

Dead fathers will be chased for maintenance cash by revamped Child Support Agency

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By Martin Beckford, Social Affairs Correspondent
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For the first time, officials are to be given the right to make claims on the estates of men who die while owing their ex-wife or partner money.

The rules are being changed after 12,619 fathers died owing cash to the CSA during its troubled 15-year history, with their combined debts of £60million contributing to a mountain of £3.8billion in unpaid maintenance.

However critics say the tougher new powers, which will be enacted next year, will only punish the innocent second families of the deceased, who will be deprived of part of their inheritance.

The rules will be enforced by the semi-independent Child Maintenance and Enforcement Commission, which replaces the much-criticised CSA in the next few weeks.

Stephen Geraghty, the chief executive of the CSA who is to become commissioner of CMEC, said: "One of the great misrepresentations is that the CSA has written off lots of debt – but even if the man dies we cannot collect the debt from his estate and we cannot write it off. That will change.

"CMEC will be able to collect from estates. If anyone dies, we would make a claim against the estate, but in the past we have been precluded from doing that."

The powers will not be retrospective, however, and CMEC will not have priority over any of the other creditors who may seek to make claims on the deceased's estate.

Among its other enforcement powers, CMEC will be able to dock the wages of absent fathers and take profits from share portfolios or property sales in order to ensure they pay their way. It will be able to jail those who run up debts, or seize their passports and driving licences.

But CMEC also wants to give the UK's estimated 2.5m separated parents more choice about their financial arrangements.

Under its Options scheme, separating couples will be given help to make agreements between themselves about how much the lone parent should be paid in maintenance, rather than the state taking control.

The statutory service will only operate if couples cannot make their own arrangements or draw up a court order. Currently all parents who claim benefits are forced to use the CSA.

CMEC also wants to bring about a cultural change in parenthood by teaching children as young as 11 about the costs and responsibilities of having a baby.

Janet Paraskeva, its chairman, said: "We are talking with the Department for Children, Schools and Families about how to get the whole business of financial responsibility into the curriculum.

"What we're trying to say is you make agreements about who gets the fridge, but also what financial arrangements should be made. Far from shying away from it, it becomes part of the normal conversation."

Chris Grayling, the shadow work and pensions secretary, said he had "severe misgivings" about CMEC's power to recover debts from dead parents.

"There will often be a bereaved second family involved and to leave them with a regulatory battle with CMEC seems something which I think is highly questionable," he said.

Matt O'Connor, a founding member of the Fathers4Justice campaign group, added: "The system degrades and demeans fathers, it treats them as cash machines and now it will do so even when they're six feet under.

"There have already been people who were driven to their graves by the CSA – fathers who have committed suicide often because they were struggling to look after second families and couldn't cope with the demands from the CSA.

"It won't be fathers who pay, it will be their children and families."

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