

## A guide to child maintenance - UK child support laws

Unfortunately, not all relationships last forever. If you split with your partner after having children, then you may want to consider what financial support you can receive from the father of the children.

### What is Child Maintenance?

Child maintenance is an arrangement between you and the other parent of your child. It covers how your child's living costs will be paid for when one of the parents no longer lives with them. These payments are made when you've separated from the other parent, or if you have never been in a relationship.

Both parents are responsible for the costs of raising their children, even if they do not see them. This is separate to making arrangement for access to your children.

Child maintenance can be either:

- a private arrangement between you and the other parent or
- made through the Child Maintenance Service - a government scheme

You can have child maintenance arrangements for children under 16, or under 20 if they are in approved education or training. If you make a private arrangement you can continue paying after then.

Child maintenance is paid regardless of whether you live with your children or not, and it's a parental obligation that you continue paying until your child leaves school or university.

In child support law the parent who receives child maintenance is known as the '**parent with care**', and the parent who pays child maintenance is known as the '**non-resident parent**'.

### How much Child Maintenance should you be paying?

In this article, the family law team at Wilson Browne explain more about child maintenance.

[Child maintenance](#) is calculated based on a number of factors, including the number of children, the number of nights spent with the non-resident parents, and your average weekly wages. It can help to check with a [child support specialist](#) how much you should expect to pay, as it can vary depending on the circumstances.

The purpose of the child support payments are to provide the children of the relationship with regular, reliable financial support that helps towards a child's everyday living costs.

## Is it a legal requirement to pay Child Maintenance in the UK?

There's no doubt that a parent should be expected to contribute financially towards their children.

Generally, where one parent looks after the children for the majority of the time, it's a legal requirement for them to be paid child maintenance by the other parent. The only time this is not a legal requirement is when the children cohabit equally with both parents. This would mean that the children spend 50 per cent of their time with the parent with care and 50 per cent of their time with the non-resident payment.

If this is the case, it's assumed that both parents incur and split the costs equally.

Legally, you may not be forced to pay if there are exceptional circumstances for example, if you are in prison or are a full-time student. The government's Child Maintenance Service can legally force parents to make payments, and if you fail to do so, there can be legal consequences.

For the purposes of the UK child support laws, a parent is legally required to make child maintenance payments if they meet the following criteria:

- You are a biological parent
- You have legally become a parent through adoption
- You are legally considered to be a parent (if the child was conceived through a surrogate or IVF treatment, for example)

Therefore, if you are the parent looking after the child for the majority of the time, you can legally expect maintenance payments from the non-resident parent if they meet the above criteria.

You can also legally expect payments from the parents if you are considered to be a full-time day-to-day carer or guardian for the child, such as a friend, relative or grandparent.

## If you're experiencing domestic abuse or controlling behavior

Domestic abuse is not limited to physical abuse only and includes controlling behavior. For example:

- emotionally controlling or manipulative behavior
- controlling your finances
- controlling the way you look after your children

You can use a family law Solicitor or [the Child Maintenance Service](#) to arrange child maintenance if you do not want to contact the other parent yourself. They will contact the other parent for you to put a binding arrangement in place.

## How it affects benefits

Child maintenance payments will not affect any benefits that you and your children receive. You will not have to pay tax on them.

Your Council Tax Reduction could be affected. [Contact your local council](#) to find out if this applies to you.

## How Is Child Maintenance Calculated?

UK child support law assumes that parents will first come to a mutual agreement as to how much they should each be expected to pay towards child maintenance. If you are on good terms with your partner, then you can do this by breaking down estimated costs or with the help of a family law team.

Child maintenance is paid not only to cover day-to-day costs, but other expenses as well such as school uniforms, fees, extra curriculum activities etc

As children's needs change, the amount being paid can also be reviewed and changed.

Again, a specialist family Solicitor can assist with cost estimates and putting together binding agreements. They can also assist if parents can't agree on the amount that needs to be paid. If this is the case, then a family law team can mediate between both parents, until both sides come to an agreement after breaking down factors such as daily costs and how much time each parent will spend with the child throughout the year.

If an amount can't be agreed upon between all parties, then legally the Child Maintenance Services can come to a decision on behalf of the parents. The figure that they arrive at will be legally enforceable, and they can collect the amount directly from the wages of the parent obliged to pay.

The main factors that affect how much maintenance will need to be paid include:

- Yearly gross income
- Added or extra incomes (e.g. pension)
- Number of nights the child spends in residence with each parent
- Number of other children

## Contact Wilson Browne Today for More Information on UK Child Support Laws

UK child support laws can be complex, so it's important to seek professional assistance from skilled lawyers if you need assistance.

With decades of legal experience, Wilson Browne's family law team can provide the advice you need to organise child maintenance payments.

[Contact our friendly team of lawyers today](#) to find out more.

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