Guidance notes for completing an Application to obtain a maintenance decision or to have a decision relating to maintenance modified.

Form number: REMO 8 - Application form referred to in Annex VII of Council Regulation (EC) No 4/2009

Introduction

Set out in this guidance are notes to help you complete the Annex VII form. You should read the notes to each section carefully before you begin to complete that particular part of your application. Please ensure that you complete the form as fully as possible and provide all the documents required to support your application.

For advice on court procedures, to get the forms you need or for help filling them in, court staff will be able to help you. But remember, court staff cannot give you legal advice. For example, they cannot tell you if you are likely to be successful in recovering maintenance.

Contact details for your local court can be obtained from www.hmcourts-service.gov.uk/HMCSCourtFinder/CourtList.do

Completing the form

Part A (sections 1 – 4)

Please leave this section blank. This portion of the form is completed by the reciprocal enforcement of maintenance unit (REMO) once they have received your application.

Part B (section 5)

Please indicate the nature of the application you are applying for and where appropriate the grounds on which it is based. Section 5.1 should be completed for an application to obtain a decision. Section 5.2 should be completed if you wish to apply for modification of a decision.

Part B (section 6)

In this section give full details about yourself including your name, contact information and date of birth. Your personal address can be replaced with an alternative address if you believe this needs to remain confidential, because there is a risk of family violence.

Part B (sections 7 and 8)

Please detail the name and as much information as you have on the defendant. This is particularly important where you do not have the full address information. Where you are unsure of the address for the defendant it may be possible for the foreign Government to help locate the defendant, but this is likely to be more successful if you provide information such as the defendant's date of birth, last known address, employer, social security number or any other information that might assist.

Part B (section 9)

In this section set out the name and date of birth for each person/child for whom maintenance is sought or owed. The application form provides space for three persons/children but if the decision you wish to obtain or modify relates to more than three, please continue on a separate sheet and attach it to the application form. If the person is you, the applicant, or the

defendant you can just tick the relevant box at 9.1 or 9.2.

Part B (section 10)

In this section please give details of the maintenance debtor. This is the person who has been ordered to/or you are applying to have pay maintenance. Where this is you, the applicant, or the person you have listed as the defendant, just tick the relevant box at 10.1 or 10.2. Otherwise please provide the relevant information.

Part B (section 11)

In this section you will need to detail any financial information that is relevant to your application. Section 11.2 should detail financial information relating to the persons/children for whom maintenance is sought or owed (the persons/children you have listed at section 9) and the person who is responsible for those persons/children. Section 11.3 should list financial information relating to the maintenance debtor (the person you have listed at section 9).

Part B (section 12)

This section is only completed if you are the maintenance creditor. This is the person to whom maintenance is paid to or who is seeking to be paid. If you are the maintenance creditor you should provide information as to whether you wish to receive payment direct to your bank account or whether you wish to receive payment by cheque.

Part B (signing and dating the form)

At the end of the application form you must ensure that you have signed and dated the form. This should then be sent with all your accompanying documentation to:

Reciprocal Enforcement of Maintenance Unit
Office of the Official Solicitor and Public Trustee
81 Chancery Lane
London
WC2A 1DD

What documents will I need to support my application?

This will depend on whether you are seeking to obtain a maintenance decision or to have a maintenance decision modified. Examples of what might support your application include:

Application to obtain a decision:

- Documents relating to the financial status of the parties
- Documents proving marriage/relationship/divorce
- Maintenance debtors acknowledgement of parentage
- Document proving biological parentage
- any other necessary supporting information or documentation

Application to have a maintenance decision modified

- A copy of the decision/court order that you wish to have modified.
- Document proving a change in income or any other change in circumstances
- any other necessary supporting information or documentation

Where can I get legal advice?

You may be eligible for free legal information and advice from Community Legal Advice. For further details please phone 0845 345 4 345 or visit:

http://www.direct.gov.uk/en/DI1/Directories/UsefulContactsByCategory/Governmentcitizensandrightscontacts/DG_195356

If they are not eligible for legal aid, Community Legal Advice will find ways to help you by putting you in touch with other services. You may also get free legal advice from a Law Centre or a Citizens Advice Bureau at

www.adviceguide.org.uk

Useful links

For general information on obtaining and enforcing maintenance decisions, please visit the DirectGov website at

http://www.direct.gov.uk/en/Parents/Lookingafterchildrenifyoudivorceorseparate/Lookingafterchildrenifyourrelationshipends/DG_192867