Child Maintenance in Great Britain

Everything you need to know
Section 1 What is child maintenance?

Child maintenance is regular, reliable support that helps towards your child’s everyday living costs.

Child maintenance usually means one parent paying money to the other for their child’s upkeep. But both parents are responsible for financially supporting their children.

In most cases, the parent who does not have the main day-to-day care of the child pays child maintenance to the parent who does have the main day-to-day care.

In child support law the parent who:

- receives child maintenance is known as the ‘parent with care’ – we call them the ‘receiving parent’
- pays child maintenance is known as the ‘non-resident parent’ – we call them the ‘paying parent’.

In some cases, the receiving person can be a grandparent or guardian.

Parents can agree to work together and set up their own family-based arrangement rather than use the statutory child maintenance scheme managed through the Child Maintenance Service.

The Child Support Agency will continue to manage existing cases from the 1993 and 2003 schemes. See page 9 for more information.

Please contact Child Maintenance Options on 0800 988 0988 or www.cmoptions.org for more information, support and guidance on child maintenance.
Section 2 Arranging child maintenance with your child’s other parent

A family-based arrangement is one you agree between yourselves and it can give parents more flexibility and control. For example, parents can agree between themselves what counts as child maintenance and when it should be paid.

Sharing the care of your children and buying things directly for them can also be included. The most important thing is that both parents agree to the arrangement.

For example, the parent without the main day-to-day care of the child could:

- pay a fixed, regular payment
- pay a larger ‘lump-sum’ payment at various points in the child’s life
- pay a proportion of their earnings
- buy items such as school uniforms or pay for day trips
- share the day-to-day care of the child
- do a mix of some or all of these things.

Family-based arrangements aren’t legally binding, but if you use a family-based arrangement form to keep a record of your agreement it could help you both to keep to what you’ve agreed. Find the form at www.cmoptions.org.
Why make a family-based arrangement?

There are several advantages to a family-based arrangement. A family-based arrangement is:

• private and worked out between both parents without anyone else getting involved
• quick and easy to set up, and it doesn’t involve a lot of paperwork
• flexible and easy to change when circumstances change
• completely free to set up.

Research shows that children get a better start in life when both parents work together and focus on what’s best for their children. When parents make their own financial arrangements, this often helps them to agree on other aspects of their child’s life.

How much child maintenance?

How much child maintenance should be paid is a common question for most separated parents. If you’re making a family-based arrangement, the answer will depend on what you agree.

The child maintenance calculator at www.cmoptions.org can help you to estimate how much your child maintenance payments might be if you used the statutory service.

The amount is based on individual circumstances. You can use this figure as a guide for discussing your family-based arrangement. The important thing is to agree an arrangement that best suits you and your child and keeps both parents working together.

Please contact Child Maintenance Options on 0800 988 0988 or www.cmoptions.org for more information, support and guidance on child maintenance.
Section 3 Arranging child maintenance through the Child Maintenance Service

The Child Maintenance Service now deals with all new applications to the statutory scheme.

The Child Support Agency no longer accepts new applications. However, it will continue to manage the existing cases on the 1993 and 2003 schemes. See page 9 for more information.

If you cannot make a family-based arrangement work, you can apply to the Child Maintenance Service who will work out the amount of child maintenance that must be paid.

How to pay child maintenance

Option 1

*Direct Pay* is when the Child Maintenance Service works out the amount of child maintenance a paying parent must pay. Both parents then agree between themselves how and when payments are made. If payments are not made, the case can be moved to the Collect & Pay service.

Option 2

*Collect & Pay* is when the Child Maintenance Service works out the amount of child maintenance to be paid, and collects payments from the paying parent and passes them on to the receiving parent.

*The government is proposing to introduce fees and charges for using the Child Maintenance Service. See page 11 for details.*

The Child Support Agency is now closed to new applications.

Please contact Child Maintenance Options on 0800 988 0988 or www.cmoptions.org for more information, support and guidance on child maintenance.
Which children are covered by child maintenance and how long should it be paid for?

Child support law covers children who:

- live in the UK
- live with the receiving parent, grandparent or guardian
- are under the age of 16, or
  - are between 16 and their 20th birthday and are in full-time, non-advanced education (up to A-level equivalent), or
  - are between 16 and their 20th birthday, registered with certain types of government-approved training courses, and child benefit is still being paid for them.

For children leaving school or full-time, non-advanced education, child maintenance is payable until the first Monday in September following the end of the school term. Child benefit payments also stop at this time.

How much will the paying parent pay if they are employed or self-employed?

The Child Maintenance Service will take into account:

- the paying parent’s gross income (the amount they earn before tax, national insurance and pension contributions are taken off)
- the number of children eligible for child maintenance
- how often those children stay overnight with the paying parent
- if there are any other children who the paying parent (or their partner) get child benefit for
- if the paying parent also pays child maintenance for any other children.
How much will the paying parent pay if they are not working?

For all new applications to the 2012 scheme, if the paying parent is not in paid work and is getting certain benefits, they will pay child maintenance at a flat rate of £7 a week. The payments could be taken automatically from the paying parent’s benefits. See page 11 for details of fees and charges.

If the paying parent’s circumstances change, what should they do?

We understand that circumstances change, and it’s important the paying parent keeps their details up to date. Changing your employer, changes to your income, or having extra dependent children may affect your child maintenance payments.

If there are any changes to your circumstances you should always contact the Child Support Agency or the Child Maintenance Service straight away, using the contact details on the letters you have received from them.

Will child maintenance affect the receiving parent’s benefits?

No. Child maintenance that is paid to the receiving parent will not affect their benefits. However, some local councils may take any child maintenance you get into account if you apply for help with your council tax.
Section 4 Closing existing Child Support Agency (CSA) cases

Big changes are happening in the world of child maintenance. The changes are intended to support separated families so that children – as far as possible – benefit from having ongoing relationships with both parents.

What will happen?

From 2014 the CSA will begin to end child maintenance arrangements on its 1993 and 2003 schemes. If you are affected, you will get a letter up to 6 months beforehand, giving you a chance to put a new arrangement in place. Parents will be encouraged to think about making their own family-based arrangement, while those who can’t will be able to make an application to the Child Maintenance Service.

Parents will be offered help and support through this change to help them make the child maintenance arrangement that’s right for them. We expect it to take about 3 years to contact every parent and end all CSA arrangements.

What are the options?

Family-based arrangement

The ending of CSA arrangements is a chance for parents to think about working together to support their children with a more flexible and private family-based arrangement. These kinds of arrangements can be better for parents as well as their children. (See page 4 for more information.)

The Child Maintenance Service

Parents who aren’t able to work together will be able to make an application to the Child Maintenance Service, but there will be charges for using this service. (See page 11 for details of fees and charges.)
Consent order
This is a legal arrangement made through the courts in England, Wales and Northern Ireland. It includes child maintenance arrangements and is legally binding. (See page 13 for more information.)

Minutes of agreement
This option, available in Scotland, is a legal arrangement between two or more parties drawn up by solicitors, often without the need to go to court. (See page 13 for more information.)

What happens next?
If you already have a Child Support Agency case you don’t need to do anything different until they get in touch about ending your arrangement. Remember – this could be any time over a three-year period starting in 2014. In the meantime, keep paying your child maintenance.
Section 5 New fees and charges for using the Child Maintenance Service

From 2014 the government is proposing to introduce fees and charges for using the Child Maintenance Service.

The fees and charges are being introduced to encourage more parents to think about working together to arrange child maintenance through a family-based arrangement, instead of using the Child Maintenance Service or the courts.

Research tells us that children do best when parents work together. There is evidence suggesting that children are healthier, happier and do better at school with two parents supporting them throughout their childhood.

New application fee

The Child Maintenance Service is proposing to charge a fee of £20 for any new applications.

You won’t have to pay the application fee if you:

- are a victim of domestic violence and have reported this to an appropriate person or organisation, or
- are aged under 19.

Collect & Pay fees

Both parents will pay a fee for using the Collect & Pay service.

For paying parents:

- it’s proposed that a 20 per cent fee is added to each amount of child maintenance we collect
- there will also be a range of charges for the different enforcement actions the Child Maintenance Service can take when a payment is missed or not made in full.
For receiving parents:

- it’s proposed that a 4 per cent fee will be taken away from each amount of child maintenance they receive
- fees will only be taken when we pass a maintenance payment on to them.

**Enforcement charges**

To encourage paying parents to make payments on time and in full, the government proposes to introduce enforcement charges. This means the paying parent will have to pay an extra charge as well as a collection fee if the Child Maintenance Service has to take enforcement action to get the child maintenance that is due.

**How can you avoid paying the collection fees?**

There are no collection fees to pay if:

- both parents work together to agree their own family-based arrangement – see page 4, or
- you use the Direct Pay service. See page 6.

Please contact Child Maintenance Options on 0800 988 0988 or www.cmoptions.org for more information, support and guidance on child maintenance.
Section 6 Other types of child maintenance arrangements

Consent orders

A consent order is an order made by a court in England and Wales. It makes an agreement between two parties legally binding.

For child maintenance, courts can make a consent order which says the paying parent must keep to the child maintenance payments they have agreed. The consent order may be enforced if either parent fails to keep to it. You would usually need to get legal advice to set up a consent order, and pay legal costs.

Minutes of agreement

In Scotland, a minute of agreement can be agreed between the parents or with the help of solicitors if needed. It is then registered for ‘preservation and execution’ in the Books of Council and Session. This will allow the minute of agreement to be enforced if either parent fails to keep to it.

Important: Parents cannot set up a statutory child maintenance arrangement within 12 months of setting up a consent order or a minute of agreement.

The law says parents who have consent orders or minutes of agreement made before April 2003 cannot set up a statutory arrangement.

Please contact Child Maintenance Options on 0800 988 0988 or www.cmoptions.org for more information, support and guidance on child maintenance.
Section 7 Complaints, mandatory reconsiderations and appeals

If you’re unhappy with the Child Support Agency or Child Maintenance Service we want to know about it and want to put things right. Here’s what to do.

Do you think we’ve made a mistake or missed some information that affects your child maintenance amount?

No, but I’m unhappy with the service I’ve received

Get in touch with us to tell us what’s happened to make you unhappy with our service. We’ll try to sort the problem out as soon as possible.

Most issues are sorted out at this stage, but if you’re still not happy you can consider making a formal complaint.

Yes

Ask for the decision to be looked at again.

Get in touch to ask us how we’ve arrived at our decision and, if you’re still not satisfied, ask for a ‘mandatory reconsideration’. This means we have to look at our decision again.

If you still think our decision is incorrect after your mandatory reconsideration, you can formally appeal against it.

If you are not happy with the service you have received from us and you think we have made a mistake, let us know so we can look at both of these issues.

You’ll need to make a complaint and ask us to look at our decision again.

Please call the phone number at the top of your letter and talk to a caseworker.
Section 8 How to pay any child maintenance you owe

What happens if you can’t make your payments?
Contact the Child Support Agency or Child Maintenance Service as soon as possible if you’re having problems paying, or if you’re going to miss a payment. They’ll work with you to help you pay what you owe and to keep up your regular child maintenance payments.

What happens if you don’t pay?
Parents have a legal duty to financially support their children. If you don’t pay all the maintenance you should pay, and on time, the Child Support Agency or Child Maintenance Service may take enforcement action. This may include taking payments straight from your earnings or bank account. If you continue not to pay, they can also get an order through the courts to:

• force you to sell your home or other assets
• take away your driving licence, or
• send you to prison.

What help is there?
If you need to know how the amount you owe has been worked out, the Child Support Agency or Child Maintenance Service will give you an explanation.

If you can’t pay what you owe in full, they may be able to arrange a repayment plan with you. Your new payments would include your regular child maintenance payment and a percentage of what you owe, until you are up to date.
Have your circumstances changed?

It’s important you tell either the Child Support Agency or the Child Maintenance Service if your circumstances change, to make sure your child maintenance payments are correct. For example: changes to your income, or having extra dependent children, may be taken into account when working out how much child maintenance you should be paying. This may also affect how much you owe, if you are behind with your payments.

It’s not too late to pay – avoid enforcement action (see page 12 for enforcement charges).

Your case will be with either the Child Support Agency or Child Maintenance Service and you should phone them today using the contact details on the letters you have received from them.
Section 9 What happens if someone denies they are the parent of a child?

Before the Child Maintenance Service works out child maintenance, they will always ask the person named as the parent of a child whether they accept they are the parent. If the person named as the parent denies being the parent, they will study the reasons and ask the person for evidence to show they are not the parent.

The Child Maintenance Service will tell the receiving parent that the person they have named as the parent has denied being the child’s parent, and ask for evidence to support their own statement.

Evidence from both parties is used to decide whether the person named is the parent of the child. The Child Maintenance Service will make a decision on parentage based on this evidence to make sure the correct arrangements for paying child maintenance are put in place.

How does the Child Maintenance Service make a decision if there is disputed parentage?

There are three ways of making a decision if there is a dispute about parentage:

- presumed parentage
- DNA testing, or
- referring the dispute to a court to make a decision

What is presumed parentage?

It is presumed the person named as the parent of a child is the parent if they:

- refuse to take a DNA test
- have adopted the child
have been named in a court order as the parent
• were married to the child’s mother at any time between the date the child was conceived and the date the child was born, or
• are named on the child’s birth certificate.

When is DNA testing used?
DNA testing is used if the Child Maintenance Service cannot presume parentage.

The Child Maintenance Service can only use DNA tests if both the person named as the parent of the child and the receiving parent agree to take the test. The receiving parent will also need to agree that the child can take the test, unless the child is 16 or over – then it is up to the child to agree to it themselves.

What happens if parentage is disputed after child maintenance has been worked out?

• the named person must provide evidence that proves they aren’t the parent by
  • DNA test results, or
  • a court declaration that the person is not the child’s parent. This is called a ‘declaration of non-parentage’ or, in Scotland, a ‘declarator of non-parentage’
• the person named as the parent will have to pay child maintenance until they provide evidence that proves they are not
• if evidence proves they are not the parent, we will usually refund the child maintenance payments they have made.

For more details about disputed parentage please go to [gov.uk](http://gov.uk), or call the phone number at the top of your letter and talk to a caseworker.
Section 10 Common questions and answers

Do I have to use the Child Maintenance Service to arrange child maintenance?

No. The Child Maintenance Service will only ever become involved if one of the parents asks us, and this is a last resort for parents who cannot make a family-based arrangement. (A family-based arrangement is when parents sort out child maintenance between themselves.)

For more information, support and guidance on child maintenance please phone Child Maintenance Options on 0800 988 0988 or go to www.cmoptions.org.

What happens when the paying parent becomes responsible for more children?

If the paying parent has a case with the Child Support Agency or the Child Maintenance Service, they must contact them as soon as possible because this may affect their child maintenance payments.

If parents have a family-based arrangement, they can agree between themselves any changes to their arrangement.

If the paying parent remarries, will it affect their child maintenance payments?

The income of the paying parent’s husband or wife isn’t taken into account when working out child maintenance. Child maintenance payments may be affected if the paying parent becomes responsible for more children.
Do I have to pay child maintenance if I don’t see my child?

Yes. Contact with your children and paying for your children’s upkeep are two separate issues. Whatever your new situation is, you still have a responsibility to financially support your children. Most parents would agree that they want what is best for their children and that the most important thing is the welfare of the child.

Please phone Child Maintenance Options on 0800 988 0988 or go to www.cmoptions.org for more information, support and guidance on child maintenance.

Section 11: Help dealing with separation

If you’re going through separation, there are probably a whole range of issues that you need to deal with. You may be uncertain about where to get the best information and support, and sometimes it’s hard to know where to start.

Sorting out Separation web app

The web app will help you:

• work out what areas you need help with as a separated parent
• find information on issues such as parenting apart, housing, money and employment
• find other tools, services and expert organisations that can give you more specialist support.

The Sorting out Separation web app is part of the Help and Support for Separated Families initiative. This aims to help separated parents work together to achieve what’s best for their children.

Please go to www.sortingoutseparation.org.uk to find out about the expert help and support you can get.
Section 12: Glossary

Appeal

This is when you ask an independent tribunal to look at a decision we have made, if you are not happy with it. An appeal is a legal process, which is carried out by HM Courts and Tribunals Service, not the Child Maintenance Service.

Child maintenance

Child maintenance is regular, reliable financial support that helps towards a child’s everyday living costs. The parent without the main day-to-day care of the child pays child maintenance to the parent or person with the main day-to-day care.

Child Maintenance Options

Child Maintenance Options is a free service for separated families. It provides impartial information and support to help parents sort out child maintenance and deal with many of the other issues around separation. You can call Child Maintenance Options on 0800 988 0988 or go to www.cmoptions.org.

Child Maintenance Service


Child Support Agency

The Child Support Agency administers the 1993 and the 2003 child maintenance schemes, on behalf of the Department for Work and Pensions.

Complaint

This is when you tell us if you’re not happy with the service you’ve received.
DNA

DNA is found in the cells of the human body. When it is conceived, a child gets half of its DNA from its mother and half from its father.

Mandatory reconsideration

If you think the Child Maintenance Service has made a mistake in working out how much child maintenance you should be paying or getting, you can ask them to look at their decision again. This is called a ‘mandatory reconsideration’.

Other child a paying parent supports

This is a child that the paying parent or their partner gets child benefit for. Usually the child will live with the paying parent. These children may affect how much child maintenance a paying parent has to pay for a child who lives with the receiving parent.

Paying parent

This is the parent who does not have the main day-to-day care of the child. The law calls this person ‘the non-resident parent’.

Person named as the parent of the child

This is someone who is named as the parent by a receiving parent, but who may deny that they are the parent of the child.

Receiving parent

This is the parent or carer who has the main day-to-day care of the child. In some cases this can be a grandparent, guardian or another family member. The law calls this person ‘the person with care’.

Statutory scheme

The statutory scheme is run by the Department for Work and Pensions on behalf of the government. The scheme is administered by the Child Support Agency or the Child Maintenance Service.
Get help with issues around your break-up with an easy-to-use web app tailored to your needs including:

- children and parenting
- relationships and conflict
- health
- housing
- work and benefits
- money
- legal

Expert help at the click of a button

Over 50 organisations who can help

Find us on many websites including cmoptions.org

Brought to you by Help and Support for Separated Families
Contact us

Freephone 0800 988 0988*

8am-8pm  Monday to Friday
9am-4pm  Saturday

cmoptions.org

This leaflet is also available in other languages, in large print, in Braille and on audio cassette. You can get these formats by calling us on freephone 0800 988 0988*

*Call charges

Calls to the 0800 numbers in this leaflet are free from BT land lines and most mobiles.

Calls to 0845 numbers from BT land lines should cost no more than 4p a minute with a 15p call set-up charge. You may pay more if you use another phone company or a mobile phone. Calls from mobile phones can cost up to 40p a minute, so check the cost of calls with your service provider. Charges were correct as of the date below.

This leaflet is only a guide and does not cover every circumstance. We have done our best to make sure the leaflet is correct as of the date below. Some of the information may be oversimplified or may become inaccurate over time, for example because of changes to the law. We recommend that you get independent advice before making financial decisions based on this leaflet.

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