

# Mother loses child maintenance battle

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A divorced mother failed today in her legal battle with the Child Support Agency (CSA) over maintenance payments for her three children.

Three leading judges ruled at the Court of Appeal that the CSA does not owe Denise Rowley, 51, a duty of care.

Her case had been backed by the family law association of solicitors, Resolution, which said the judgment was a “major blow” to families failed by the CSA.

Lawyers are considering asking the Law Lords to review the case, which has been fought to try to clarify whether and in what circumstances families can obtain compensation through the courts in actions against the agency.

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Ms Rowley asked the Court of Appeal to rule on whether she can bring a case that the CSA was negligent in its handling of her claim for child maintenance.

Lord Justice Dyson, giving the lead judgment dismissing Ms Rowley’s case, said he did not think it was “fair, just and reasonable” to impose a duty of care on the Work and Pensions Secretary to avoid economic loss.

Kim Fellowes, Chair of Resolution’s CSA committee, said: "The failings of the CSA are legendary and it is astonishing therefore that the Government has thus far been silent on its plans to recompense those failed by it.

“For the last fourteen years, thousands of children have been badly let down by the CSA. The Government have insisted that enforcement of claims for maintenance be processed through the CSA and have utterly failed to address the real hardship and distress caused by its manifest failures.”

"As the recently published Child Maintenance Bill passes through Parliament over the next few weeks, Resolution is calling on MPs to ensure that the new bill sets out clearly the rights to redress for those failed to date and for any errors in the future.

“The Government aims to create a new child maintenance agency divorced from the mistakes of the past. For this to work – the legacy of the past two schemes must be dealt with. Otherwise the new system will be crippled even before it has begun.”

A spokesperson for the Department of Work and Pensions said: "We are clear that it is parents who have the first responsibility to provide for their children. We welcome the court's decision and will continue to reform the system of child maintenance to ensure that all parents fulfil their duty of care to their children."