

Social Welfare Payments and Maintenance

There are some social welfare payments, most commonly the One-Parent Family Payment but also the Jobseeker's Transitional payment, whereby you will be asked about maintenance from the other parent of your child. This is because there is an expectation that parents financially provide for their children, and there are court processes that can be followed to seek maintenance but also because applications for social assistance payments are means tested.

Seeking maintenance from a non-resident parent

Seeking maintenance is an issue that arises for applicants for One-Parent Family Payment (OFP) and Jobseeker's Transitional payment (JST) in that the onus is placed on the applicant to take steps to seek maintenance from the non-resident parent. There is a difference for those who are married and those who are not.

For married and separated applicants, one of the qualifying conditions is that they have taken steps to seek maintenance from their spouse at the time of application.

For someone who is not married, then whilst they do not have to seek maintenance at the time of application, once the application is approved and payment is made, then they are expected to seek maintenance from the child's other parent, for payment to continue.

Domestic violence and seeking maintenance

Where there has been domestic violence and abuse in a relationship then it may not be safe for a person to seek maintenance if they are worried that to do so would risk further threats or violence.

If you are applying for One-Parent Family Payment or Jobseeker's Transitional payment because you have left a violent and abusive relationship or, if the parent of your child(ren) has been or is being abusive or violent to you, then it is really important that you disclose any domestic abuse experiences or concerns you have to the Department of Employment Affairs and Social Protection (DEASP) staff.

Your safety and that of your children are of paramount importance. If you consider that it would not be safe for you to seek maintenance from the other parent of your child(ren) you should inform DEASP staff. Part of the application process usually involves a visit to your home or an appointment with a Social Welfare Inspector and this is an opportunity to share your concerns.

How efforts to seek maintenance are satisfied

These efforts are outlined in the operational guidelines for One-Parent Family Payment and include:

- Providing documentary evidence of existing maintenance payment arrangements, such as bank statements.
- Engaging in a mediation process which needs to include financial support of children.
- Issuing a maintenance summons in the local District Court (or Circuit Court)

Therefore, if an applicant for OFP can show proof of payments, evidence of attending mediation or a pending court date for maintenance then the effort to seek maintenance may be considered as satisfied by the Department of Employment Affairs and Social Protection.

When efforts to seek maintenance are not satisfied

The requirement to seek maintenance may not be regarded as satisfied by the Department of Employment Affairs and Social Protection if someone fails to make efforts to find the other person's whereabouts or if they refuse to take appropriate steps through mediation or court process to seek maintenance.

Situations where efforts to seek maintenance are not required

In some circumstances a person will not be expected to seek maintenance from the other person. Examples of these circumstances are as follows:

Where the other parent (the liable relative);

- Is in receipt of a social assistance payment from the Department of Employment Affairs and Social Protection, such as Jobseeker's Allowance;
- is in prison;
- is aged under 18, or
- has a very low income.
- Efforts to seek maintenance may not be required where there is evidence that the other parent is violent and there is a risk to you or your children, in the event of further contact.

Making an application for payment

When you are making an application for a payment, such as One-Parent Family Payment or Jobseeker's Transitional payment then you will need to complete the application form, include the necessary documentation and return it to your local social welfare office or Intreo centre. It is a good idea to have a photocopy of the application form, to keep for your records and you may ask a staff member to date stamp your copy, as having been received. You may be contacted by them with a request for additional documentation and usually you have 7 days to return the information.

The next step is that you may then be contacted by the Department to attend a meeting with a social welfare inspector, as part of your application, or they may call

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to you at home. This is a normal procedure. You will be asked about your personal and financial circumstances and may be asked for additional documentation.

The meeting with the social welfare inspector, who is assessing your application, is an opportunity to share any concerns you may have about your safety in seeking maintenance from the other parent.

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