

News Release

19 October 2011

CSA got it Wrong - Single Mum Wins Maintenance Battle as Government plans law change

A 40-year-old single mother has won a four year battle with the CSA (Child Support Agency) to claim maintenance arrears from her daughter's father, who has been working abroad in Afghanistan- after the CSA was ruled to have given the wrong advice.

Anne-Marie Kelly, from Bolton, who is a police constable with the Greater Manchester Police, has had to endure four tribunals, countless correspondence and phone calls to secure £35,600 arrears and a regular weekly payment from her ex-partner.

He is an ex-British Army soldier and the couple met when they were both serving on a tour of the Falkland Islands with the Army. However, for the last few years he has been working in a lucrative job as a security guard in Afghanistan, but the CSA claimed because he was employed by a foreign company, they couldn't touch him – there was no liability.

With the help of CSA specialist lawyer Stephen Lawson, from Forshaws Davies Ridgway in Frodsham, Cheshire, she has now proved that just because her ex-partner was earning money outside the UK, he cannot shirk his responsibility to support their 14-year-old daughter.

She said: “The CSA has badly failed my daughter. I have had so many arguments with them. It has been a real battle. Because it was a complex case, they just weren’t interested. It has always felt like they were on his side not mine.

“I would have given up after the first tribunal if it hadn’t been for Mr Lawson. I was advised to consult him after my case failed and he has been absolutely brilliant. He gave me the legal framework to appeal and I would never have got this far without him. I would have just accepted what the CSA told me. I want other single parents to know not to take this kind of treatment lying down. Don’t give up.”

The judgement, awarded after an Upper Tribunal Appeal by her former partner, clearly blames the CSA and its parent body CMEC (Child Maintenance and Enforcement Commission) for giving false advice. It states: “The failure to pay child support arises solely from advice given by CMEC.”

And although Ms Kelly has finally achieved victory, Mr Lawson fears other single parents and their children could miss out in future because of new rules proposed by the Government.

The Government wants to harmonise discrepancies in the current child support rules. At the moment, claims made before 2003 allow single parents to obtain maintenance from former partners employed by foreign organisations and working abroad. After this date, people earning their living overseas, with a few exceptions, have effectively been out of reach.

Now Mr Lawson believes the Government is trying to correct an unfair change in the law by compounding the problem and proposing all calculations will be based on UK income tax returns – effectively absolving the majority of absent parents working abroad of their maintenance responsibilities.

He said: “The Government is on the verge of making a catastrophic error which will be hugely damaging for many parents and their children. Anne-Marie Kelly would have been one of the casualties under these new regulations and thousands like her will be denied vital maintenance support. What is being proposed is grossly unfair.”

Mr Lawson serves on the national child support committee of Resolution, the family law association, and is working with them to put forward a strongly worded case objecting to the Government's proposed changes. The deadline for responses to the Child Support Miscellaneous Amendments No 2 Consultation is 26th October.

For more information contact Stephen Lawson at Forshaws Davies Ridgway, Frodsham, Cheshire, on 01928 739300, or email Stephen.lawson@fdrlaw.co.uk.

EDITOR'S NOTES:

About Forshaws Davies Ridgway LLP (FDR)

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- 18 Partners
- Over 120 staff
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Issued by

Lynn Pegler, Pegler Communications

Tel: 01928 789042. Mob: 07783 686246. lynn@peglercommunications.co.uk

On behalf of Forshaws Davies Ridgway LLP