

Child Maintenance

The arrangements for the future care of the children will determine any liability for Child Maintenance.

Parents who are separated each have a legal duty to maintain their child, which means that a child remains the financial responsibility of both parents potentially up until he or she reaches the age of 20 if still in full-time secondary education or undertaking an approved training course.

Beyond this, parents may be required, at the discretion of the court, to continue to maintain older children, if they remain in formal education or are receiving vocational training, or in some other special circumstances for example they have special needs or the paying parents' income exceeds the maximum assessable by the Child Maintenance Service. Maintenance for step-children is also dealt with by the Courts.

The financial responsibility of parents for their children exists whether the parents are married or unmarried and whether the child was planned or not. It is not possible for one parent to make a one-off payment to end any future responsibility for their child, in the way that a husband and wife can end their financial responsibilities to each other on divorce. Whatever a parent has paid in the past, and no matter what has been agreed between the parents, a parent may always be called upon to support their child.

As of 25 November 2013, if you cannot agree Child Maintenance payments with the mother or father of your child, you will need to make an application to Child Maintenance Service (which has replaced the CSA) to determine child maintenance.

The Child Maintenance Service will work out how much should be paid and can also collect payments. Payments are based on a percentage of the 'paying parents' gross income. The paying parent is the parent who doesn't have the day-to-day care of the children.

As you will have probably seen on the news or read in the newspapers, an initial fee £20 will be payable to make an application to the Child Maintenance Service for an assessment and a 4% ongoing administration fee deducted from payments collected.

The new basic rates for Child Maintenance are 12% of gross income for one child, 16% for two children and 19% for three or more children but additional maintenance is payable if the paying parent's income is between £800 and £3,000 per week.

Deductions may be available to the payer if the child spends more than one night per week overnight with the payer or the payer has other dependant children living in his/her household.

The calculation of what constitutes gross income for the purpose of Child Maintenance can sometimes be complicated and as there are different rates of maintenance to apply depending on the amount of gross income earned, we recommend that you use the Child Maintenance calculator at <https://www.gov.uk/calculate-your-child-maintenance> to calculate Child Maintenance liability tailored to your circumstances.

If you already have a Child Maintenance in assessment which pre-dates 25 November 2013, the Child Support Agency will continue to deal with your case and you should contact the office dealing with your case if you have any questions or to advise of a change in circumstances.