

Factsheet

For single parents in England and Wales August 2017

Freephone

0808 802 0925

Gingerbread Single Parent Helpline

Making arrangements for child maintenance

Child maintenance is the money a parent pays towards their child's upbringing. All parents have a responsibility to support their child financially. Child maintenance usually includes payment of regular amounts of money to the parent who cares for the child most of the time. Child maintenance can also include paying bills or buying items such as clothes and toys, as long as both parents agree.

There are different ways to arrange child maintenance and it's up to you to choose the one that best suits your circumstances. The amount you receive depends on how much your child's other parent earns, how often the child stays over with them, whether they have other children, or children living with them.

For more information see our other child maintenance factsheets available at www.gingerbread.org.uk or call the Gingerbread Single Parent Helpline on 0808 802 0925. Calls are free from landlines and mobiles.

Key terms

Child Maintenance Service (CMS): The service which has replaced the Child Support Agency (CSA).

Child Maintenance Options: the free service providing information and support to help separated parents make decisions about child maintenance arrangements.

www.cmoptions.org/en/about

Receiving parent: The term used by the CMS to refer to the parent who looks after the child most of the time and is eligible to receive the child maintenance

Paying parent: The term used by the CMS to refer to the parent who does not live with the child most of the time and who is liable to pay child maintenance.

Family-based arrangement: Parents deal directly with one another to agree on how much child maintenance is paid, by what means and when.

Who must pay child maintenance?

All parents have a legal responsibility to support their child financially. A parent who doesn't live with their child, or only lives with their child part of the time, should pay child maintenance to the parent who looks after the child a majority of the time. If you share the care of your child exactly 50/50 maintenance might not need to be paid – it's worthwhile getting some advice on this.

Child maintenance should be paid for the following children:

- A child under 16
- A child under 20 in full-time non-advanced education (e.g. A-levels or equivalent)
- A child of 16 or 17 who has left full-time education but has registered for work or training with a careers service.

A parent has a duty to pay child maintenance whether or not they see their child.

It is also important to remember that a court will not decide that a child cannot see a parent because they are not paying child maintenance.

Arranging child maintenance

There are three options:

- Make a family based arrangement
- Use the Child Maintenance Service
- Apply to the court for a consent order.

1: Make a family based arrangement with the other parent

You can make any arrangement you like for child maintenance, as long as you both agree. This could be regular payments of money, or lump sums for certain items such as school trips, or payments in kind such as buying school uniforms or nappies. It could be a combination of these things.

The Child Maintenance Options service can provide a form for you to write down what you agree, although this is not legally binding. You can download it at www.cmoptions.org

Advantages

- It's free
- You can make any arrangement that suits you both
- You could agree a higher amount than you would get through the Child Maintenance Service
- You can start to receive payments straight away
- It might help to avoid conflict with the other parent to make an arrangement that works for you both
- You can still apply to the CMS later if things don't work out.

Disadvantages

- It might not be possible to agree if you have problems communicating with each other, or one person feels intimidated by the other
- A family based arrangement is not legally binding so if the agreement breaks down and you don't get your payment, there is no legal enforcement to get that money back.

2: Use the Child Maintenance Service

The CMS can arrange child maintenance for parents that can't reach an agreement themselves.

Advantages

- You don't need to negotiate an amount. The CMS will do a calculation using a set formula
- The CMS can take action against the paying parent if they don't pay
- There may be compensation if, for example, you get less money than you are entitled to because of a mistake by the CMS or because there have been long delays with your case.

Disadvantages

- There's usually a £20 application fee (see the factsheet [Using the Child Maintenance Service](#))
- You can't control when and how the CMS takes enforcement action if the other parent doesn't pay
- There is a maximum amount of child support you can get through the Child Maintenance Service. If the paying parent earns a very high salary (over £156,000 a year) you would need to apply to court for more.

For detailed information and advice, see our factsheet on [Using the Child Maintenance Service](#).

3: Apply to court for a consent order

If you can reach an agreement for child maintenance with the other parent you can apply to the court to make it a formal legally binding agreement. This is called a consent order. Both parents must agree to the terms of the order.

A consent order is usually used when parents are divorcing and sorting out their finances, so it might include other agreements, such as who is going to pay the mortgage.

Advantages

- It can be part of a larger financial settlement negotiated between you following a separation. For example, it could cover other matters such as mortgage payments
- A consent order can be enforced through the court if the maintenance isn't paid.

Disadvantages

- You have to go through a formal court process and pay fees for the order
- You can't apply to the CMS for one year after a consent order is made
- If the payments aren't made, enforcing the order can be expensive and time consuming
- You will have to return to court if you want the order changed
- You should get independent legal advice, which you would have to pay for. There are also court fees for making and enforcing the order.

Help deciding which option to choose

Everyone's circumstances are different so you will need to decide what is best for your family.

You may also find the following Gingerbread factsheets helpful when making your decision:

- [Making arrangements for your children](#)
- [Help when you can't agree](#)

If you'd like to talk through your options, you can contact the Gingerbread Single Parent Helpline on 0808 802 0925 to speak to a trained adviser. Calls are free.

How much should I get?

You can make an arrangement for any amount of child maintenance, as long as you both agree.

Knowing how much to agree on can be difficult. The Child Maintenance Options leaflet '[Talking about Money](#)' can help you look at your budget and what may be needed for children at different ages. The leaflet is available on their website www.cmoptions.org and an online maintenance calculator can be found at www.gov.uk/calculate-your-child-maintenance.

Child Maintenance Options calculates child maintenance using a standard formula. Some parents use this calculation as a basis for reaching their own arrangement.

The standard formula takes into account the paying parent's income and any other children that they are responsible for, including those of a new partner if they live in the same household. If the paying parent has a new partner, their income will not affect your child maintenance calculation.

If your child lives with their other parent for part of the time, this will reduce the amount of child maintenance you receive.

For more information about the standard formula used to calculate child maintenance see our factsheet [Using the Child Maintenance Service](#).

What if I don't know where my child's other parent is?

You can still apply to the CMS. You need to give as much information as possible about the other parent so that the CMS can trace them. If you know their date of birth, national insurance number, workplace, if they are self-employed, if they are claiming benefits, last known address or town they are currently living in, this would all be helpful.

This information can help the CMS to trace the other parent, although it could take some time, and isn't always possible.

What if both parents have one or more children living with them?

This could happen when you separate and you have more than one child. Some of the children may live with you and some may live with the other parent. In this situation, both parents might need to pay child maintenance to the other.

If you have a family based arrangement for child maintenance you can agree a different way to organise payments. You may decide to offset your payments.

Example: offsetting payments

Tariq and Dina separate. They have two children, Nazia and Sunny. Nazia decides to live with Dina and Sunny lives with Tariq. Both parents are liable to pay child maintenance for the child that lives with the other parent.

Tariq and Dina make a family based arrangement for child maintenance. They use the calculator on the Child Maintenance Options website and work out that Tariq should pay £50 a week and Dina should pay £30 a week. They agree that instead, Tariq will give Dina £20 a week and Dina won't pay any child maintenance.

What if the paying parent lives abroad?

If your child's other parent lives abroad, you can't use the CMS to arrange child maintenance unless your child's other parent is:

- A UK civil servant or works within Her Majesty's Diplomatic Service
- A member of the armed forces
- Working for a company that is based and registered in the UK
- Working on secondment for a UK regional health authority or local council.

If you can't use the CMS and you can't reach a family-based arrangement, you could apply for a court order that can be enforced in the country where the other parent lives.

The process of obtaining a court order for a paying parent who lives abroad is called a **Reciprocal Enforcement of Maintenance Order (REMO)**. The country the paying parent lives in must be a member of the **REMO scheme**.

Once the order is made you can apply to have it enforced in the country where your child's other parent lives. Staff at your local magistrates' court should be able to help you complete the forms and send them to the relevant place. More information is available on www.gov.uk

Further information

Gingerbread Single Parent Helpline

Freephone 0808 802 0925

www.gingerbread.org.uk

Provides free, confidential advice for single parents. No matter the challenge – around your finances, contact arrangements or help you could receive – our trained advisers are here with tailored advice that works for you.

One Parent Families Scotland Lone Parent Helpline

Freephone 0808 801 0323

www.opfs.org.uk

Run by our partner organisation, One Parent Families Scotland, the Lone Parent Helpline provides free, confidential advice and information for single parents in Scotland.

Child Maintenance Options

0800 988 0988

www.cmoptions.org

Information about your child maintenance options and making an agreement best suited to your circumstances. Information booklets, a maintenance calculator and a private agreement form are on the website.

Child Law Advice

www.childlawadvice.org.uk

The child law advice charity provides legal advice and information on all aspects of law and policy affecting children.

Citizens Advice

England: 03444 111 444

Wales: 03444 77 20 20

www.citizensadvice.org.uk

Information and advice on a wide range of issues including benefits and tax credits. Check your telephone directory for your local bureau or find details on the website.

Family mediation council

www.familymediationcouncil.org.uk

Online service to find mediators in your area by using a postcode search.

HM courts service

www.gov.uk/government/organisations/hm-courts-and-tribunals-service

Information, forms and guidance for court procedures. Forms and guidance on how to complete them can also be obtained from your local county court.

Law Society

www.lawsociety.org.uk

Use the website to find a solicitor in your area.

National Family Mediation

0300 4000 636

www.nfm.org.uk

Can answer general enquiries relating to mediation and put callers in contact with local mediation services.

Resolution

01689 820272

www.resolution.org.uk

Association of solicitors specialising in family law, who adopt a constructive, non-confrontational approach to family problems. Search for local members on the website, or a list can be provided if you contact them by phone.

More from Gingerbread

The following related Gingerbread factsheets for single parents are also available:

- > [Using the Child Maintenance Service](#)
- > [Getting legal help](#)
- > [Help when you can't agree](#)

Download them from our [website](http://www.gingerbread.org.uk) or call 0207 428 5400 to request them

Become a Gingerbread member

Membership is available to single parents in England and Wales. Join a community of thousands of single parents who benefit from the mutual support, free advice and information provided by Gingerbread. You can also meet other single parents at one of our local support groups.

Visit our [website](http://www.gingerbread.org.uk), call 0207 428 5424 or email membership@gingerbread.org.uk

Gingerbread

Single parents, equal families

Gingerbread, the charity for single parent families, is registered in England and Wales as a company limited by guarantee, no. 402748, and a registered charity, no. 230750. The Gingerbread Single Parent Helpline is supported by the Department for Education, HMRC, The Big Lottery and other funders and is accredited by the Helplines Partnership.



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