

Guidance notes for completing an Application for recognition, declaration of enforceability or enforcement of a decision relating to maintenance obligations

Form number: REMO 7 - Application form referred to as Annex VI in Council Regulation (EC) No 4/2009

Introduction

Set out in this guidance are notes to help you complete the Annex VI 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 – 5)

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 6)

Please indicate the nature of the application you are applying for and where appropriate the grounds on which it is based. If you are unsure about this please ask the court to give you advice

Part B (section 7)

Please give details of the decision/court order that you are seeking to have recognised/enforced. Remember that you will have to provide a copy of the decision/court order and also you will have to ask the court that made the order to supply you with a certified extract, Annex I, II, III or IV which confirms that the decision/court order is enforceable.

Part B (section 8)

In section 8.1 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.

Section 8.2 should be left blank, as this is only completed where a public authority, such as the Child Maintenance Enforcement Commission, makes an application.

Part B (sections 9 and 10)

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 Authority 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 11)

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 your decision/court order 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 11.1 or 11.2.

Part B (section 12)

In this section please give details of the maintenance debtor. This is the person who has been ordered to pay maintenance. Where this is you, the applicant, or the person you have listed as the defendant, just tick the relevant box at 12.1 or 12.2. Otherwise please provide the relevant information.

Part B (section 13)

This section is only completed if you are the maintenance creditor. This is the person to whom maintenance is paid to. 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, or person/authority (e.g. Court) have signed and dated the form. This should then be sent with all your accompanying documentation to:

Reciprocal Enforcement of Maintenance Orders Unit
The Official Solicitor's Office
Victory House
30-34 Kingsway
London
WC2B 6EX

DX: 141423 Bloomsbury 7

What documents will I need to support my application?

- You will need to include a copy of the decision/court order that you wish to enforce.
- You will need to include a certified extract of the decision/court order (Annex II or Annex IV issued by the court or competent authority which made the order/decision to confirm that the decision is enforceable.
- Where appropriate, a certified, signed and dated document showing the amount of any arrears and the date such an amount was calculated.

Useful links

For general information on obtaining and enforcing maintenance decisions, please visit the looking after children if you divorce or separate pages via the GOV.UK website at

<https://www.gov.uk/looking-after-children-divorce>