

CHILD SUPPORT AND MAINTENANCE

If voluntary maintenance cannot be agreed the Child Support Agency (CSA) can be contacted to assist. You can contact the CSA on 08457 133 133 or visit their website at www.csa.gov.uk. Please see below for answers to our frequently asked questions.

I HAVE RECIVED A CLAIM FORM FROM THE CSA TO COMPLETE- WHAT SHOULD I DO?

The forms are reasonably straightforward to complete and usually you should not need a solicitor's help simply to complete them.

THE CSA HAS ASKED ME TO FILL IN AN APPLICATION FORM BUT I DON'T WANT TO MAKE A CLAIM – CAN I REFUSE?

If you are receiving benefits and you refuse to complete the form and give the CSA authorisation to collect Child Support the Benefits Agency will make deductions from your benefits. The only exception to this is if the CSA accepts that if you gave authorisation you or your children could suffer harm or undue distress. If you think this would apply to you for example if you have experienced domestic violence you must tell the CSA.

THERE IS A COURT MAINTENANCE ORDER BUT I THINK I WOULD BE BETTER OFF IF I WENT TO THE CHILD SUPPORT AGENCY. CAN I MAKE AN APPLICATION TO THE CSA?

You will need to speak to us about this. Usually if a child maintenance agreement is embodied within a Court Order then you can only make an application to the CSA after 12 months from the date of the Order.

I THINK I WOULD BE BETTER OF IF MAINTENANCE WAS ORDERED BY THE COURT RATHER THAN DECIDED BY THE

CHILD SUPPORT AGENCY. CAN THE COURT MAKE A MAINTENANCE ORDER?

If an application could be dealt with by the CSA then it must be pursued there. The Court can deal with cases where the CSA does not have the legal power. The Court deals with maintenance for step-children and children over 19 in education. The Court also deals with maintenance where all of the parties are not living in the UK.

In wealthy families the Court can Order supplementary maintenance to be paid in addition to the maintenance calculated by the CSA. The Court can make supplementary maintenance orders to cover educational expenses and for children with a disability.

MY EX IS LIVING ABROAD – CAN I MAKE AN APPLICATION TO THE CHILD SUPPORT AGENCY?

As a general rule the CSA can only deal with situations where both the parents and the child or children are living in the UK. There are some exceptions to this rule and we can advise you about these.

I HAVE RECIVED A MAINTENANCE ENQUIRY FORM FROM THE CSA BUT I AM NOT THE FATHER OF THE CHILD. WHAT CAN I DO?

You must tell the CSA straight away that you are not the father and you dispute paternity. The CSA can require you to undergo DNA or blood testing. If the tests show that you are not the father CSA will pay for the tests. If they show that you are the father you will have to pay.

HOW MUCH CHILD SUPPORT WILL BE PAYABLE?

Child Support is calculated by a formula and is based upon a percentage of the non-resident parent's net income. We can do the calculation

for you. We would need the following information from you:

- Your child's/children's dates of birth
- Details of any benefits the non-resident parent receives
- The non-resident parent's gross earnings
- The non-resident parent's pension contributions
- The non-resident parent's tax and national insurance contributions
- Details of any other income the non-resident parent may have
- Details of the contact arrangements between your child or children and the non-resident parent
- Whether or not the non-resident parent has any other children living with him/her

If you can not provide any of this information we will not be able to provide an accurate calculation of the amount of child support which may be payable and we could only give you an estimate.

The family department are:

Mary Shaw	Partner
Clare Routledge	Partner
Lesley Monkhouse	Partner
Elsbeth Thomson	Partner
Lucy McGivern	Solicitor
Jane Wilkinson	Solicitor
Helen Holmes	Solicitor
Nicky Hunter	Solicitor
Joanne Hall	Solicitor
Janine Calkin	Legal Assistant
Amber McIlwain	Legal Assistant
Paula Harris	Legal Assistant
Amy Coates	Legal Assistant
Laura Croft	Legal Assistant
Emma Ferguson	Legal Assistant

Leaflet updated: October 2007



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Child Support And Maintenance

Maintenance

Justice is not black
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white It's Gray