

Evening Herald Monday 25 January 2010

Ahern targets dads dodging child payments

Justice Minister Dermot Ahern is to explore ways of closing the loophole, which was highlighted by a Supreme Court ruling in June last year.

The court changed the legal onus from a situation whereby debtors have to prove their inability to pay, to one where a creditor must provide evidence that the person can pay.

Since the judgment, applications for child maintenance enforcement orders have been routinely refused. This has created problems for mothers trying to access funds held by fathers who claim inability to pay.

Legislation already brought forward by the Minister counteracted the Supreme Court ruling but the issue was not addressed in family law.

As a result, District Court judges have been refusing to issue child maintenance enforcement orders.

According to figures from the Department of Social and Family Affairs, it was unable to collect child maintenance payments from almost 3,200 parents last year.

A Department of Justice spokeswoman said: "The courts service has flagged the difficulties being experienced in some maintenance cases and the minister, following consultations with the Attorney General, proposes to bring forward an amendment in the forthcoming Civil Law (Miscellaneous Provisions) Bill."

The Department of Social and Family Affairs notes that in 1,408 unpaid cases the liable parent could not be traced.

In every case where a One-Parent Family Payment is awarded, the department's Maintenance Recovery Unit must trace the other parent in order to find out whether he or she is in a financial position to contribute.

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