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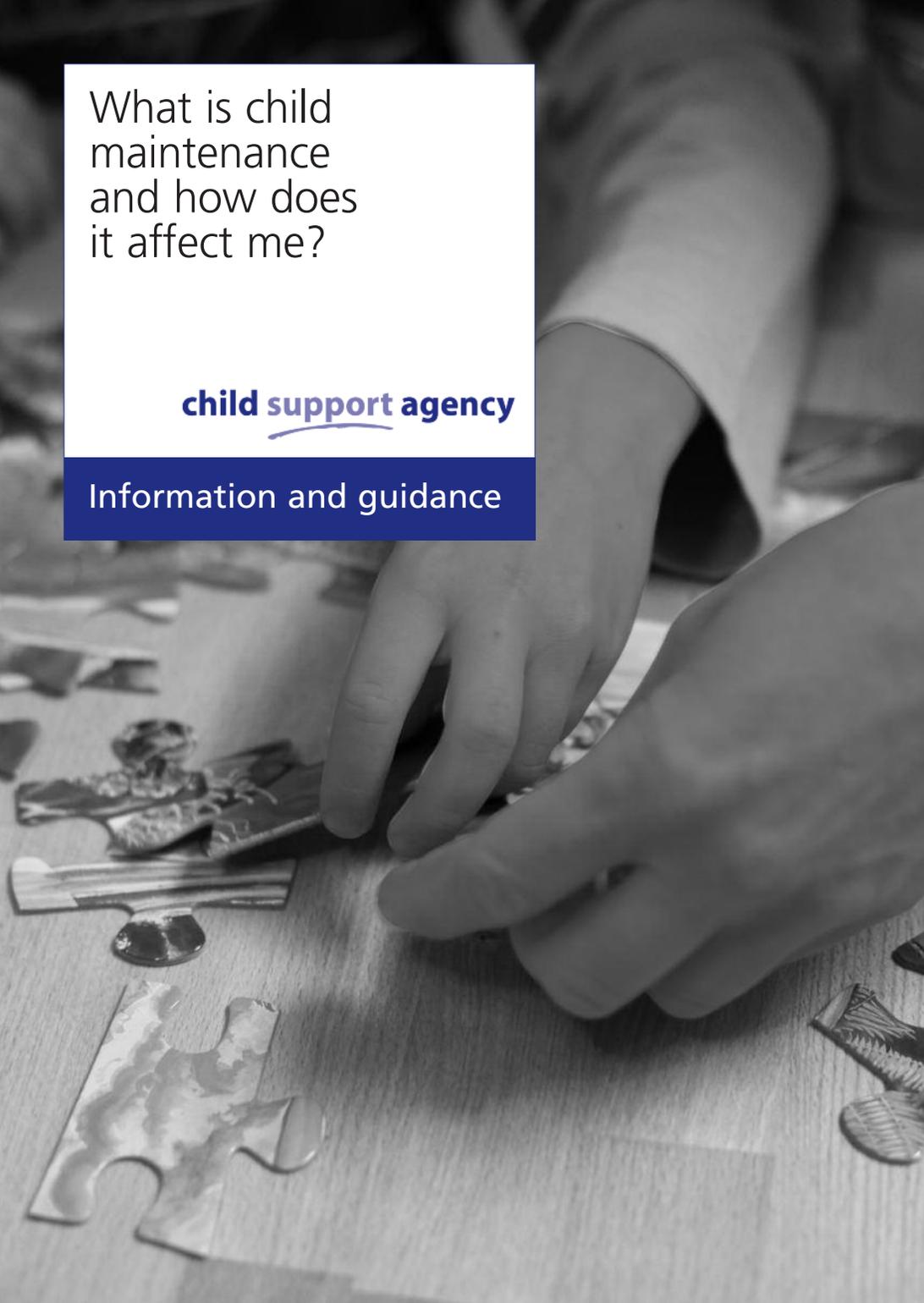
This leaflet is withdrawn.

The Child Support Agency no longer exists.

What is child
maintenance
and how does
it affect me?

child support agency

Information and guidance



What is this leaflet about?

This leaflet explains:

- what child maintenance is
- how you can arrange to pay or receive it, and
- the way we work out how much child maintenance should be paid.

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.

This leaflet only covers cases where we work out child maintenance using the scheme that started on 3 March 2003. We call this the current scheme. We use different rules for cases set up before this date. For more information, visit www.csa.gov.uk.

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.

What is child maintenance and how does it affect me?

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 **0845 713 3133** or 0845 713 8924 (textphone). For details of call charges, opening times and our Welsh-language helpline, see pages 38–40.

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 **0800 988 0988** or **0800 988 9888** (textphone).

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What is child maintenance and how does it affect me?

What is child maintenance?

Child maintenance is regular, reliable financial support that helps towards the child's everyday living costs. The parent who does not have main day-to-day care of the child (the non-resident parent) pays child maintenance to the parent who does have main day-to-day care (the parent with care). In some cases, this person can be a grandparent or guardian.

How can child maintenance be arranged?

There are 3 ways you can arrange to pay or receive child maintenance:

- through us
- through a family-based arrangement (known as a family arrangement in this leaflet), or
- through a court order.

What is child maintenance and how does it affect me?

How is child maintenance arranged through the CSA?

We ask both parents for information and use it to work out how much child maintenance should be paid. We can collect payments from the non-resident parent and pass them to the parent with care. If payments are late, we can take action to collect them.

Who can apply for child maintenance through the CSA?

Either parent can ask us at any time to work out child maintenance and set up arrangements for payment.

A child in Scotland who is 12 years of age or over, but under 20 and in full-time education up to sixth-year studies can also apply to us.

If you want to know more about applying for child maintenance in Scotland, get a copy of our leaflet *How do I apply for child maintenance? For children living in Scotland (CSL309)*. See the back page for details.

Who can't apply for child maintenance through the CSA?

In certain circumstances we may not be able to accept your application. For example, we may not accept cases where:

- the parent with care or the children are living abroad
- the non-resident parent lives abroad and does not work for a UK-based employer
- a court order made before 3 March 2003 which is in force when the application for maintenance is made says the non-resident parent must pay child maintenance
- a court order covering child maintenance was made on or after 3 March 2003, but has been in force for less than 12 months, or
- there is a written maintenance agreement in force which was made before 5 April 1993.

If you want to change such an existing court order or written maintenance agreement, you should apply to the court where the arrangements were made.

Can I still arrange child maintenance through the CSA if I have already made a family arrangement for child maintenance?

Yes. If you have a family arrangement with the other parent about paying child maintenance, you can normally switch to using our services at any time.

What is child maintenance and how does it affect me?

How is child maintenance arranged through a family arrangement?

A family arrangement is when you agree with the other parent how much child maintenance should be paid and how often. You don't have to involve the CSA or any other organisation in setting up a family arrangement, but you may want to speak to Child Maintenance Options for free, impartial advice and support.

You can find out more about Child Maintenance Options at their website **www.cmoptions.org** or call them on **0800 988 0988** or **0800 988 9888** (textphone). These are freephone numbers, so calls from a BT landline will be free. You may have to pay if you call from a mobile phone.

How is child maintenance arranged through a court order?

In certain circumstances, parents can decide to arrange child maintenance through a court order that covers child maintenance. To do this, you must first agree how much child maintenance is going to be paid and how often. You can then get the courts to turn this agreement into a consent order.

If the non-resident parent does not pay the right amount at the right time, the parent with care can ask the court to take action.

Getting a court order can be expensive. You will need to pay court fees, and you may also want to speak to a family-law solicitor or an independent adviser before setting one up. You may have to pay for their services. That's why parents generally use a court order for child maintenance only if they are already going to court for other reasons, such as divorce or dividing their property or assets.

For 12 months after getting a court order, you can't ask us to arrange child maintenance or to make sure the right amount of child maintenance is paid on time.

In Scotland, the process for getting a court order covering child maintenance is different. You and the other parent need to agree how much child maintenance is going to be paid and how often, and you then make this agreement into a contract called a 'Minute of Agreement'. If you register this, a sheriff officer can take action if the non-resident parent does not pay the right amount at the right time.

What is child maintenance and how does it affect me?

When can I apply for a court order covering child maintenance?

If both parents agree, you can usually apply for a court order covering child maintenance at any time. This includes if you have already arranged child maintenance through us.

What happens if I've already got a court order covering child maintenance and I want to change it?

If you want to change an existing court order covering child maintenance, you should apply to the court where the arrangements were made.

For more information about setting up a court order covering child maintenance, contact Child Maintenance Options for free, impartial information and support. You can find out more about Child Maintenance Options at their website www.cmoptions.org or call them on **0800 988 0988** or **0800 988 9888** (textphone).

How is child maintenance worked out?

When we arrange child maintenance, we use information given to us by both parents to decide if someone has to pay child maintenance and to work out how much maintenance should be paid. We may also use information from other sources, including the non-resident parent's employer or HM Revenue & Customs (HMRC).

We work out child maintenance by applying one of 4 rates to the non-resident parent's 'net weekly income'. Income is earnings, money from an occupational or personal pension, certain benefits and in certain circumstances tax credits. Net weekly income is the amount of income you are left with after paying things like income tax, National Insurance and contributions to a pension scheme. If the pension scheme is set up to repay a mortgage, only 75% of the money paid into the scheme can be taken away from your gross (total) income. So your net weekly income includes 25% of any mortgage-linked pension contribution.

The 4 rates we apply to the non-resident parent's income are:

- basic rate (if they have an income of £200 a week or more)
- reduced rate (if their income is more than £100 but less than £200 a week)
- flat rate (if their income is £5 to £100 a week), and
- nil rate (if their income is less than £5 a week).

What is child maintenance and how does it affect me?

Other factors, such as whether the non-resident parent or their partner are getting benefits, can also affect which rate applies.

We can then adjust the child maintenance based on:

- the number of other children living with the non-resident parent, for whom they or their partner get Child Benefit (a regular payment made to anyone bringing up children)
- the number of children the non-resident parent needs to pay child maintenance for, and
- whether the child stays with the non-resident parent at least one night each week.

If you want to know more about how we work out child maintenance, and to get details of our 4 rates, get a copy of our leaflet *How is child maintenance worked out?* (CSL303). See the back page for details.

You can see how much child maintenance might be in your case by using our online child maintenance calculator at **www.csa.gov.uk**. The calculator is for guidance only, and we don't keep any information you provide when using it.

What if a child regularly stays overnight with the non-resident parent?

If a child regularly stays overnight with the non-resident parent, the non-resident parent is helping to pay for the child's everyday living costs. So we can reduce the amount of child maintenance they have to pay. We can only do this if we receive information that shows the child stays with the non-resident parent on average at least one night a week.

Is there anything else you take into account when working out child maintenance?

In some situations, either the non-resident parent or the parent with care can ask us to take into account other factors such as:

- having to care for a disabled child
- having particularly high travel costs to see a child or children
- changes in a non-resident parent's income where they can control the amount they get paid, or
- where a non-resident parent's lifestyle suggests they have access to more money or a higher income than the income we used to work out child maintenance.

The legal term for taking into account other factors is a 'variation'.

If you want to see a full list of what we can take into account, get a copy of our leaflet *How is child maintenance worked out?* (CSL303). See the back page for details.

What is child maintenance and how does it affect me?

You should try to tell us about these factors before we work out the child maintenance. If we have already told you how much your child maintenance is, contact us straight away. We'll then decide whether or not we should reassess it.

A reassessment will not necessarily mean that the amount of child maintenance will change.

If we decide to reduce or increase the amount, we'll tell you when this change will start from.

If you ask us to take into account other factors ('apply for a variation') within one month of the date we tell you how much child maintenance will be in your case, then:

- the non-resident parent may have to make extra payments for that first month, or
- the parent with care may have to pay back some of the child maintenance they have received so far.

If you apply for a variation more than one month after the date we first tell you how much child maintenance will be in your case, then any change is likely to start from the week we receive your application.

Is there a limit to the amount of child maintenance a non-resident parent can be made to pay through the CSA?

Yes. The maximum amount of net weekly income we can use to work out child maintenance is £2,000. If the non-resident parent earns more than £2,000 a week, the parent with care can apply to the court for extra maintenance. There is more information on our website at www.csa.gov.uk.

What happens if the parent with care is entitled to receive child maintenance from different non-resident parents for their children?

A parent with care may apply to us for child maintenance from more than one non-resident parent. In these cases, we work out the amount that each non-resident parent must pay separately. Depending on how each non-resident parent wants to pay, the parent with care may receive:

- one payment from us that includes all the separate payments
- separate payments based on how often each parent has agreed to pay child maintenance, or
- separate payments direct from each parent.

What is child maintenance and how does it affect me?

This only applies where child maintenance is arranged through us. Alternatively, you can choose to receive child maintenance through a private arrangement with one or more non-resident parents.

What happens if a non-resident parent has to pay child maintenance to different parents with care?

If you are a non-resident parent and you are paying child maintenance to more than one parent with care through us, we work out the total amount of child maintenance you have to pay through us. We divide this total so that you pay the same amount for each child. You can pay the total amount through us, and we then pass on the right amount to each parent with care, or you can pay each parent with care direct.

Sometimes, a non-resident parent may pay child maintenance to one or more parents with care through us, and also to one or more parents with care through family arrangements. In this situation, we can't take into account the amount you are paying through family arrangements when we work out how much child maintenance you have to pay through us. But if you have a court order covering child maintenance, we can take this into account.

What happens if either parent lives abroad?

We cannot usually accept applications for child maintenance if any of the people involved normally lives outside the UK. In these cases, the courts may be able to arrange child maintenance.

We may be able to work out and collect child maintenance if a non-resident parent lives abroad but works for a UK-based employer.

If you want to know more about how we work out child maintenance, get a copy of our leaflet *How is child maintenance worked out?* (CSL303). See the back page for details.

What is child maintenance and how does it affect me?

What happens if I disagree with the CSA's decision?

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.

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.

If you want to know more about asking us to look at our decision again or appealing against our decisions, get a copy of our leaflet *How can I appeal against a child maintenance decision?* (CSL307). See the back page for details.

What information does the CSA need to work out child maintenance?

To help us work out how much child maintenance should be paid, we normally ask for some basic information from both parents. We need to know:

- full addresses and phone numbers for both parents
- the non-resident parent's income
- the number of children who child maintenance should be paid for, and
- the number of other children who live with the non-resident parent.

What happens when the CSA has the information it needs?

We always aim to get child maintenance payments arranged as soon as possible after the date the parent with care applies.

If the parent with care can give us details of where we can contact the non-resident parent, we'll ask them for information within 4 weeks of getting the application.

When we have all the information we need, we'll work out child maintenance as soon as possible, usually within 12 weeks.

What is child maintenance and how does it affect me?

How can the non-resident parent support their children while the CSA is working out child maintenance?

While we are gathering all the information we need, it is a good idea for the non-resident parent to support their children by making some payments to the parent with care. This is because the non-resident parent must pay child maintenance from the date we tell them the parent with care has applied to us, not the date we tell them how much maintenance they have to pay.

If the non-resident parent starts making payments while we are gathering information, and gives us proof of them, these payments can be counted towards the total amount of child maintenance they owe.

Both parents should keep a record of the date and amount of any payments made or received.

If there is no proof that the non-resident parent has made payments before we worked out child maintenance, the non-resident parent will have to make extra or higher payments. These will be to cover the time between the date we told them we had received an application from the parent with care and the date we tell them how much maintenance they have to pay.

What is child maintenance and how does it affect me?

If you are a non-resident parent and don't want to make payments to the parent with care before we have worked out child maintenance, it may be a good idea to save some money until you know what you will have to pay.

To get an idea of how much you should save, you can use our online child maintenance calculator at **www.csa.gov.uk**.

The calculator is for guidance only, and we don't keep the details you provide when using it.

What is child maintenance and how does it affect me?

What happens if the parent with care is claiming benefits?

In the past, if the parent with care or their partner was getting income-related benefits or Pension Credit and was getting child maintenance, the parent with care **may** not have got their full amount of benefits. However, since April 2010 the amount of child maintenance that the parent with care receives will not affect their benefits.

What happens if the non-resident parent gives money to the parent with care for another reason?

Exceptionally, a non-resident parent who normally pays child maintenance through us will agree to pay money to or for the parent with care for a particular reason. If they do this, they can ask us to count this payment towards the amount of child maintenance they have to pay or any arrears they owe.

We may be able to count this payment if it was made, with the agreement of the parent with care, for one of the following reasons:

- to pay a mortgage or loan which is taken out to buy or pay for essential repairs or improvement to the home where the child lives, and which is secured on that home
- to pay rent or council tax for the home where the child lives
- to pay gas, water or electricity charges for the home where the child lives, or
- to make essential repairs to the heating system or fabric of the home where the child lives.

If the non-resident parent regularly gives the parent with care money for another reason – such as to pay bills each month – then both parents should think about changing the way child maintenance is arranged. For example, parents can make a family arrangement where they would not have to use the CSA. For more information, contact Child Maintenance Options by visiting www.cmoptions.org or call them on 0800 988 0988 or 0800 988 9888 (textphone).

What is child maintenance and how does it affect me?

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

If either parent's circumstances change, it can mean that 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), or
- 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.

What is child maintenance and how does it affect me?

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%.

What is child maintenance and how does it affect me?

What happens if the CSA cannot find or contact the non-resident parent?

If the parent with care does not know where the non-resident parent lives, we can try to find information from other organisations. These include:

- the non-resident parent's employer(s), their accountant or companies or partnerships that they have been contracted to provide services to
- government organisations, such as Jobcentre Plus, The Pension Service, HMRC and the Driver and Vehicle Licensing Agency (DVLA)
- prison services and local authorities, and
- organisations that have information about the financial history of the non-resident parent, such as banks and building societies, credit reference agencies, and gas and electricity suppliers.

We don't have to get permission from either parent to contact these people or organisations.

What happens if the non-resident parent refuses to give the CSA the information it needs to work out child maintenance?

If the non-resident parent does not give us the information we need to work out child maintenance, and other organisations can't provide it, we can take other action to start getting child maintenance paid. For example, we can apply a rate based on the number of children the non-resident parent must pay child maintenance for. This is called a '**default maintenance decision**'. The default rate applies from the date that the maintenance calculation would have come into force.

The default rates are:

- £30 a week for one child
- £40 a week for 2 children, and
- £50 a week for 3 or more children.

When the non-resident parent later gives us the information we need to calculate child maintenance, we will work out how much they must pay. The non-resident parent will have to pay the full amount of child maintenance we have worked out from the date that the default maintenance decision took effect.

What is child maintenance and how does it affect me?

This may mean that the non-resident parent will not only have to pay a higher amount of child maintenance from then on, but also have to pay extra child maintenance to make up for the amount they should have paid before we worked out the full amount.

What happens if the parent with care refuses to give the information the CSA needs to work out child maintenance?

If the parent with care does not give us the information we need to work out child maintenance, we can close the case and the parent with care will not receive child maintenance.

Remember: 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.

How is child maintenance paid?

The easiest way for the non-resident parent to pay child maintenance is direct to the parent with care. This can be done by standing order, which means the non-resident parent sets up a regular payment direct from their bank or building society account to the account of the parent with care.

This is not the same as a family arrangement, because we have worked out the amount that has to be paid. Also, if you ask us to, we can take action if the non-resident parent does not pay.

If parents do not want to pay this way, payment must be made through us. In this situation:

- if the non-resident parent is **employed**, we normally either ask them to pay us by direct debit, or agree with them that we will take the money direct from their earnings using a deduction from earnings order
- if the non-resident parent is **self-employed**, we normally ask them to set up a direct debit to pay us, or
- if the non-resident parent is **receiving income-related benefits**, we normally take the money direct from their benefits before they receive them.

What is child maintenance and how does it affect me?

When we get the payment from the non-resident parent, we pay the right amount to the parent with care by transferring it to their bank or building society account. We aim to transfer child maintenance within one week of receiving it.

We can also arrange for the non-resident parent to make their first payment, or a one-off payment, by debit or credit card or by online banking.

If either parent does not have a bank or building society account and cannot open one to pay or receive child maintenance, they can discuss with us other ways of paying or receiving it.

What happens if child maintenance isn't paid on time?

Non-resident parents are responsible for paying child maintenance in full and on time. If you have arranged child maintenance through us, and the non-resident parent does not pay in full and on time, we will take action to make sure that payments are made as soon as possible. This includes if you have arranged child maintenance through us and the non-resident parent must pay the parent with care direct.

The action we take depends on the situation, but we may:

- take money directly from a non-resident parent's earnings as an employee if they are employed and do not currently pay that way
- take money directly from a non-resident parent's bank or building society account, or
- take action through the courts.

We can use more than one action at a time.

Taking action through the courts can be expensive and can result in the non-resident parent:

- paying their own legal costs and our legal costs, as well as the child maintenance they owe
- being forced to sell their home or other assets
- losing their driving licence for up to 2 years, or
- even going to prison.

What is child maintenance and how does it affect me?

The only exception to this process is if the non-resident parent contacts us **before** they make a payment to let us know that the next payment will be delayed. The non-resident parent must explain why they can't pay in full and on time. If there is no good reason, we can still take the actions listed above. If they do have a good reason, we'll tell the parent with care and agree how to recover the money that has not been paid.

What happens if the non-resident parent does not pay child maintenance on time in a family arrangement?

If the non-resident parent does not keep to a family arrangement, the parent with care can contact us and ask to arrange their child maintenance through us. We will follow our standard process for working out how much child maintenance should be and when payments should be made. If the non-resident parent does not keep to this new arrangement, we can then take action.

How will the non-resident parent make up for payments they have missed?

Sometimes the non-resident parent may be late in making a payment or miss a payment. To help them sort this out, they can phone us and pay using a debit or credit card, or pay by online banking.

If they do not make a payment in this way, they will have to pay a higher amount of child maintenance on the next regular payment they make. This is known as paying 'arrear's'.

What is child maintenance and how does it affect me?

If you want to know more about what happens if a non-resident parent does not pay, get a copy of the leaflet *What action can the Child Support Agency take if parents don't pay?* (CSL306). See the back page for details or visit our website at **www.csa.gov.uk**.

What happens if the non-resident parent denies they are the child's parent?

Sometimes, when a parent with care applies for child maintenance, the person they name as the non-resident parent denies they are the parent.

The law says we can presume they are the child's parent in certain circumstances, for example if they:

- are named on the child's birth certificate, or
- were married to the child's mother at any time between the date the child was conceived and the date the child was born.

In these situations, the person named as the non-resident parent can go to court to try to prove that they are not the parent. But they have to pay child maintenance until the court rules that they are not the parent.

If the court rules that the person named as the parent is not the parent, it will issue a 'declaration of non-parentage' or (in Scotland) a 'declarator of non-parentage'.

If we cannot presume that the person named as the non-resident parent is the child's parent, we'll suggest that both parents and the child take a DNA test. This will show whether the person named as the non-resident parent is not the child's parent. If the person named as the non-resident parent refuses to take a DNA test, we can presume that they are the child's parent.

For the test to go ahead, both the parent with care and the person named need to agree to it. The parent with care also has to agree that the child can be tested. If the child lives with a grandparent or guardian, they will normally have to agree that the child can be tested.

What happens after a dispute about parentage 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 shows that they are, then they must pay child maintenance for that child. This will include any child maintenance not paid during the dispute 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 non-resident parent is not the parent of the child, or the courts issue a declaration of non-parentage, we will normally refund any child maintenance they have paid from the date they told us that they denied they were the parent.

If you want to know more about what happens when someone denies they are the parent of a child, get a copy of our leaflet *What happens if someone denies they are the parent of a child?* (CSL304). See the back page for details or visit our website at www.csa.gov.uk.

What is child maintenance and how does it affect me?

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**. You can download all our leaflets from there and also find out how much child maintenance might be in your situation, using our online calculator. The calculator is for guidance only, and we don't keep the information you give when using it.

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 **0845 713 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.

Textphone services

If you have speech or hearing difficulties, a textphone service is available on **0845 713 8924**.

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 **0845 713 8091**. The line is open from 9am to 5pm, Monday to Friday. There is also a Welsh-language textphone service on **0845 713 8099**.

Other languages

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

What is child maintenance and how does it affect me?

Call charges

Calls to **0845** 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.

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**.

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

What is child maintenance and how does it affect me?

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.



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.

What is child maintenance and how does it affect me?

Glossary

Appeal

The process of asking an independent tribunal to look at your case if you are not happy with a decision we have made.

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 Benefit

A regular payment made to anyone bringing up children. It is paid for each child who is:

- under 16
- under 19 (under 20 in some cases) and in full-time education doing a course that is not higher than A-level or an equivalent standard or on a government-funded training programme, or
- 16 or 17 and has recently left school and registered for work or training with the Careers or Connexions Service or something similar.

Child maintenance

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

Deduction from earnings order

One of the ways we normally set up payments if the non-resident parent is employed. Under a deduction from earnings order, we ask the non-resident parent's employer to take child maintenance direct from the non-resident parent's earnings and send it to us.

We can also set up a deduction from earnings order if the non-resident parent is employed and they have not kept to other payment methods or have failed to agree a payment method.

Default maintenance decision

If the non-resident parent does not give us the information we need to work out child maintenance, we can make a default maintenance decision. This means that the non-resident parent must pay child maintenance at a 'default rate' until they give us the information we need.

Earnings

Earnings are income that is typically earned from employment or self employment. For child maintenance calculations, they are generally included as part of a non-resident parent's net weekly income.

Income

Income is all money received, for example from the interest of savings, dividends, certain benefits and tax credits and generally includes earnings.

What is child maintenance and how does it affect me?

Income-related benefits

In all CSA leaflets, income-related benefits are Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance.

Mandatory reconsideration

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. We call this a 'mandatory reconsideration'. You cannot appeal to HM Courts & Tribunals Service against our decision until we have done our mandatory reconsideration.

Net weekly income

The amount of income (usually pay or salary) left after taking off things like income tax, National Insurance and payments into a pension scheme. Bonuses and commission also count as pay or salary. We don't normally count dividends paid to a director of a limited company, unless the parent with care asks us to do so.

We count Working Tax Credit as income if the **non-resident parent's** earnings are higher than their partner's earnings. If the non-resident parent and their partner's earnings are the same, we include half of the Working Tax Credit in the child maintenance calculation. We don't count Working Tax Credit as income if the non-resident parent earns less than their partner.

Non-resident parent

The parent who the child does not normally live with.

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 known as the 'person with care', rather than the parent with care.

Tax credits

We use Working and Child Tax Credits within child maintenance calculations as they are paid as a supplement to earned income.

Child Tax Credits are always taken into account when assessing the non-resident parent's income.

Income from Working Tax Credits may be taken into account where the non-resident parent is the only applicant for tax credits in the household or their earnings are higher than their partner's earnings.

Variation

A variation can happen when you ask us to take account of other factors – such as extra costs the non-resident parent has to pay to visit the child. We use variations in the current scheme.

They replace the 'departure directions' we used in the old scheme. However, there are some important differences between variations and departure directions. Most of these refer to the rules about what factors we will take into account.

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 **0845 713 3133** (the line is open from 8am to 8pm Monday to Friday and 9am to 5pm on Saturdays)
- by textphone on **0845 713 8924**, or
- from our website at **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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