

**For parents
who live apart**

General information about child maintenance

All children have the right to the financial support of both parents wherever they live.

This leaflet aims to give you the basic facts about child support maintenance, it is only a guide, it has no status in law. It is not possible to describe all the rules covering child support maintenance in every situation in this leaflet. If you need further help after reading this leaflet please call the national helpline on **08457 133 133**. Lines are open between 8am to 8pm Mondays to Fridays and 9am to 5pm Saturdays. Calls from BT and Mercury phones to the line are charged at local call rates. Textphone users can call **08457 138 924**. The Agency may record calls to check their service and to train staff.

This leaflet uses the following terms:

The correct legal term for maintenance awarded under the Child Support Act 1991 is child support maintenance but this guide also uses the general term 'child maintenance'.

Parent with care means a parent who lives with the children who maintenance is sought for. If the child stays with both parents, the parent with care is the one who provides more nights of care than the other parent and who is claiming Child Benefit for the child.

Non-resident parent means a parent who does not normally live with the children concerned. The law refers to the non-resident parent as an 'absent parent'. If the child stays with both parents, the non-resident parent is the one who provides fewer nights of care than the other parent.

Child maintenance is an amount of money that non-resident parents pay regularly as a contribution to the upkeep of their children.

Decision Maker is used to refer to a person working for the Agency who is acting on behalf of the Secretary of State.

CAU is used to refer to the Central Appeals Unit of the Agency.

TAS is used to refer to The Appeals Service (previously called the Independent Tribunal Service).

Since 5 April 1993, a government agency called the Child Support Agency (the Agency) has administered the child maintenance scheme, for people living in England, Scotland, Wales and Northern Ireland.

A formula is used to work out how much child maintenance is payable. It takes into account each parent's income and essential outgoings.

If you are someone other than a parent, such as a grandparent or other relation, or a guardian, who has the care of a child whose parent or parents live elsewhere in England, Scotland, Wales or Northern Ireland, you might also be able to apply for child maintenance. The section 'Who else can apply for child maintenance' on page 7 tells you who else can apply for child maintenance.

If a non-resident parent, parent with care, or child, lives somewhere outside Great Britain or Northern Ireland, child maintenance will continue to be a matter to be settled by the courts. Since 5 April 1993, the courts no longer make orders for child maintenance in most other cases. The section 'When to apply' on page 9 tells you when to apply for child maintenance.

If you are eligible to apply to the Agency for a maintenance assessment you will not usually be able to get child maintenance through the courts. Ring the national helpline on **08457 133 133** if you need more information about this after reading the leaflet.

You will be able to go to court about other family matters such as maintenance for yourself from a husband, wife or civil partner, maintenance from a non-resident step-parent, property settlements, and issues of contact and residence involving children. You may need to seek advice from a solicitor about these matters.

What is child support maintenance?

About this leaflet

If you live apart from the other parent of your child or children, this leaflet:

- tells you how and when to apply for the assessment and, if appropriate, collection of child maintenance; and
- gives you an indication of how much child maintenance may be payable.

This leaflet answers some of the questions you may have as a parent, whether or not the children concerned live with you.

You will see that some parts of this leaflet are mainly for the parent who lives with the children and other parts are for the parent who does not live with the children concerned. You will, however, probably find all of it helpful.

If you need more advice after reading this leaflet, then please ring the national helpline on **08457 133 133**. You can ring between 8am to 8pm Mondays to Fridays and 9am to 5pm Saturdays. Calls from BT and Mercury phones to the line are charged at local call rates. Textphone users can call **08457 138 924**.

The Agency may record calls to check their service and to train staff.

Advantages of applying for child maintenance

If you are a parent with care child maintenance can be a regular source of income for the benefit of your children.

Will I receive child maintenance as well as any other income?

This will depend on your circumstances.

If you do not get a social security benefit, apart from Child Benefit, any maintenance you receive for your children will be in addition to any other income you have.

If either you or your partner who lives with you now receive tax credits, HM Revenue & Customs will not take into account any child maintenance that you receive when working out the claim.

You can get more information about tax credits by visiting www.hmrc.gov.uk/taxcredits. Or if you prefer, you can ring HM Revenue & Customs helpline. The phone number is 0845 300 3900. If you use a Textphone the number is 0845 300 3909.

Both lines are open from 8am to 8pm, 7 days a week (except Christmas Day, Boxing Day, New year's Day and Easter Sunday). All calls are charged at local call rates.

If you (or your partner living with you) claim Income Support or income-based Jobseeker's Allowance, any maintenance you get will reduce your benefit by the same amount. But if you stop claiming benefit, you will receive any maintenance being paid.

Child Maintenance Bonus

The Child Maintenance Bonus scheme began on 7 April 1997. Persons with care who stop getting Income Support or income-based Jobseeker's Allowance when they (or their partner, if they have one) return to work, will receive a tax-free lump sum based on the amount of child maintenance which has been paid for their child.

For more information, see leaflet **CMB 20** *What is Child Maintenance Bonus?* or ask at the office which deals with your Income Support or income-based Jobseeker's Allowance claim.

Applying for child maintenance

Who must apply for child maintenance?

If you are a parent with care and you or your current partner gets one of the following benefits:

- Income Support; or
- income-based Jobseeker's Allowance,

then you may be required to authorise the Agency to seek child maintenance.

If you think that giving the Agency authority to seek child maintenance from the non-resident parent will lead to harm or undue distress for you or any of the children living with you, whether or not they are the children of the non-resident parent, you may not be required to give this authority. Either Jobcentre Plus or the Child Support Agency's staff will want to discuss this with you. This may be done by phone, by visit or at an interview in your local Jobcentre Plus office.

Who else can apply for child maintenance?

Parents with care who are not on benefit

If you are the parent of a child or children living with you, and the other parent lives somewhere else, you may apply for child maintenance if you wish to do so. Both parents must usually live in Great Britain or Northern Ireland.

Since 5 April 1993, it has not generally been possible for people who do not already have a court order for child maintenance to go to court to obtain an order. Instead, you should apply to the Agency for an assessment of child maintenance. See the section 'When to apply' on page 9.

Other people with the care of a child

If you are not the children's parents, but you have care of children whose parent or parents live elsewhere, you can apply if you wish to do so. For more information, ring the national helpline on **08457 133 133**. Calls from BT and Mercury phones will be charged at local rates. Textphone users can call **08457 138 924**. The Agency may record calls to check their service and to train staff.

Non-resident parents

If you are a non-resident parent you may also apply for a child maintenance assessment. See 'When to apply' on page 9. Both parents must usually live in Great Britain or Northern Ireland.

A child aged 12 or over who lives in Scotland

If you are a child of 12 or over who lives in Scotland and at least one of your parents lives apart from you in England, Scotland, Wales or Northern Ireland, you may apply directly to the Agency. See 'When to apply' on page 9.

When to apply?

The Child Support Agency is taking on cases in stages. These stages are set out below.

Parents with care

If you are a parent with care and you or your current partner gets one of the following benefits:

- Income Support; or
- income-based Jobseeker's Allowance,

the Child Support Agency or Jobcentre Plus will contact you when the Child Support Agency is able to take your case on. If you have a particular reason to want to be taken on early, the Child Support Agency will consider your request. Parents with care who claim, or whose partner claims these benefits, may be asked to apply for child maintenance at that time.

If you are a parent with care and:

- you **do not** get one of the benefits listed above; and
- you **do not** have a court maintenance order, or written maintenance agreement made before 5 April 1993,
you may apply **at any time**.

Application forms are available from the address on page 36 of this leaflet.

If you already have a court order for maintenance, or written maintenance agreement made before 5 April 1993, you will continue to be able to use the courts.

Non-resident parents

As a non-resident parent you may also apply for a child maintenance assessment.

When you can apply depends on the circumstances of the parent with care. If the parent with care, or their current partner, is receiving:

- Income Support; or
- income-based Jobseeker's Allowance,

you cannot apply now but you may be approached by the Agency for information because the parent with care has applied. Otherwise if you do not have a court order for child maintenance, or written maintenance agreement made before 5 April 1993, you may apply at any time. If you already have such an order or agreement, you will not currently be able to apply and should continue to use the courts where applicable.

A child aged 12 or over who lives in Scotland

As a child living in Scotland aged 12 or over you can apply to the Child Support Agency for maintenance if:

- the person you live with does not have a court order for aliment or written aliment agreement for your maintenance made before 5 April 1993, and
- no application for a child maintenance assessment has already been made.

If they do have a court order or written agreement, you will not currently be able to apply.

How is the amount of child maintenance worked out?

The Agency take into account:

- the day-to-day cost of maintaining each child;
- the income of the parent with care and the non-resident parent after making allowance for income tax, National Insurance and basic living expenses, including rent or mortgage costs. The income of the parent with care can serve to reduce the non-resident parent's payments but in most cases is not high enough to do so;
- any other children either parent may have.

There are safeguards to ensure that non-resident parents keep more money than they would get if they were receiving Income Support or income-based Jobseeker's Allowance, and do not pay more than 30 per cent of their net income in child maintenance assessed under the child support formula. If they owe arrears they will not generally be asked to pay more than 33 per cent of their net income, unless they have failed to make or keep an agreement to pay child maintenance when they may be required to pay up to 40 per cent of their net income.

New partners of either parent will not be expected to pay anything towards the child support maintenance of children who are not their own.

What happens if a child spends time with both parents?

If your children spend part of the time with you and part of the time with the other parent, the child maintenance will be shared. This is provided that the children spend at least 104 nights a year with the non-resident parent (an average of two nights a week). For further information about shared care please see leaflet **CSA2024** *Your child maintenance assessment and help in meeting exceptional circumstances*.

How long will it take to work out the maintenance?

Parents with care are asked to fill in an application form. Once you give the information and confirmation

requested, the non-resident parent will be contacted as soon as possible after this. How long it then takes to deal with your application will depend partly on how quickly the non-resident parent provides the necessary information.

If you wish to work out an indication of how much child maintenance may be payable in your case, please turn to page 21.

How will non-resident parents be contacted?

On the child maintenance application form, parents with care will be asked to provide information about the non-resident parent. This will include, for example, their name and address and date of birth. This will help the Agency to contact the non-resident parent.

If the parent with care does not know where the non-resident parent lives, the Agency will try to find out, for example, by checking National Insurance and HM Revenue & Customs records.

Will one parent be told the other's address?

The Agency will not tell either parent the other's address without the written consent of that parent. The Agency is allowed to disclose information to certain other bodies, such as a court or tribunal, or to a local authority in connection with housing or council tax benefit.

We will not disclose information about you to anyone outside the Department for Work and Pensions unless the law permits us to.

What if the Child Support Agency cannot find or contact the non-resident parent?

If the person with care does not know where the non-resident parent lives, the Agency can try to find out by checking other Department for Work and Pensions or HM Revenue & Customs records.

The Agency can also get information from the non-resident parent's employer, accountant, any company or partnership they have provided services for under a contract, the local council, the Driver and Vehicle Licensing Agency and the Prison Services.

If the Agency cannot find the non-resident parent, it cannot calculate or collect child maintenance.

If the Agency cannot find the non-resident parent, it will check regularly to see if the situation has changed. If you are the person with care and you find out anything that might help the Agency find the non-resident parent, tell them straight away.

What happens if a parent refuses to supply information?

Under child support law it is a criminal offence to fail to provide information when the Child Support Agency needs it, or knowingly to provide false information. This means anyone who lies to the Agency or refuses to provide information needed to work out child maintenance risks prosecution. They can be fined up to £1,000.

If the non-resident parent does not provide enough information, the Agency can make them pay a rate of child maintenance based on the average amount for the number of qualifying children.

What if the non-resident parent denies that they are the parent of a child?

Sometimes when someone applies for child maintenance, the person they name as the other parent denies it.

In certain situations, the law says the Child Support Agency can treat someone as the child's parent, such as when the person is named on the child's birth certificate. This means it can calculate child maintenance. The alleged non-resident parent can still go to court to prove they are not the child's parent, but they will have to pay child maintenance until they successfully do so.

If the Agency cannot treat the person as the child's parent, it will interview both parties and suggest that they take a DNA test. Both will need to agree to take the test, and the parent with care will need to agree for the child be tested too.

If the person disputing parentage refuses to take a test, the Agency can treat them as the child's parent. If the parent with care refuses to take the test and gets Income Support or income-based Jobseeker's Allowance, their benefit may be reduced.

- For more information about parentage, see leaflet **CSL110** *Child support: Disputed parentage and DNA testing*. You can get this leaflet by ringing the Child Support Agency national helpline on **08457 133 133**.

What happens if a non-resident parent lives outside the United Kingdom?

From 31 January 2001 a non-resident parent who lives and works outside the United Kingdom may come under the jurisdiction of the Child Support Agency. The Secretary of State will be able to determine that a non-resident parent can be pursued for child support maintenance.

Where:

- a non-resident parent is working abroad in the service of the Crown. That is to say Her Majesty's Civil Service, or in the Navy, Military or Airforces of the Crown including any person employed by an association established for the purposes of part XI of the Reserve Forces Act 1996;
- a non-resident parent is working abroad for a United Kingdom company which employs employees to work outside the United Kingdom but calculates and makes payment in relation to earnings of those employees in the United Kingdom (described in Regulations); or
- a non-resident parent is working abroad on secondment or permanently, for example from a National Health Service Trust or a Regional Health Authority (described in Regulations).

How and when are child maintenance payments made?

The Secretary of State will decide this, but both parents' wishes will be taken into account whenever possible. Either parent can say when and how they prefer the payments to be made. This might be monthly, weekly, or at some other agreed interval.

As a non-resident parent you may pay direct to the parent with care. Or, you can pay through the Child Support Agency by direct debit, standing order or deductions from your salary. If these methods are not suitable you should contact your Child Support Agency Centre.

If the Agency is responsible for collecting child maintenance and paying it over to parents with care, it can arrange to have the money paid by direct credit into a bank account or by cheque.

What happens if a non-resident parent does not pay?

If a non-resident parent does not pay, the parent with care may ask the Agency to carry out enforcement action so that payment is made. When the Agency is responsible for passing on payments to parents with care, it will usually begin to chase payments within two working days of their being overdue. The non-resident parent may make an agreement with the Agency to help clear arrears by instalments.

If a non-resident parent does not have an acceptable reason for not paying, there are several measures the Agency can take.

These include making an order for payments to be deducted directly from wages or salary.

If other methods fail, the Agency may take court action to enforce payment of child maintenance.

More information about this can be obtained by ringing the national helpline on **08457 133 133**. Textphone users can call **08457 138 924**.

Could the non-resident parent be left with too little money to live on?

There are safeguards to ensure that non-resident parents keep more money than they would get if they were receiving Income Support or income-based Jobseeker's Allowance. A full child maintenance assessment under the child support formula should never be more than 30 per cent of their net income. If they owe arrears they will not generally be asked to pay more than 33 per cent of their net income, unless they have failed to make or keep an agreement to pay child maintenance when they may be required to pay up to 40 per cent of their net income.

If you need more information about this, ring the national helpline on **08457 133 133**.

What happens if either parent thinks the child maintenance assessment is wrong?

First of all, they can contact the Agency either by phone or in writing and ask to have the assessment looked at again. A case officer will discuss the disputed decision with the parent and will check the decision made. If the decision was wrong, it will be changed and both parties to the assessment will be notified of the change. If the case officer is unable to resolve the dispute or the parent still thinks the assessment is wrong, they can appeal to an independent tribunal who will look at the decision again.

You can read more about this in leaflet **CSA 2006 A guide to changing child support decisions**.

What do non-resident parents getting Income Support or income-based Jobseeker's Allowance pay?

If you are a non-resident parent who is getting Income Support or income-based Jobseeker's Allowance and you are over 18, fit for work and have no dependent children living with you, then you may be required to make a contribution to the maintenance of your children. From 5 April 2005 this is £5.62 a week.

Do non-resident parents get income tax relief?

In some cases, non-resident parents may get tax relief on their child maintenance payments. If you want to know more about this, you should contact your local tax office for information.

The services offered by the Child Support Agency

There are two services available.

Assessment service

The Agency makes an assessment for child maintenance and will then look at it at intervals, based on the circumstances of the case. In addition, you can ask the Agency to consider looking at an assessment at any time if your circumstances change.

Collection service

The Agency provides a collection service in addition to the assessment service described above. The Agency may be asked to collect payments from the non-resident parent and pass them on to the parent with care. If the non-resident parent falls into arrears with payments, the Agency will consider taking action to enforce payment.

How much child maintenance is payable?

The Agency calculates the amount of child maintenance payable by non-resident parents using a formula agreed by Parliament. If you would like some idea of how the weekly amount is worked out, and what might apply in your case, please read through this section. But please note that this is not an application and should not be sent to the Child Support Agency.

This section only applies to cases where the parent with care does not have assessable income because they receive Income Support or income-based Jobseeker's Allowance.

If your circumstances are different from those covered on these pages, you can get more information by ringing the national helpline on **08457 133 133**. Calls from BT and Mercury phones will be charged at local call rates. Textphone users can call **08457 138 924**. The Agency may record calls to check their service and to train staff.

How is the calculation done?

This part of the leaflet takes you through the various parts of the calculation.

Firstly, you work out the basic maintenance needed for the children – this depends on how many children there are and their ages.

Then, you work out your net income and take away from that sum the allowance for your basic expenses (called the exempt income).

Finally, you work out how much child maintenance you pay out of your remaining income. In cases where the parent with care has income of their own the amount you pay may be reduced. This depends on whether you jointly have enough income above your exempt income levels to meet the full child maintenance needed.

What is the basic maintenance needed for my children?

The first part of the child maintenance assessment enables you to work out the basic maintenance needed for the children concerned.

The notes on these pages will help you to work out an indication of the basic amount of maintenance which the non-resident parent should pay for the children if able to afford it. Write down, in the spaces (on pages 23 to 29), the amounts which apply to those children for whom maintenance is payable. Do not include any other of your children such as children from a new marriage or other relationship.

The allowances printed reflect the position as at 11 April 2005 and may change after that.

Write down one personal allowance for each child that child maintenance is payable for.

Amount for my children

Child's personal allowance

From birth to day before 19th birthday £43.88*

* Rate applies only to children in full-time education up to A level or equivalent, children in higher education are not included.

Then include £16.10 for family expenses

If the youngest child is under 11 add in £56.20

If the youngest child is 11-13 add in £42.15

If the youngest child is 14 or 15 add in £28.10

Add these figures together

Now take away the amount of Child Benefit paid for the children. This is usually £17 for the first child, and £11.40 for each other child (if you receive £17.55 for the first child then only take away £17 for that child and £11.40 for each other child)

The answer you now have is the weekly basic maintenance needed for your children.

How much should the non-resident parent pay?

The next step is to look at the non-resident parent's income and basic outgoings.

Non-resident parents who get Income Support or income-based Jobseeker's Allowance

There is no need to calculate the income and outgoings of parents who get Income Support or income-based Jobseeker's Allowance, or who are the partner of someone who is getting one of these benefits.

If the non-resident parent gets Income Support or income-based Jobseeker's Allowance, he will pay nothing if he is:

- sick; or
- disabled; or
- has dependent children in his household.

In other cases an amount equivalent to the minimum amount of child maintenance (see page 34) may be deducted from their payments of Income Support or income-based Jobseeker's Allowance.

Non-resident parents who do not get Income Support or income-based Jobseeker's Allowance should go through the following steps to get an indication of how much they will be asked to pay.

Step 1 – Working out how much net income the non-resident parent has

The first step is to work out the non-resident parent's weekly **net income**. This includes any earnings after tax and National Insurance have been paid, and half of any superannuation or pension contributions. Write down any earnings from employment or self-employment using a weekly average. If the earnings vary you will need to average them out to give a weekly figure.

Also write down the weekly amount of any contribution-based Jobseeker's Allowance, Earnings Top-Up, Incapacity Benefit, State Pension, Statutory Sick Pay or other benefits.

Do not include Child Benefit, unless you receive £17.55 for your first child in which case you should include £0.55. Attendance Allowance and Disability Living Allowance are ignored for the purposes of calculating child maintenance and so is £10 a week of any War Disablement Pension or War Widow's Pension.

Housing Benefit and Council Tax Benefit should also be ignored in this part of the calculation.

Then add the actual income you get from capital such as bank or building society interest, or rents from properties, or from other sources. Work these out as a weekly amount. Then add in any other sort of income you receive, again worked out as a weekly amount.

The total of all these amounts makes up your weekly net income. Earnings and income from capital received by your present partner do not count as your income.

If Working Families' Tax Credit or Disabled Person's Tax Credit is paid to a non-resident parent's household and:

- the non-resident parent is the main earner, we use **all** of the income from the tax credits in the assessment;
- the non-resident parent's partner who they live with now is the main earner, we use none of the income from the tax credits in the assessment;
- the non-resident parent's partner who they live with now earn equal amounts, we use **half** of the income from the tax credits in the assessment.

To help you make this calculation, use the following guide.

First of all, write down details of the non-resident parent's income in the spaces below:

The non-resident parent

Earnings after tax, National Insurance contributions, and half of pension/superannuation contributions

plus

income from benefits (see page 25)

income from capital/investments

plus

any other income

Add these amounts to get total net income

The rest of this leaflet will help you to work out how much child maintenance is payable in your case.

Step 2 – Working out how much to take off for basic expenditure (known as exempt income)

The non-resident parent's basic weekly expenditure is taken into account. Write down the following amounts for the non-resident parent in the spaces below:

The non-resident parent

A personal allowance for the adult of £56.20

An allowance for any children of the non-resident parent who live with them (including children of a new marriage or other relationship)

From birth to day before 19th birthday £43.88*

* Rate applies only to children in full-time education up to A level or equivalent, children in higher education are not included.

If you have included such a child, add £16.10 for family expenses

Then add in your weekly rent or mortgage costs, net of any Housing Benefit.

If you made a property and capital transfer to the parent with care or a child for whom child maintenance is being claimed, or both, and that transfer was made as a result

of a court order or written maintenance agreement made before 5 April 1993, add in the following amounts.

If the value of the property/capital transferred was:

between £5,000 – £9,999 add in £20

between £10,000 – £24,999 add in £40

£25,000 or over add in £60

(see also Note 1 on the next page).

If the total distance of your weekly travel to work is 240 kilometres or more (straight-line distance), add in 6p a kilometre for every kilometre over 240 (this is about the same as 10p a mile for each mile over 150).

This does not apply if your employer provides transport or meets the travel costs, or if you are self-employed in the employment in question.

Add up the amounts in the column to give essential expenses for the non-resident parent.

Note 1: Property or capital you transferred wholly to cover maintenance for a former partner is ignored. If the transfer was made to cover periodical maintenance payments for children for whom child maintenance is being claimed, the whole amount is taken into account by the Agency when they work out the above allowance. In other cases it is assumed that half of the value of the asset transferred was made for the parent with care and half for the children where the parents were married. If the parents were not married, it is assumed that the total amount of the transfer was for the children. If the transfer includes a property, its value is calculated after first deducting any outstanding mortgage or charge. 'Property and capital' means property, cash or savings in banks and building societies, business assets, an endowment or mortgage protection policy.

Note 2: If you have more than one employer, and the total of the straight-line distance for your journeys to all of your places of employment is 240 kilometres or more, add in 6p a kilometre for every kilometre over 240. (This is about the same as 10p a mile for each mile over 150.)

Step 3 – Working out how much income is available for maintenance

The next step is to take the basic expenditure (exempt income) total away from the figure arrived at earlier in Step 1 for net income.

The non-resident parent

Net income (Step 1)

LESS basic expenditure allowance
(Step 2)

Leaves total income a week of

The figure you now have is called the assessable income. Child maintenance is paid out of this assessable income.

How much of this assessable income should be paid as child maintenance?

Non-resident parents are asked to pay 50p in every £1 of their assessable income until the basic maintenance needed for their children is met. For example, if you worked out that the basic maintenance needed for your children was £87.40 you, as the non-resident parent, would need £174.80 assessable income to pay this in full. This is because you pay 50p in each £1 of your assessable income for child maintenance, and keep the other 50p for yourself.

Looking at another example, if the basic maintenance needed for your children is £103.20 and your assessable income is £180, the most you will be required to pay will be £90 towards the child maintenance needed (50p in every £1 of the £180, keeping the other 50p for yourself).

What happens if paying this amount leaves the non-resident parent with too little money?

The assessment contains a safeguard, called ‘protected income’, to ensure that non-resident parents and any second family have enough to live on. If necessary you, as a non-resident parent, will be asked to pay a lower amount of child maintenance. It will be possible to tell you the full extent of this reduction only after an application for a child maintenance assessment has been made and you have filled in the maintenance enquiry form.

Generally non-resident parents are not expected to pay more than 30 per cent of their net income, (as worked out in the formula – see Step 1) in child maintenance; or more than 33 per cent of their net income if they are paying any arrears; or up to 40 per cent of their net income if they have failed to make or keep to an agreement to pay child maintenance.

What happens if the non-resident parent has money left over?

If, after paying the basic child maintenance needed, you, as the non-resident parent, still have assessable income from which no child maintenance has been deducted, then you are asked to carry on paying, but at the rate of 15p in each extra £1 if there is one child, 20p in each extra £1 if there are two children, and 25p in the £1 if there are three or more children.

So, if you have assessable income of £200 and the basic maintenance needed for your children is £87.40 you pay 50p in the £1 until you have covered that £87.40, which uses up £174.80 of your assessable income.

This means you have £25.20 assessable income left over. If you have three or more children you then pay 25p in each £1 out of this remaining £25.20 which means that you will pay an extra £6.30 on top of the £87.40 basic maintenance needed.

In most cases, the parent with care’s income will not reduce the amount of child maintenance paid by the non-resident parent. If the parent with care does not receive Income Support or income-based Jobseeker’s Allowance, and has income of their own, the amount the non-resident parent is asked to pay may be reduced to take account of this. If this is the position in your case, the Agency will advise you once a child maintenance assessment has been made.

Is there a maximum level of child support maintenance?

There is a maximum above which child maintenance under the Child Support Act ceases. After that it will be up to either parent to ask the court to order an extra amount to be paid. This maximum varies depending on individual circumstances but if you want more information about this, please ring the national helpline on **08457 133 133**. Textphone users can call **08457 138 924**. The Agency may record calls to check their service and to train staff.

Is there a minimum level of child support maintenance?

If the assessment is less than £5.62, non-resident parents will be asked to pay £5.62 unless they are sick or disabled, a prisoner, have dependent children living with them, or their income is less than £5.62. In these circumstances they can choose to pay nothing at all.

What happens if I think my circumstances are special?

If you think:

- you have certain expenses, other than normal day-to-day living expenses, for instance high costs for travel to maintain contact with your children, outstanding debts of the relationship;

- the value of a property or capital transfer made as a result of a court order or written maintenance agreement made before April 1993 is not properly reflected in the calculation on page 29;

you may qualify for a 'departure direction' whereby the child maintenance assessment can be varied to reflect the special circumstances of your case.

You may also qualify for a 'departure direction' if you can show that the other parent's income has exceptional circumstances that could not be taken into account when the child maintenance was worked out. For more information about the departures scheme please ring the national helpline on **08457 133 133** and ask for leaflet **CSA 2200** *Help in meeting exceptional circumstances – Departure from the formula assessment*.

For further advice

Helpline

If you need further advice after reading this leaflet or you require an application form, please call the national helpline on **08457 133 133**.

You can ring between 8am to 8pm Mondays to Fridays and 9am to 5pm Saturdays. Calls from BT and Mercury phones are charged at local call rates. Textphone users can call **08457 138 924**. The Agency may record calls to check their service and to train staff.

Alternatively you can write to the Child Support Agency at the following address:

Child Support Agency
PO Box 55
Brierley Hill
West Midlands
DY5 1YL

Some people may have different sets of circumstances from those described in this leaflet. If you need more advice about your individual circumstances please ring the national helpline on **08457 133 133**.

Every effort has been made to ensure that the contents of this leaflet are correct at the date shown on the cover. However, changes in benefit regulations may alter the amounts shown for the maintenance formula in this leaflet. You can also check details with a Social Security office or by ringing the national helpline on **08457 133 133**.

Please refer to leaflet **GL23** *Social Security Benefit Rates*, (available in some post offices and local social security offices) for the current Income Support benefit rates on which the amounts used in the child maintenance formula are based.

Claiming tax credits

Tax credits support families with children and working people on low incomes. If you have children or are working as an employee or a self-employed person (whether or not you also have children), you may be able to claim tax credits.

HM Revenue & Customs decides and pays claims for:

- Child Tax Credit; and
- Working Tax Credit.

You can find out more about Child Tax Credit and Working Tax Credit by visiting www.hmrc.gov.uk/taxcredits

You can claim online too. Or if you prefer, you can ring HM Revenue & Customs helpline.

The phone number is 0845 300 3900.

If you use a Textphone the number is 0845 300 3909.

Both lines are open from 8am to 8pm, 7 days a week (except Christmas Day, Boxing Day, New Year's Day and Easter Sunday). All calls are charged at local rates.

This leaflet contains only very basic information about child support. It is not a complete and authoritative statement of the law relating to the aspects of child support maintenance covered by the leaflet. Please also note that the content of the law can change from time to time.

We also produce our leaflets in Braille, large print or on audio tape. If you would like a copy please contact:

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