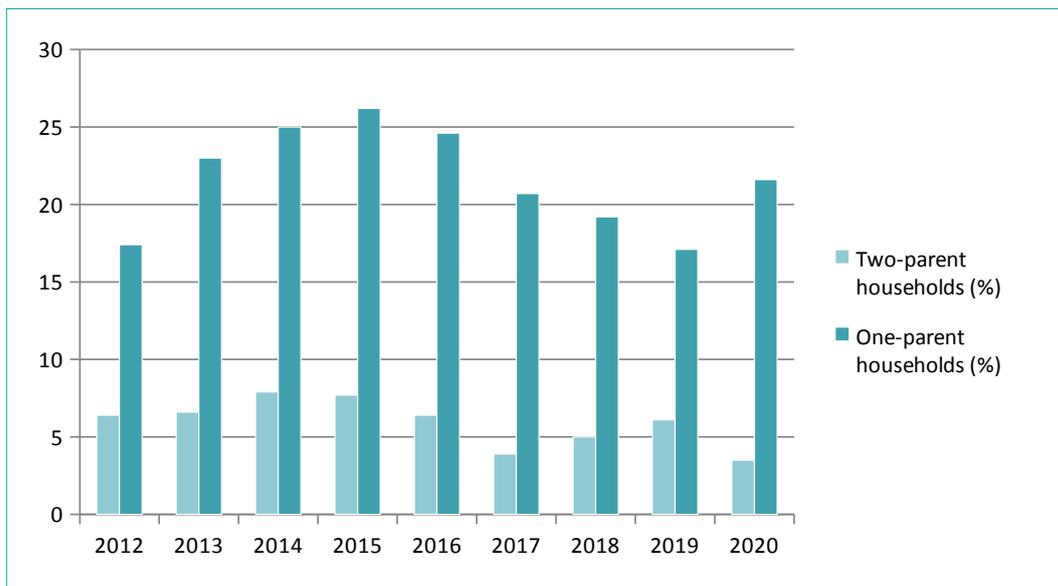
This compares to an 'at risk of poverty' rate of 10.7% and a deprivation

1 SILC data for 2020 here: <https://www.cso.ie/en/releasesandpublications/ep/p-silc/surveyonincomeandlivingconditionssilc2020/povertyanddeprivation/>

2 SILC data for 2020 here: <https://www.cso.ie/en/releasesandpublications/ep/p-silc/surveyonincomeandlivingconditionssilc2020/povertyanddeprivation/>

rate of 13.0% in two-parent households.<sup>3</sup> The chart below shows the levels of consistent poverty among one parent and two parent households between the years 2012 and 2020, which is the most recent data available (published December 2021). Year on year, there is clear evidence that the consistent rate of poverty is far higher among lone parent families.

It is also important to note that the deprivation rate among lone parent households has been on the rise since 2018 when it was 42.7% and 45.4% in 2019.



Source: SILC data 2012-2020

While there is no single measure that will tackle poverty amongst lone parent families on its own, it is well recognised that child maintenance has a key role to play. Research<sup>4</sup> has shown that in England, 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.

<sup>3</sup> SILC data 2020 here: <https://www.cso.ie/en/releasesandpublications/ep/p-silc/surveyonincomeandlivingconditionssilc2020/povertyanddeprivation/>

<sup>4</sup> 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>

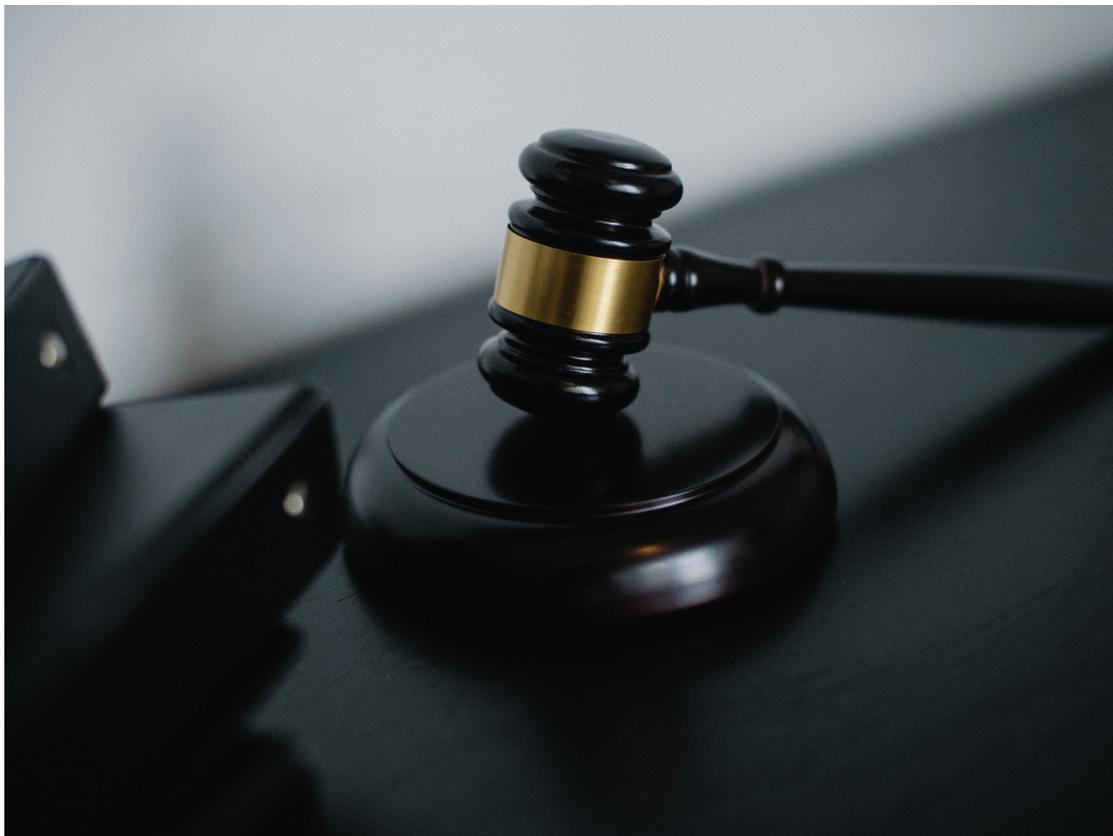
## Child Maintenance - the current situation:

Currently, in order for a lone parent to apply for and retain income support (One Parent Family Payment and/or Jobseekers Transition) they have to prove that they have sought maintenance. This can be extremely challenging for lone parents.

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, including:

***“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.”<sup>5</sup>***

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



5 ‘Convention on the Elimination of All Forms of Discrimination against Women’: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgA84bcFRy75ulvS2cmS%2f%2bil2Olic4vOOol%2b%2fJdEApK4Y1bDvfs5hiCDBBEjK%2fEX3%2bio-9SY4WyO2qG7JijYBEmLaDNBkAtODampBJJZhUgVH%2fsStH8n1EM2GaPB3lu%2bPRA%3d%3d>

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 lone parent can provide an address for the non-custodial parent – this is not always known**
- 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 lone 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 and the lone parent is back to square one**

## 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:

**PARENTAL  
ARRANGEMENTS**

**DIRECT  
PAY**

**COLLECT &  
TRANSFER**

### 1. Parental arrangements:

While the Child Maintenance Service 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.



## Fees to use the CMS:

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.

## Penalties for Collect & Transfer option:

The Collect & Transfer option will be a last resort for lone parents where the non-custodial parent refuses to pay child maintenance. We 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.

## Enforcement:

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 England.

We, therefore, propose the following:

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

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><b>Information &amp; Advice:</b></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><b>Links to Revenue:</b></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><b>Special circumstances - domestic abuse victims:</b></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"> <li>1. Training for all CMS staff on domestic abuse</li> <li>2. A fast track option for all cases</li> </ol>



### **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 of a Child Maintenance Service:**

There will be a one-off initial cost to establish the Child Maintenance Service and annual running costs thereafter. It is estimated by the Department of Public Expenditure that the initial set up and staffing will cost €2.5 million with estimated annual running costs of €2.3 million thereafter.

## 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  
PARENT  
FAMILIES**



Ag tacú le tuismitheoirí aonair  
**Supporting  
Lone Parent families**



**Claire Kerrane TD**

Roscommon/Galway

Sinn Féin Spokesperson on Social Protection

✉ [claire.kerrane@oireachtas.ie](mailto:claire.kerrane@oireachtas.ie)

