

Comprehensive Social Security Assistance Scheme Treatment of Maintenance Payments

The amount of Comprehensive Social Security Assistance (CSSA) is determined by the resources and needs of an individual applicant or the applicant's family. The difference between the applicant's/family's assessable income (including maintenance payments) and recognized needs under the CSSA Scheme is the amount of assistance payable.

Unless with acceptable reason¹, applicant/recipient **should** seek assistance to enforce the maintenance order if he/she is a maintenance payee but has failed to receive full maintenance payments from the maintenance payer on time in accordance with the maintenance order, for instance, the maintenance payer refuses or fails to pay.

Applicant/recipient who is not the maintenance payee or has got only a nominal maintenance order is not required to file claim for maintenance as a condition for CSSA payments.

How to seek assistance to enforce the maintenance order?

- ✧ Maintenance payee can choose to approach direct either the Family Court to apply for recovery of maintenance payments in accordance with the maintenance order or the Legal Aid Department (LAD) to apply for legal aid to seek enforcement of maintenance order.
- ✧ An CSSA applicant/recipient who has neither approached direct the Family Court to apply for recovery of maintenance payments nor LAD to apply for legal aid, staff of the Social Security Field Unit (SSFU) will, with the agreement of the applicant/recipient, refer he/she to LAD for seeking legal assistance to enforce the maintenance order.

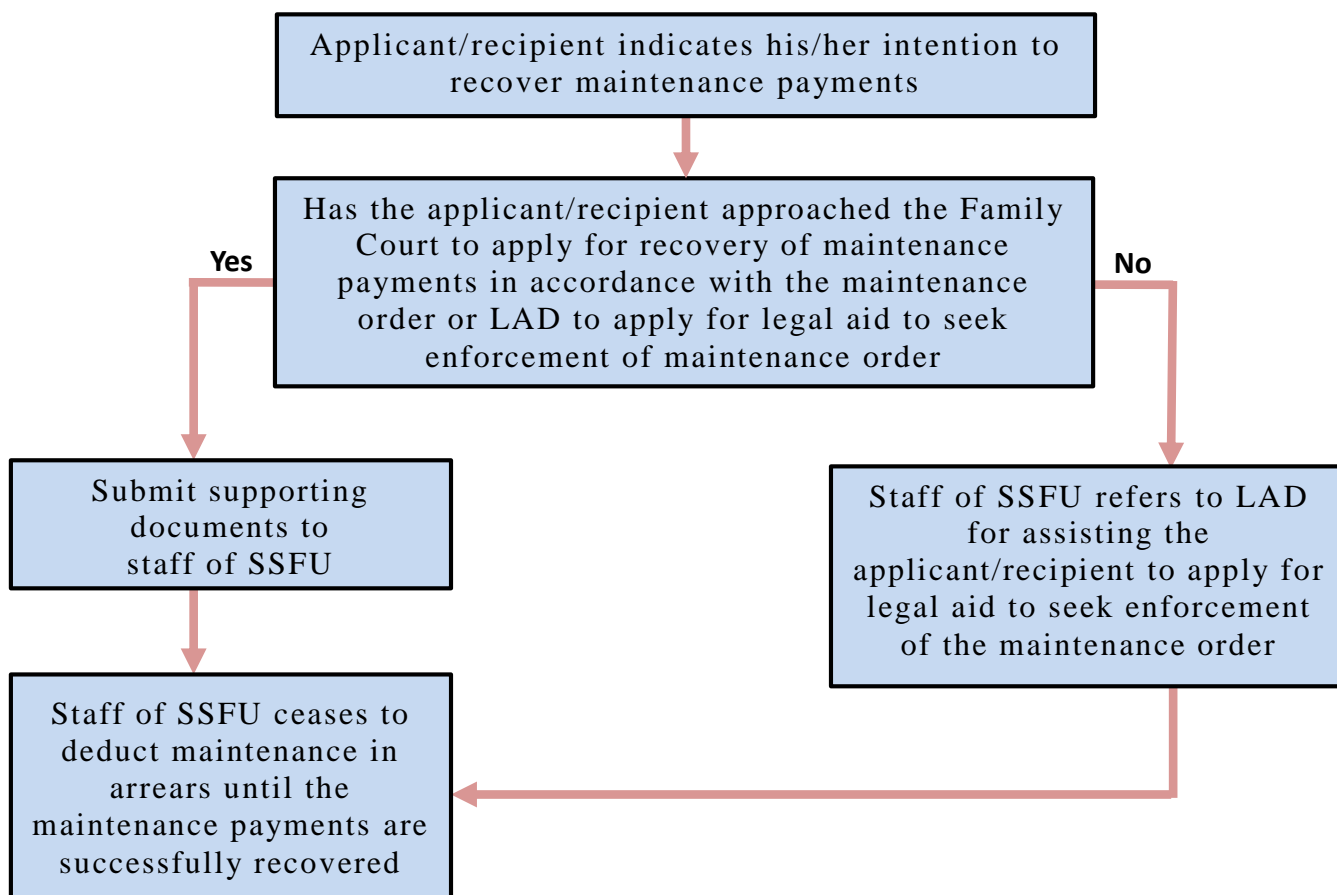
Will the amount of CSSA be affected before the maintenance in arrears have been successfully recovered?

- ✧ If an applicant/recipient has approached direct either the Family Court to apply for recovery of maintenance payments or LAD to apply for legal aid for recovery of maintenance payments, Social Welfare Department (SWD) will cease to deduct the maintenance payments from his/her CSSA entitlements upon receiving document proof for applying for enforcement of maintenance order from the applicant/recipient.
- ✧ SWD will cease to deduct the maintenance in arrears from applicant's/recipient's CSSA entitlements once SWD has referred the case to LAD to apply for legal aid to seek enforcement of maintenance order.
- ✧ SWD will check the development and result of recovery of maintenance payments during case reviews. If there is any changes in the circumstances of a recipient which may affect his/her CSSA entitlements, including any changes in receiving maintenance payments, such as successful recovery of maintenance payments, should report immediately to SWD.

¹ Examples of acceptable reason:

- There is no way to find out the maintenance payer's whereabouts;
- There is well-founded fear of the maintenance payer who has records of violent behavior or other problems; and
- There is adequate evidence that the maintenance payer has no financial means to comply with the maintenance order, e.g. the maintenance payer is also receiving CSSA, bankrupt, etc.

**Workflow of adjusting CSSA payments
during processing the recovery of maintenance payments**



What is the arrangement after the maintenance payments having been recovered successfully?

- ✧ After the applicant/recipient has successfully recovered the maintenance payments, SWD will discuss with him/her whether there is a need to adjust the CSSA payments having regard to individual circumstances.

Please contact staff of SSFU for more details.

Social Welfare Department
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