

Chapter 26 - Default Maintenance Decisions

Introduction

26001 Where there is insufficient information to make a maintenance calculation a Default Maintenance Decision (DMD) can be imposed ¹.

¹ CS (NI) Order 1991, Art 14 and CSMC Regs (NI) 2012, reg 48

This guidance explains

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The purpose of a DMD and DMD rates

26002 DMDs are intended to act as short term decisions, that will prompt the non-resident parent (NRP) to contact the Child Maintenance Service (CMS) to establish a decision based upon actual income. The default rates are

1. £39 where there is one qualifying child (QC)
2. £51 where there are two qualifying children, or
3. £64 where there are three or more qualifying children.

Note: A Child in Family Based Arrangement (CIFBA), Child of the family or child abroad would not be treated as a QC when calculating DMD.

When a DMD should be considered

26003 A DMD should only be considered if all the following circumstances apply

1. The CMS has identified the NRP's last known or notified address using all available evidence and reasonable diligence, and are confident that, on the balance of probabilities, the correct address is held for the NRP. Refer to Chapter 39 – Last known or last notified address for further guidance.
2. attempts to contact the NRP on at least three separate occasions have failed
3. a request for income details has been issued to the NRP and the NRP has been warned verbally or in writing that the CMS can impose a DMD if

they fail to provide the information required

4. the CMS have been unable to obtain details of the NRP's income from Her Majesty's Revenue and Customs (HMRC), their employer or accountant, and
 5. insufficient information is held for the NRP's income to be estimated.
- Refer to [Chapter 24 - Estimating Current Income](#) for further guidance.

Note: after imposing a DMD, Decision Makers (DMs) should also consider whether a referral to the Financial Investigations Unit (FIU) is appropriate.

CSMC Regs NI 2012, Reg 7(2).

Example

The CMS are notified on 7 November 2018 that NRP John has ceased claiming benefit. No historic income figure is held by HMRC. John does not respond to requests for current income and has been notified that a DMD can be imposed. No previous current income is held and parent with care (PWC) Mary has no information regarding John's circumstances or occupation. As the CMS have insufficient information to make a historic income, current income or estimated current income calculation a DMD is imposed.

26004 Where the conditions for applying a DMD exist but before the date which would be the effective date of the DMD, the historic income figure becomes available from HMRC, a DMD is not appropriate. As historic income is available at the effective date of the calculation, the calculation can be made based on the historic income.

Example

The CMS are notified on 15 July 2019 that NRP Mark has ceased claiming benefit. No historic income figure is held by HMRC. Mark does not respond to requests for current income details and has been notified that a DMD can be imposed. No previous current income is held and PWC Jane has no information regarding Mark's circumstances or occupation. Prior to calculating the change, the historic income figure is requested and obtained from HMRC as part of the annual review. A DMD is no longer required as historic income is held at the effective date of the calculation.

When a DMD can be converted into a full maintenance calculation

26005 Where the NRP's income information becomes available and a DMD is already in force, a maintenance calculation must be completed to replace it. Refer to [Chapter 43 - Supersessions](#) for more detail about how to convert a DMD to a full maintenance calculation.

Note: Please see [Chapter 14 - Effective dates \(Effective date tables\) | DfC Internet](#) for further guidance - Default Maintenance Decision (DMD) in place – Income or employer information provided by the client & Default Maintenance Decision (DMD) in place – NRP employer information obtained from a third

party (HMRC).