

## **Human rights battle to help parents unjustly jailed by CSA**

Thousands of parents are being unfairly threatened with a prison sentence every year for failing to pay child maintenance, according to Cheshire solicitor, Stephen Lawson.

He is leading a battle to change the law and protect the human rights of non-resident parents by bringing two test cases to the Court of Appeal, due to be heard on Monday 30 April.

Mr Lawson, who is a child support specialist and partner at Cheshire solicitors Forshaws Davies Ridgway (FDR), says the current system is chaotic and grossly unfair. Around two dozen parents a year, mostly fathers, are ending up in jail, sometimes without any proof of evidence against them being tested in court and without the opportunity to defend themselves properly. Many more receive suspended sentences.



“This case is all about fairness and justice. Under the current system we have a situation where parents may have heard nothing from the CSA (Child Support Agency) for many years and then suddenly out of the blue they receive a demand for thousands of pounds. Many are simply unable to pay and are met with an application to put them in prison or disqualify them from driving.

“In one recent case, a father was arrested, taken to court and sent to prison all on the same day, with no opportunity to challenge the evidence against him. The CSA generally sends summons notices through the post, often to an old address, so this can lead to parents being tracked down and arrested, knowing nothing of the court proceedings. And the court says the onus is on the parent to prove why he shouldn’t be sent to prison, which reverses the traditional burden of proof. The current system is deeply flawed and needs to change,” he said.

The test cases involve two fathers from the North West, who are both facing prison sentences.

The case of Mr Kambiz Karoonian, on appeal from the Liverpool Family Court, particularly raises the issue of reasonable timescales. The CSA claims he owes around £10,000 after they made an interim assessment against him in 2001. He then didn’t hear from the CSA again until 2007 and in 2009 was asked to prove his earnings. Over the years he has worked in a string of low-paid, part-time jobs and claims his assessment should have been nil. But after so many years, he has no way of proving his low income levels. The Inland Revenue only requires accounts to be kept for six years.

He claims the CSA harassed him and his current family so much, the stress led to his current marriage breaking down - a tragedy for his two small sons, aged four and six.

He believes he is a responsible father and says he is in regular contact with his three daughters aged 19, 16 and 14, from two previous relationships. But he firmly believes he does not owe the CSA any money.

“The CSA were phoning every day, saying you are not a good father, demanding me to pay all the time. It felt like harassment. On the phone they were not professional – they were like loan sharks demanding their money. The stress caused by the CSA was the main reason why my wife and I separated,” he said.

The presiding judge at the Liverpool County Court, who referred Mr Karoonian’s case to the Appeal Court, said it raises “important points of principle and practice”.

**EDITOR'S NOTES:**

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