

A Family Law Department
Client Guide on
Child Support

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CHILD SUPPORT

1. General Comments

Child Maintenance is paid by a non-resident parent to help you raise their child. So, if you care for a child whose other parent lives elsewhere - that parent should give you money. The Child Support Agency can work out and collect Child Maintenance for you.

2. Who can apply for Child Maintenance?

You can ask for Child Maintenance to be worked out and collected if any of the following apply:

- you are getting Child Benefit
- you are a parent with care of your child
- you are a parent not living with your child
- you are another person caring for a child

Special rules apply if

- you have care of your child and you get Income Support or Income-based Jobseeker's allowance; or
- there are other maintenance arrangements for your child; or
- you or the other parent live outside the UK

3. Who cannot get Child Maintenance?

You won't get Child Maintenance from a parent who is :

- a student in full time education (on a recognised course involving at least 12 hours a week)
- aged 16 to 19 and in full time "non-advanced" education (up to A level, NVQ level 3 or equivalent)
- in prison
- living in a residential care or nursing home and getting help with the fees

You won't usually get the CSA to pursue your application for Child Maintenance if the parent involved lives outside the UK - unless they work for a UK-based employer or serve with HM Armed Forces.

4. How much do you get?

The amount of Child Maintenance a non-resident parent has to pay depends on:

- the non-resident parent's income after tax
- the number of children who qualify for maintenance
- the number of other children living with the non- resident parent.

Non-resident parents with a net weekly income of more than £200 a week will pay a basic rate.

This is a percentage of the non-resident parent's net weekly income, which is weekly income (usually earnings) after tax, National Insurance and contributions to a pension have been taken off. Tax credits and occupational pensions can also count towards weekly income. The percentage of the net weekly income is set out in legislation. It is

- 15 per cent if there is one qualifying child;
- 20 per cent for two qualifying children; and
- 25 per cent for three or more qualifying children

If a non-resident parent has children living with them in their current family, we will use a lower amount of net weekly income in working out child maintenance. This is the non-resident parent's net income reduced by

- 15 per cent if there is one relevant child
- 20 per cent for two relevant children
- 25 per cent for three or more relevant children

Non-resident parents with a net weekly income of more than £100 but less than £200 a week will pay a reduced rate.

This rate is £5 a week on the first £100 of net income plus a percentage of the net weekly income over £100. The percentages used are different from the basic rate. They are less for non-resident parents who have relevant other children living with them.

The flat rate is £5 a week for any number of children. ***It is for children whose non-resident parent has a net income of £100 a week or less, or who get any of a wide range of benefits*** including

- Income Support
- contribution-based Jobseeker's Allowance
- income-based Jobseeker's Allowance
- War Pension
- Retirement Pension
- Incapacity Benefit
- Widowed Parent's Allowance
- Bereavement Allowance

Non-resident parents who are living with someone who gets Income Support or income-based Jobseeker's Allowance for them also pay a flat rate. If the non-resident parent is getting one of these benefits, the child maintenance can be deducted from it. A parent with care can apply to increase the amount of child maintenance payable if a non-resident parent is getting certain benefits and has another source of income of more than £100 a week.

Sometimes the child maintenance due can take into account exceptional circumstances that are outside the basic rules.

This is called a variation. Variations can lead to an increase or a decrease in the amount of child maintenance. You may be entitled to a variation if one or more of the following circumstances applies to you (these are called grounds).

Special expenses

If you are a non-resident parent and

- you have high costs related to seeing the child or children for whom maintenance is due (for example, travel costs)
- you have extra costs because a child who is living with you has a long-term illness or a disability
- you are still repaying a debt which you took on before you were separated from the parent with care, and that debt was for the benefit of the family or a member of the family
- you pay boarding school fees for the child or children for whom maintenance is due
- you make payments for a mortgage, loan or insurance policy on the home which you and your former partner used to share and you no longer own any part of it and your former partner and children still live there.
- Property or capital transfer
- If you are a non-resident parent and
- you transferred property or capital to the parent with care before 5 April 1993 as part of a court order settlement or a written agreement (sometimes called a 'clean break' settlement).

Additional cases

If you are a parent with care and

- the non-resident parent has assets worth more than £65,000 (excluding their home and any assets which are used in the course of their business)
- the non-resident parent is (or will be) paying child support of £5 a week (because they receive certain benefits) or they do not have to pay anything and they have another source of income of £100 or more a week
- the non-resident parent diverts income to another person or business in order to reduce their maintenance
- the non-resident parent enjoys a lifestyle which, in most cases, could only be done by someone whose income is much higher than the income on which the child maintenance calculation is based.

You can apply for a variation at any time, either with the application for child support or before or after your child maintenance has been calculated.

Basic and reduced rate cases

If a child stays overnight with the non-resident parent on a regular basis, child maintenance for that child will be reduced. This is done on the basis of 1/ 7 for each night of weekly shared care as follows:

SHARED CARE

Number of nights of overnight care by non-resident parent per year	Child maintenance for the child will be reduced by
52 to 103	1/7
104 to 155	2/7
156 to 174	3/7
175 or more	1/2

- Maintenance will also be reduced by an additional £7 for each child the non-resident parent looks after for 175 nights or more a year
- Child maintenance will not be reduced if the child stays with the non-resident parent for less than 52 nights a year

5. How is it paid?

Your Child Maintenance will be paid into your bank, building society, Post Office or National Savings Account that accepts Direct Payments or it can be paid direct from the non-resident parent to the parent caring for the child.

6. What effect will it have on benefits or tax credits?

Child Maintenance does not affect tax credits.

If you are receiving Income Support, or Job seeker's allowance, the CSA will apply for child maintenance on your behalf, unless you ask them not to (known as "opting out")

You may think that a "good cause" for opting out would be risk of harm or undue distress to you or your children, should the CSA try to arrange Child Maintenance.

Without 'good cause' opting out could mean that:

- You cannot get Child Maintenance premium, which allows families to get up to an extra £10 per week with child Maintenance
- Your benefit may be reduced, after a 'reduced benefit decision'

7. How to apply

To apply for Child Maintenance you can do any of the following:

- Claim online at <http://www.csa.gov.uk>
- Register on the CSA website
- Call the CSA National Helpline 08457 133 133 (8.00 a.m. to 8.00 p.m. Monday to Friday, 9.00 am to 5.00 pm on Saturdays)

8. What to do if your circumstances change

If things change after your maintenance has been worked out you should notify the CSA as soon as possible by phone, e-mail or letter. If you are unsure if the change will affect your maintenance payments you should call the CSA for advice.

If Child Maintenance payments are changed, the new amount of child maintenance usually starts from the week the change was asked for.

9. Appeals

The Central Appeals Unit was set up to deal with all appeals against child support maintenance assessments. It is divided into six operational support teams, one for each of the Child Support Agency units, and a specialised team dealing with departures appeals. These teams deal with the administration involved in the appeals process. They will be your first point of contact should you wish to contact the unit by telephone. Their contact details are on any letters issued to you

The Central Appeals Unit and the appeals process are in place to resolve any disputes between clients and the Child Support Agency regarding assessment decisions. However, before this process commences, the decision in question must be disputed with the Child Support Agency Centre to see if the issue can be resolved.

If you have received a decision that you disagree with, please contact the appropriate Child Support Agency Centre in order to dispute that decision. If you are not satisfied with the outcome of that dispute process then you may submit an appeal, once you have received written notification of the outcome of that dispute decision.