

# Withdrawn

**This leaflet is withdrawn.**

The Child Support Agency no longer exists.

What happens  
if someone denies  
they are the parent  
of a child?

**child support agency**

Gathering information  
and calculation



## **What is this leaflet about?**

This leaflet explains what happens when someone who is named as the parent of a child in a child maintenance case denies that they are the parent. It explains how disputes like this can affect child maintenance, how we sort them out, and what happens after we have sorted them out.

In this leaflet, we use some standard terms to talk about our services and the way we work. The glossary at the end explains them.

## **Important information about this leaflet**

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 28 October 2013, but it may not reflect changes to the law or our procedures after this date. You may wish to get independent advice before making financial decisions based on the leaflet.

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## About us

The Child Support Agency (CSA) is the Government's child maintenance service. It is provided by the Child Maintenance and Enforcement Commission.

Our role is to make sure that parents who live apart from their children contribute towards their children's upkeep by paying child maintenance.

We use a standard process to work out how much child maintenance should be paid in each case, and to manage the payments. We can take legal action if the right amount of money is not paid at the right time.

To get help or more information, visit our website

**www.csa.gov.uk** or call us on **0 4 13 3133** or **0 4 13 24** (textphone). For details of call charges, opening times and our Welsh-language helpline, see page 24.

If you want to make a family-based arrangement, rather than one through the CSA, contact Child Maintenance Options for impartial information and support. Visit their website at **www.cmoptions.org** or call them on **0 00 0** or **0 00** (textphone).

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What happens if someone denies they are the parent of a child?

## **What happens when someone denies they are the parent of a child?**

If a person named as the parent of a child in a child maintenance case that was, or is being, arranged through us denies that they are the parent, then we have to find out whether the person is or is not the parent. This enables us to set up the correct child maintenance arrangements.

This kind of case is called 'disputed parentage'.

If you have any reason to doubt that you are the parent of a child, or if the person you are naming as the parent of a child is not in fact the parent, you should let us know immediately.

## **When can a person deny they are the parent of a child?**

When a parent with care applies to us, they are required to name the other parent of their child. The person they name may deny they are the parent before or after we work out child maintenance.

## **What happens if parentage is disputed before child maintenance is worked out?**

Before we work out child maintenance, we 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 it, we study the reasons and ask them to give us evidence to show they are not the parent.

We also tell the parent with care that the person they have named as the parent has denied it, and ask the parent with care for evidence to support their statement.

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We use evidence from both people to decide whether the person named is the parent of the child.

We then try to sort out the dispute so that we can set up the correct arrangements for paying child maintenance.

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

If someone denies they are the parent after we have worked out child maintenance, they must provide evidence.

We only accept 'conclusive' evidence, which could be:

- DNA test results (we explain DNA testing and how it must be done on page 13), 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.'

When we have calculated how much child maintenance must be paid, the person named as the parent of the child will have to pay child maintenance until they provide conclusive evidence that they are not the actual parent.

If they then deny they are the parent and provide conclusive evidence they are not, we will normally refund the child maintenance payments they have made for that child from the date they told us they were not the parent.

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## **How does the CSA sort out disputes about parentage?**

We have 3 ways of sorting out disputes about parentage.

These are:

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

### **What is presumed parentage?**

If we have no reason to doubt that the person named as the parent of a child is the parent – for example if they are named on the child’s birth certificate – then by law we are entitled to presume they are the parent. Other examples of the reasons we can use are on page 10.

This enables us to work out how much child maintenance should be paid. We then write to the person named as the child’s parent telling them they must pay that amount. We then expect that person to make these payments. But they may still dispute parentage and give us evidence.

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## What is DNA testing?

DNA stands for deoxyribonucleic acid and is found in almost all the cells that make up the human body.

DNA contains a code that carries the instructions for making up our bodies. DNA samples can be used to see if people are related and to prove or disprove whether someone is the parent of a child.

DNA testing can:

- prove 100% that a person is not a child's parent, or
- show a 99.99% probability that a person is a child's parent.

No 2 people have exactly the same DNA, except for identical twins (or in other cases where a single egg divides into more than one and produces 3 or more children). For example, if a person who is one of a pair of identical twins is named as the parent of a child, a DNA test cannot tell which of the twins is the parent – only that either one of them is, or that both of them are not, the child's parent.

For more information on DNA testing, go to page 13.

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## When can the CSA presume parentage?

We can presume that a person named as the parent of a child is the **father** if they:

- were married to the child's mother at any time between the date the child was conceived and the date the child was born (if the child has not since been adopted), or
- are named as the father of the child on the child's birth certificate and the child has not been adopted since the birth certificate was completed.

We can presume that the person named as the **parent** of a child is the parent if they:

- refuse to take a DNA test
- have taken a DNA test that shows there is no reason to doubt that they are the parent
- have adopted the child
- are named in a court order as the parent where the child was born to a surrogate mother (a woman who has carried the child for another person)
- are, by law, presumed to be the parent of a child born as a result of fertility treatment (under Section 27 or 28 of the Human Fertilisation and Embryology Act 1990)

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- have been declared the parent in a ‘declaration of parentage’ made by a court (in Scotland, this is called a ‘declarator of parentage’), and the child has not since been adopted, or
- have been found or judged to be the parent by a court, even if parentage was not the central issue of the case.

When we have presumed that a person is the parent of a child, they must co-operate with us by law, even if they continue to deny that they are the parent. They must pay the amount of child maintenance we have worked out.

### **If I am named as the parent of a child, can I appeal against a decision the CSA has made to presume parentage?**

The person named as the parent can only appeal against a decision about how we work out child maintenance. They can do this on the grounds that they are not the parent of the child, but it is up to them to provide evidence.

We’ll send both parents a letter saying how we have worked out child maintenance. If you think we have worked out child maintenance incorrectly, or if you have any information that would affect it that we haven’t already considered, then you can ask us to look at the decision again. You need to get in touch with us within one month of the date of the letter telling you about our decision. We will then look at our decision again. We call this a ‘mandatory reconsideration’. You can call us using the phone number on the front of the letter.

What happens if someone denies they are the parent of a child?

If you still think our decision is incorrect after your mandatory reconsideration you will be able to appeal against the decision to a 'first-tier tribunal' managed by HM Courts & Tribunals Service (HMCTS). You cannot appeal to HMCTS against our decision until we have done our mandatory reconsideration.

However, if someone continues to deny they are the parent after we have presumed it, then a DNA test can be arranged as long as the other parent agrees.

If the other parent does not agree to a DNA test, the person we have presumed to be the parent may be able to apply to the courts to prove they are not the parent. They would apply for a 'declaration of non-parentage' (or a 'declarator of non-parentage' in Scotland).

The courts will usually ask the person named as the parent of a child to take a DNA test. If the person refuses, the court can assume they are the parent of the child.

There is more information about going to court to prove parentage on our website at **[www.csa.gov.uk](http://www.csa.gov.uk)**.

Going to court to prove parentage is not the same as appealing against a child maintenance decision. However, if the court makes a declaration of non-parentage, you will no longer have to pay child maintenance for that child.

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## **When does the CSA use DNA tests?**

We normally use DNA testing if we cannot presume the parentage of a child using any of the reasons given on page 10.

We can only use DNA tests if both the person named as the parent of the child and the parent with care agree to take the test. The parent with care will also need to agree that the child can take the test, unless the child is 16 or over when it is up to the child to agree to it themselves.

All information given to the DNA-testing company, and all test results, will be confidential. The results will usually only be given to us, the parent with care and the person named as the parent. However, in some cases, the information may also be given to a court to help them make a decision. Results are never given over the phone.

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## **What does the DNA test involve?**

The most common type of test is on a cheek-cell sample. A DNA-testing company will send a test kit to the doctor of the person named as the parent of the child and to the doctor of the parent with care. Or you can each choose other doctors from the list we provide.

The doctor will take some cheek cells from inside the mouth using a small sponge. This is quick, simple and painless. The doctor will send the samples in tamper-proof packaging to the DNA-testing company.

A DNA test can be done on a blood sample. If you would prefer this type of test, you should tell us or the testing company. If the other person agrees, we will use this type of test.

We will also need 2 passport-sized photographs of each person giving a sample. These are for security reasons and we may use them to identify who gave the sample.

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## How is DNA testing arranged?

We refer DNA testing to Cellmark, a specialist company.

Cellmark will send both the person named as the parent of the child and the parent with care an information pack that includes:

- a letter stating:
  - the case reference number
  - the names of the people who will be giving samples, and
  - information on how to arrange an appointment to give a sample
- a booklet about DNA testing
- a list of local doctors who have agreed to take samples
- an appointment form that each person must return to Cellmark after arranging an appointment with the doctor who is taking their sample
- a letter to the doctor in case their chosen doctor is not on the list
- a prepaid reply envelope.

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## Does DNA testing cost anything?

Yes. The cost of the test depends on how many children are being tested. The more children that are being tested, the higher the cost. If the person named as the parent agrees to use Cellmark for the tests, they can pay when they return their appointment form. However, if they pay after the test, it will cost more.

To check the current costs, you can:

- visit **[www.csa.gov.uk](http://www.csa.gov.uk)**, or
- phone us or write to us using the phone number or address at the top of the letter we send you about arranging a test.

None of the money goes to us.

## Who has to pay for the test?

We expect the person named as the parent of the child to pay for the test. If the test shows they are not the parent, we'll return their money and pay for the test.

If we accept that the person named as the parent cannot pay for the DNA test, we'll pay the fee for them. But if the test shows that they are the parent of the child, they will have to repay us this money.

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## **Can the person named as the parent of the child or the parent with care arrange for a private DNA test?**

Yes. Either person can arrange for a private DNA test.

However, we will only accept the results of a private test if we are satisfied that:

- the test was by a DNA-testing company that has been approved for use when courts need DNA tests (you can find a list of these at **[www.csa.gov.uk](http://www.csa.gov.uk)**)
- the security arrangements met acceptable standards
- all those involved are satisfied that the test was done properly, and
- the test was based on DNA samples from the person named as the parent of the child, the parent with care and the child.

## **What happens if either the person named as the parent of the child or the parent with care is unhappy with the testing procedure?**

If any of the people being tested, including the child, is unhappy with any part of the procedure, they can complain direct to the customer service department of the DNA-testing company.

Or they can ask us to deal with the complaint for them.

All complaints will be fully investigated.

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## **Are DNA tests always appropriate?**

In certain cases – for example, if a child is born as a result of certain fertility treatments – a DNA test might not be appropriate. If we presume parentage in these circumstances, we may apply to a court and ask it to decide who the parents are.

## **When will I get the test results?**

Once the DNA-testing company has received all the samples, it will tell the person named as the parent of the child, the parent with care and us that it is ready to start the test. The test normally takes 10 days. The DNA-testing company will send the results by first-class post to the person named as the parent of the child, the parent with care and us.

The results are confidential and will not be given over the phone.

If necessary, the results may also be given to a court as evidence.

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## **What happens if someone refuses to take a DNA test?**

If a person named as the parent of a child is disputing parentage but refuses to take a DNA test, we will presume they are the child's parent and they will have to pay child maintenance.

If a parent with care refuses to take the test, we can close the case. This means the person named as the parent will not have to pay any more child maintenance through us for that child.

If the child is 16 or over and refuses to take the test, we normally have to ask a court to decide whether or not the person named is their parent.

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## **What happens after a dispute is sorted out?**

If we can presume that the person named as the non-resident parent is the parent of the child, or a DNA test gives us no reason to doubt this, we work out how much child maintenance they should pay. This will include child maintenance from the date that payments should have started as well as the cost of the DNA test, if one was used and we paid for it.

If the DNA test shows that the person named as the parent of the child **is not** the parent, or the court issues a declaration of non-parentage, we will:

- contact them and refund the cost of the DNA test (if they paid for a DNA test that we arranged)
- arrange an interview with the parent with care to find out who else could be the parent, and
- in most cases, refund any child maintenance they have paid for the child from the date we received information from them denying they are the parent.

## What changes to my circumstances must I tell the CSA about?

If either parent's circumstances change, this can mean we need to change the amount of maintenance that must be paid. So you should tell us if there is a change to any of the information you gave us to work out child maintenance, such as the amount of income the non-resident parent gets.

In particular, if you are a non-resident parent, you **must** tell us if:

- your address changes (you **must** tell us about this within 7 days from the date that your address changes)
- you pay child maintenance through a deduction from earnings order and you leave your job. You **must** tell us:
  - the name and address of your new employer (if any)
  - how much you expect to earn, and
  - your payroll number (if any).

If you are a parent with care, you must tell us if there is a change to:

- the number of children living with you that the non-resident parent must pay child maintenance for, or
- the number of nights a child regularly stays overnight with the non-resident parent.

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If you fail to give us the information we need, or you give us information that you know is false, we can take you to court and you could be fined up to £1,000. This applies to any person or organisation who, by law, must give us information – such as employers and accountants as well as parents.

Not all changes of circumstance will mean we need to change the amount of child maintenance that must be paid. We may not change the amount of child maintenance if the non-resident parent's regular net weekly income changes by less than 5%.

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## Where can I get more help and information?

If you want to know more about child maintenance and how we work it out, visit our website at **[www.csa.gov.uk](http://www.csa.gov.uk)**. You can download all our leaflets from there.

If you would like to talk to someone about your case, you should call the number on the top right-hand corner of your most recent letter from us. That number will be for the office handling your case.

If you do not yet have a case with us or cannot find a recent letter, you can contact our national helpline. The person taking your call won't have your personal information so won't be able to answer questions on your case. However, they can help you with anything general to do with child maintenance. They will also be able to give you the phone number of the office handling your case if you want to ask specific questions.

You can call the national helpline on **0 4 13 3133** from 8am to 8pm Monday to Friday and 9am to 5pm on Saturdays.

Please have your National Insurance number with you when you call.

We may record our phone calls to check our service and to train our employees.

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## Textphone services

If you have speech or hearing difficulties, a textphone service is available on **0 4 13 24**.

Textphones are for people who find it hard to speak or hear clearly. If you do not have a textphone, some libraries or citizens advice bureaux may have one. Textphones do not receive text messages from mobile phones.

## Welsh-language helpline

If you want to speak to us in Welsh, you can ring our Welsh-language helpline on **0 4 13 0 1**. The line is open from 9am to 5pm, Monday to Friday. There is also a Welsh-language textphone service on **0 4 13 0** .

## Other languages

If English is not your first language, you can use your own interpreter or one we provide.

## Call charges

Calls to **0 4** numbers from BT landlines should cost no more than 4p a minute with a 15p call set-up charge. You may have to pay more if you use another phone company or a mobile phone, or if you are calling from abroad. 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 of this leaflet.

To visit our website, go to **[www.csa.gov.uk](http://www.csa.gov.uk)**.

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## Information in other formats

This leaflet is available in other languages in Braille and on audio cassette. You can order information in these formats online or by contacting our national helpline.

We also have large-print versions of this leaflet available for you to download from our website, **[www.csa.gov.uk](http://www.csa.gov.uk)**.

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## How a child maintenance case can progress

This diagram shows you how a child maintenance case can progress. This leaflet covers part of the process at the highlighted stage.



### Information and guidance

CSA can provide information on how the process works, what parents will need to do and what might be an acceptable amount of maintenance in their case.

### Application

A case officially begins when a parent applies to us to set up child maintenance payments.

**If there is a change in either parent's life that could affect the amount of child maintenance that should be paid, we can review your case – so let us know.**

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### **Gathering information and calculation**

To work out the amount of child maintenance that should be paid, we need to gather important information. We ask both parents to provide certain information. When we have this, we will work out child maintenance.

### **Payment**

The non-resident parent pays the agreed amount on the agreed dates and in the agreed way. This can be either direct to the parent with care, or to us. We then pass the payments on.

### **Enforcement**

If the payments aren't made on time, we can take action.

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## **Leaflets available from us**

### **What is child maintenance and how does it affect me**

(Reference: CSL301) For all parents

### **How do I complain about the service I get from the Child Support agency**

(Reference: CSL308) For all parents

### **How do I apply for child maintenance**

(Reference: CSL309) For children aged 12 and over in Scotland or their parents

### **How is child maintenance worked out**

(Reference: CSL303) For all parents

### **What happens if someone denies they are the parent of a child**

(Reference: CSL304) For all parents

### **How can I appeal against a child maintenance decision**

(Reference: CSL307) For all parents

### **My case is moving to the child maintenance scheme introduced in 2003 – what will change**

(Reference: CSL310) For any parent whose case is moving to the current scheme

### **How does the Child Support agency use and store information**

(Reference: CSL311) For all parents

### **How do I pay child maintenance**

(Reference: CSL305) For non-resident parents

### **How will I receive child maintenance**

(Reference: CSL314) For parents with care

### **What action can the Child Support agency take if parents don't pay**

(Reference: CSL306) For all parents

## **Glossary**

### **Child**

For child maintenance purposes, a child is anyone under 16 or someone between 16 and 20 who:

- is not, nor has ever been, married or in a civil partnership, and
- is in full-time non-advanced education.

However, if child benefit is still being received, someone under 20 can still be regarded as a child for child maintenance purposes even if they are not in full-time non-advanced education.

### **Child maintenance**

Money paid by the non-resident parent to the parent with care to help pay for their child's everyday living costs.

### **Civil partnership**

Civil partnerships are a way in which same-sex couples can have their relationships legally recognised. Civil partners have the same rights as married couples.

### **Non-resident parent**

The parent who the child does not normally live with.

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## **Parent with care**

The parent or carer who the child normally lives with and who therefore pays for most of the child's everyday living costs. In some cases this can be a grandparent, guardian or other family member – who is then known as the 'person with care', rather than the parent with care.

## **Person named as the parent of the child**

In a child maintenance case, the person named as the non-resident parent by the parent with care, but who denies that they are the parent.



Information in CSA leaflets is also available in other languages, in large print, in Braille and on audio cassette.

You can get any of our leaflets:

- by phone on **0 4 13 3133** (the line is open from 8am to 8pm Monday to Friday and 9am to 5pm on Saturdays)
- by textphone on **0 4 13 24**, or
- from our website at **[www.csa.gov.uk](http://www.csa.gov.uk)**.

Where textphone numbers are provided, these are for people who find it hard to speak or hear clearly. If you do not have a textphone, some libraries or citizens advice bureaus may have one. Textphones do not receive text messages from mobile phones.

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