

# **A Caseworker's Guide to Processing Cases with the United Kingdom of Great Britain and Northern Ireland (The United Kingdom)**

A Caseworker's Guide to Processing Cases with the United Kingdom of Great Britain and Northern Ireland (UK) provides contact and policy information and describes basic requirements for forms and procedures for use in cases between US jurisdictions and the UK. The text of the international agreement between the US and the UK may be found in Part A. For contact information and websites for England and Wales, Scotland and Northern Ireland, please see:

[http://www.acf.hhs.gov/programs/cse/international/country/united\\_kingdom/](http://www.acf.hhs.gov/programs/cse/international/country/united_kingdom/)

The United Kingdom of Great Britain and Northern Ireland includes England, Wales, Scotland, and Northern Ireland. England and Wales are treated as a single jurisdiction with a common legal system. The Reciprocal Enforcement of Maintenance Orders (REMO) unit at the Official Solicitor's Office in London handles international child support cases for England and Wales. The Civil and International Justice Directorate of the Scottish Government in Edinburgh processes international child support cases for Scotland, while the Northern Ireland Court Service handles international child support cases in Northern Ireland. In the UK, these three offices are commonly referred to as REMO units.

The REMO units are the transmitting and receiving agencies for the UK for international child support cases. REMO stands between you and the local courts. REMO staff reviews outgoing and incoming papers, and can help with some problems, but they do not decide case outcomes. Only the courts rule on cases.

A Caseworker's Guide to Processing Cases with the United Kingdom of Great Britain and Northern Ireland (The United Kingdom) contains the following information:

- Part A – International Agreement between the United States and the United Kingdom
- Part B – Outgoing Support Packages from the United States to the United Kingdom
- Part C – Incoming Support Packages from the United Kingdom to the United States
- Part D – Policy for the United Kingdom

***Part A: International Agreement between the United States  
and the United Kingdom of Great Britain and Northern Ireland***

DECLARATION-THE UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND

RECIPROCITY IN FAMILY SUPPORT (MAINTENANCE)  
ENFORCEMENT

As authorized by section 459A(a)(1) of title IV-D of the Social Security Act (42 U.S.C. 659A(a)(I)), and with the concurrence of the Secretary of Health and Human Services, I hereby declare the United Kingdom of Great Britain and Northern Ireland a “foreign reciprocating country” effective immediately. This declaration shall not apply in cases where such application would be manifestly incompatible with United States public policy.

12/17/2007

Date

/s/

Legal Advisor

## ***Part B: Outgoing Child Support Packages from the United States to the United Kingdom***

The UK has agreed to accept Uniform Interstate Family Support Act (UIFSA) forms from the US. In other words, caseworkers should send the same forms to the UK that they would send in an interstate case. Accordingly, there are no forms included in this Caseworker's Guide.

Currently, locate-only assistance is not available in the UK. However, the IV-D agency can send an application to establish or recognize/enforce an order to the REMO unit even without the address of the noncustodial parent, noting that the IV-D agency believes that the noncustodial parent is living in the UK. UK data protection law limits what REMO can do to locate a child support debtor. It can obtain address information from the UK passport, visa and welfare benefits agencies. Once REMO has obtained a recent address for the noncustodial parent in the UK, the application will be sent on to the local court responsible for that address.

Where paternity has not been previously determined, the UK will act on a petition to establish parentage. The UK courts will handle this procedurally (not the REMO unit). Courts have a statutory power to direct a scientific test to ascertain the parentage of a child.

When enforcing an order, the enforcing court can seize property, order wage withholding and/or issue a warrant for the noncustodial parent's arrest. Ultimately, in the hardest cases, the court can send the noncustodial parent to prison for up to 12 months, depending on the size of the unpaid debt.

The enforcing UK court will normally collect the child support payment from the noncustodial parent and then send the money to the initiating IV-D agency for conversion into US dollars and disbursement. Money collected in the UK does not pass through the REMO unit.

In the past, States expressed a concern that courts in the UK unilaterally modified the support amount in US orders and wrote off part or all of the arrears under orders filed in the UK for enforcement. This should no longer be a problem. The UK has amended its laws. US orders sent to the UK for recognition and enforcement may not be modified by a UK court. Pursuant to the terms of the Federal-level agreement, US orders will be payable as ordered by the issuing US tribunal.

Further information about policy and procedures in the UK may be found in Part D of this guide and on the following websites:

**England and Wales** – <http://www.officialsolicitor.gov.uk/os/remo.htm>

**Scotland** – <http://www.scotland.gov.uk/Topics/Justice/18948/15899>

**Northern Ireland** – [www.courtsni.gov.uk](http://www.courtsni.gov.uk)

## ***Part C: Incoming Child Support Packages from the United Kingdom to the United States***

Applications that US caseworkers receive from the UK for child support services may not contain UIFSA forms, but will contain much of the same information. It is important to note that, in England, Wales and Northern Ireland, applications are drawn up by the court and may look different depending on the court that prepared them. In Scotland, applications are generally drawn up by the Central Authority.

United Kingdom officials ask that State child support officials pay particular attention to the fact that, *with the exception of Scotland*, the UK's REMO units (which handle international child support cases for the UK) do **not** distribute money. Therefore, please do not send money to REMO in England and Wales or Northern Ireland. If you cannot send the money directly to the custodial parent, send it to the initiating court with the custodial parent's name included.

### **Recognition and Enforcement**

Even though applications may look different, UK statutes dictate that applications for *recognition and enforcement* include certain elements, listed below, which you will receive in your application from the REMO unit:

- a) a certified copy of the maintenance order;
- b) a certificate signed by that officer certifying that the order is enforceable in the UK;
- c) a certificate of arrears so signed;
- d) a statement giving such information as the officer possesses as to the whereabouts of the payer and the nature and location of his assets in that country;
- e) a statement giving such information as the officer possesses for facilitating the identification of the payer; and
- f) where available, a photograph of the payer.

### **Establishing an Order**

If the request from the UK is to *establish an order*, you will receive the following information:

- a) a testimony affidavit [application and formal written evidence, including the applicant's financial circumstances and whatever is known about the payer's circumstances];
- b) a statement giving such information as the officer possesses as to the whereabouts of the payer and the nature and location of his assets in the US;
- c) a description of the payer; and
- d) where available, a photograph of the payer.

If the applicant does not know the payer's US Social Security Number (SSN), or if the payer does not have an SSN (for example, because he or she is a British citizen only recently arrived in the US), the SSN will not be supplied in the application.

If any information is missing from the application, please do not send the entire application back. Instead, please contact the REMO unit with a description of the missing information and every effort will be made to obtain the information for you.

*At this time, only the England and Wales authorities have an email address available for such use: **England and Wales only** – [remo@offsol.gsi.gov.uk](mailto:remo@offsol.gsi.gov.uk)*

Note: Given the UK's free National Health Service, UK child support applications to the US will almost never include amounts for health care costs.

**Part D: Policy for the United Kingdom**

<b>AGE OF MAJORITY</b>	
Age of majority in the UK	Support is due until the child reaches the legal age of 17 years (18 in Scotland), or until he or she finishes full-time education – whichever is later.
If not stated in the order, at what age is child support automatically terminated as a matter of law? Qualify, if necessary.	UK law requires that the termination date always be included in the order.
Does the UK allow support to be paid beyond the age of majority under any circumstances (for example, the child is handicapped or in post-secondary education)?	As noted above, if child/young person continues in full-time education, child support will continue past the age of majority. However, if a child is handicapped, State benefits will cover the expense of that adult handicapped person and the child support obligation will not continue.
<b>SERVICE OF PROCESS</b>	
Check which of the following methods are used to serve process on an individual:	<input checked="" type="checkbox"/> personal service [ <i>varies depending on the resources of the local court</i> ] - [e.g., Notice of Hearing for an application to establish or modify a support order is personally served unless otherwise ordered by the court.] <input checked="" type="checkbox"/> regular mail (no receipt)-[e.g., Registration of a foreign order is given by regular mail at the respondent's last known address.] <input checked="" type="checkbox"/> registered mail (received by addressee only) <input checked="" type="checkbox"/> registered mail (received by anyone at the address)
How is a non-resident, or person whose whereabouts are not known, notified of proceedings?	There will be no proceedings if the UK cannot find the person that the proceedings involve.
<b>STATUTE OF LIMITATIONS</b>	
Is there a statute of limitations for past-due support? If yes, describe.	No.
Is there a statute of limitations for establishing paternity? If yes, describe.	No.
Will the UK accept a petition if the only issue is support for a prior period, that is, no child is currently entitled to support?	No orders for retroactive support will be accepted.

<b>AMOUNT OF SUPPORT</b>	
In setting the amount of support, whose income is considered in addition to the income of the noncustodial parent (for example: custodial parent's, custodial parent's new spouse, child's, etc.)?	The court will consider all relevant factors that are put before it in writing, including the income of the custodial parent or custodial parent's new spouse.
How is the amount of support determined (examples: by formula, percent of income, tribunal discretion, etc.)?	The setting of orders is done through the discretion of the court, although in practice the courts often use the child support formula operated by the UK's domestic child support agency.
Does the UK allow for support for a period before the parent applied? If yes, what is the period allowed (for example, from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)?	No.
<b>MODIFICATION OF ORDERS</b>	
May either party request a review for modification?	Yes.
Will the UK modify its existing domestic judgment when one of the parties resides in the US and will not return for -- or refuses to participate in -- the proceedings?	The court will consider modifying the UK order if either party asks for it in writing – whether both parties consent or not.
Does UK law require <u>automatic</u> adjustments (for example, based on changes in the cost of living, or X percent every 3 years, etc.)?	No.
If yes, are the automatic adjustments considered to be modifications of the order?	Not applicable.
Is a new order issued as a result of an automatic adjustment?	Not applicable.
Is there a minimum or threshold amount of change that must occur before a modification is made (for example, the order would need to change by \$25 or more, or at least by 10 percent)?	No. Normally, modifications can be made when the circumstances of the creditor or debtor have changed.

## COST RECOVERY

What costs, if any, are recovered from the custodial or noncustodial parent?

As a general rule for enforcement actions, no fees are assessed.

With the exception of Northern Ireland, there are generally no court fees in establishment actions filed by REMO with the court. There may be fees which the US has found to be de minimus. In Northern Ireland, a court fee of approximately £34 would be assessed for the establishment of a new order. Fees would be assessed in the case of appeals; in those instances, applicants may be able to request legal aid. Finally, if paternity establishment were necessary, a fee of £27.50 would be assessed for purposes of genetic testing, if the applicant does not meet the relevant means test.