



Department of Social and Family Affairs

Department Wins Key Judgement In Case Against Defaulting Spouses Of Lone Parent Families

The Department of Social and Family Affairs secured a landmark court judgement recently against four people for failing to contribute to the cost of one-parent family payment to their wife and children.

Where social welfare support is being provided to a lone parent through the one-parent family payment, the other parent is legally liable to contribute to the cost of this payment. Under social welfare legislation, the other parent is termed the "liable relative".

At a court hearing in the Dublin area recently, four cases were heard where the liable relatives had not complied with requests from the Department of Social and Family Affairs for a contribution towards the cost of one-parent family payment paid in respect of their children.

The presiding Justice on hearing all the evidence before the court ruled that orders for amounts in excess of those assessed by the Department be discharged immediately and costs were awarded in each case. These amounts ordered to be paid to the Department by each person were for EUR 100 or more per week.

All four liable relatives had failed to make contact with the Department prior to the court date, and also failed to attend the court hearing.

Each of these liable relatives had already failed previously to provide adequate maintenance to their separated spouse and children, forcing the families concerned to rely on social welfare for their income support.

In every case where one-parent family payment is awarded, the Maintenance Recovery Unit of the Department of Social and Family Affairs seeks to trace the liable relative involved in order to ascertain whether he/she is in a financial position to contribute towards the cost of the one-parent family payment.

"Parents have a responsibility to their children. When agreements to provide support are broken the remaining lone parent is forced to rely on social welfare payments. This burdens the system and is inherently unfair on the lone parent and any children."

"I take a strong view of this type of behaviour and my Department will continue to prosecute any liable relative who fails to co-operate or who default on their contributions," said Mary Coughlan, Minister for Social and Family Affairs.

All liable relatives assessed with maintenance liability are notified by the Department and issued with a Determination Order setting out the amount of contribution assessed. The amount assessed can be reviewed where there is new information about, or changes in, the financial or household circumstances of a liable relative. The Department demands regular (normally weekly) payment of the contributions assessed in this way.



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In implementing Maintenance Recovery Provisions to date the Department has concentrated on those cases where the liable relatives concerned are in a financial position to make a contribution towards cost of the one-parent family payment. Social Welfare legislation allows the Department to seek recovery from liable relatives through the courts in cases where this maintenance contribution liability has not been met.

The Department's maintenance recovery process is expected to yield some EUR 14.9 million in 2004, through contributions from complying liable relatives and reductions in lone parent payments where undeclared maintenance was detected. The Department will actively continue to prosecute any liable relative who fails to co-operate, or who defaults on their contributions.
ENDS April 12th 2004