

Child Support Handbook

19th edition

Updated by Mark Brough, with Will Hadwen

Child Poverty Action Group

CPAG promotes action for the prevention and relief of poverty among children and families with children. To achieve this, CPAG aims to raise awareness of the causes, extent, nature and impact of poverty, and strategies for its eradication and prevention; bring about positive policy changes for families with children in poverty; and enable those eligible for income maintenance to have access to their full entitlement. If you are not already supporting us, please consider making a donation, or ask for details of our membership schemes, training courses and publications.

Published by Child Poverty Action Group
94 White Lion Street, London N1 9PF
Tel: 020 7837 7979
staff@cpag.org.uk
www.cpag.org.uk

© Child Poverty Action Group 2011

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, resold, hired out or otherwise circulated without the publisher's prior consent in any form of binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

A CIP record for this book is available from the British Library

ISBN: 978 1 906076 51 1

Child Poverty Action Group is a charity registered in England and Wales (registration number 294841) and in Scotland (registration number SC039339), and is a company limited by guarantee, registered in England (registration number 1993854). VAT number: 690 808117

Cover design by Devious Designs
Content management system by Konnect Soft
Typeset by David Lewis XML Associates Ltd
Printed in the UK by CPI William Clowes Beccles NR343 7TL
Cover photo by Joanne O'Brien/Photofusion

The authors

Mark Brough is a freelance writer. He previously worked for many years as a welfare rights adviser for people with learning disabilities.

Will Hadwen is a freelance trainer and consultant on welfare rights and related areas.

Acknowledgements

A huge debt is owed to all the authors of previous editions. Thank you to Yvonne Snape and Sarah Alcock for their helpful suggestions.

Thanks are also due to Alison Key for editing and managing the production of the book, Katherine Dawson for updating the index and Kathleen Armstrong for proofreading the text.

The law described in this book was correct at 1 May 2011.

Contents

Abbreviations	x	
Child support rates 2011/12	xi	
Part 1	Introduction	
Chapter 1	Introduction to child support	3
1.	What is child support	3
2.	The Child Maintenance and Enforcement Commission and the Child Support Agency	5
3.	Future changes	8
4.	Using this <i>Handbook</i>	10
Part 2	Using the Child Support Agency	
Chapter 2	Who is covered by the scheme	15
1.	The duty to maintain	15
2.	Parent	15
3.	Qualifying child	18
4.	Person with care	19
5.	Non-resident parent	21
6.	Relevant child	22
7.	Welfare of the child	23
8.	Family	25
9.	Habitually resident in the UK	25
10.	The role of the courts	27
Chapter 3	Applications	35
1.	Who can apply to the Child Support Agency	35
2.	Communicating with the Child Support Agency	38
3.	How to apply to the Child Support Agency	40
4.	Withdrawing or cancelling an application	43
5.	Multiple applications	44
Chapter 4	Information	51
1.	Information-seeking powers	51
2.	Contacting the non-resident parent	57
3.	Parentage investigations	61
4.	Further investigations	69
5.	Duty to disclose changes	71
6.	Disclosure of information by the Child Support Agency	72

Part 3	Amount of maintenance: 'new rules'	
Chapter 5	The maintenance calculation ('new rules')	79
1.	Maintenance calculation rates	79
2.	Net income	86
3.	Shared care	93
Chapter 6	Variations ('new rules')	110
1.	Grounds for a variation	110
2.	Applying for a variation	123
3.	Procedure	124
4.	The decision	130
Chapter 7	Conversions	141
1.	When 'old rules' cases convert to the 'new rules'	141
2.	The calculation and transitional phasing	143
3.	The conversion decision	150
4.	The linking rules	152
5.	Revisions, supersessions and appeals	154
6.	Conversion, benefits and collection	159
Part 4	Amount of maintenance: 'old rules'	
Chapter 8	The 'old rules' formula	165
1.	Introduction	165
2.	The five steps of the 'old rules' formula	167
3.	Minimum child maintenance	168
4.	Non-resident parents on certain benefits	170
5.	Special cases	171
Chapter 9	The maintenance requirement ('old rules')	173
1.	What is the maintenance requirement	173
2.	How much is the maintenance requirement	174
3.	Both parents are non-resident	176
4.	More than one non-resident parent	177
Chapter 10	Exempt income ('old rules')	181
1.	What is exempt income	181
2.	How much is exempt income	182
3.	Housing costs	184
4.	Pre-April 1993 property settlements	192
5.	Travel-to-work costs	196
6.	Second families	198

Chapter 11	Assessable income ('old rules')	203
1.	What is assessable income	203
2.	What is net income	204
3.	Calculating assessable income	222
Chapter 12	Proposed maintenance ('old rules')	227
1.	What is proposed maintenance	227
2.	How much is proposed maintenance	228
3.	The 50 per cent calculation	229
4.	The additional element calculation	232
5.	Maximum child maintenance	235
6.	Both parents are non-resident	237
7.	More than one person with care	239
8.	Divided families	243
9.	More than one non-resident parent	244
Chapter 13	Protected income ('old rules')	249
1.	What is protected income	249
2.	Basic protected income	252
3.	Total protected income	254
4.	The maintenance payable	256
5.	Change of circumstances	260
Chapter 14	Shared care ('old rules')	265
1.	What is shared care	265
2.	Care shared between separated parents	267
3.	Care shared between a parent and another person	276
4.	Care shared between two people who are not parents	279
5.	Three persons with care	279
6.	Care provided in part by the local authority	280
7.	The maintenance requirement is met in full	281
Chapter 15	Departures ('old rules')	286
1.	Grounds for departure	287
2.	Applying for departure	296
3.	Procedure	297
4.	Considering departure	300
5.	The departure direction	301

Part 5	Decisions, enforcement and challenges	
Chapter 16	Maintenance decisions	317
1.	Making the initial maintenance decision	317
2.	Default maintenance decisions	320
3.	Notification of decisions	321
4.	Court order phasing of calculations	322
5.	When the first maintenance calculation begins	323
6.	When a maintenance calculation ends	327
7.	How child maintenance affects means-tested benefits	330
8.	Taxation of child maintenance	330
9.	Existing 'old rules' cases	330
Chapter 17	Revisions and supersessions	341
1.	Changing decisions	341
2.	Revisions	344
3.	Supersessions	350
Chapter 18	Appeals	360
1.	Decisions that can be appealed and who can appeal	361
2.	Appealing to the First-tier Tribunal	362
3.	The appeal procedure	365
4.	Preparing a case	373
5.	Hearings	375
6.	Decisions	377
7.	Changing a First-tier Tribunal decision	380
8.	Appealing to the Upper Tribunal	381
9.	Test case rules	385
Chapter 19	Collection and enforcement	391
1.	Payment of child maintenance	392
2.	Collection of other payments	401
3.	Arrears	402
4.	Enforcement	414
5.	Existing 'old rules' and conversion cases	434
Chapter 20	Complaints	441
1.	Complaining to the Child Support Agency	442
2.	Complaining to the Child Maintenance Options service	444
3.	Complaining to Jobcentre Plus	445
4.	Complaining to the Independent Case Examiner	446
5.	Using an MP	447
6.	Complaining to the Ombudsman	447

Appendices		
Appendix 1	Useful addresses	453
Appendix 2	Income support premiums	457
Appendix 3	Statutes	462
Appendix 4	Information and advice	464
Appendix 5	Useful publications	466
Appendix 6	Abbreviations used in the notes	470
Index		477

Abbreviations

AA	attendance allowance
CA	carer's allowance
CMEC	Child Maintenance and Enforcement Commission
CMED	Child Maintenance and Enforcement Commission for Northern Ireland
CSA	Child Support Agency
CSAC	Child Support Agency Centre
CTB	council tax benefit
CTC	child tax credit
DEO	deduction from earnings order
DER	deduction for earnings request
DLA	disability living allowance
DSDNI	Department for Social Development Northern Ireland
DWP	Department for Work and Pensions
ECJ	European Court of Justice
ECHR	European Convention on Human Rights
ESA	employment and support allowance
EU	European Union
HB	housing benefit
IB	incapacity benefit
ICE	Independent Case Examiner
IMA	interim maintenance assessment
IS	income support
JSA	jobseeker's allowance
MAF	maintenance application form
MEF	maintenance enquiry form
NI	national insurance
PC	pension credit
RPC	regular payments condition
SDA	severe disablement allowance
the Revenue	HM Revenue and Customs
WTC	working tax credit

Child support rates 2011/12

Note: many assessments in force during this year will have been calculated on the basis of earlier year's rates.

	£
Dependent child's personal allowance	
Under 20	62.33
Adult's personal allowance	
Single	67.50
Couple	105.95*
<i>* This is only used in the protected income calculation</i>	
Premiums	
Family	17.40
Disabled child	53.62
Carer	31.00
Disability (single)	28.85
Severe disability (single)	55.30
Enhanced disability (single)	14.05
Enhanced disability (child)	21.63
<i>The following premiums are only used in the protected income calculation:</i>	
Disability (couple)	41.10
Severe disability	
couple (if one qualifies)	55.30
couple (if both qualify)	110.60
Enhanced disability (couple)	20.25
Pensioner/enhanced/higher pensioner	
single	69.85
couple	103.75
Child benefit	
Only or eldest child	20.30
Other children	13.40

£

Child support

Minimum payment of child maintenance ('old rules')	6.80
Contribution towards child maintenance deducted from income support ('old rules')	6.80
Minimum payment of child maintenance ('new rules')	5.00

Income tax (per year)

Personal allowance (under 65)	7,475
Married couple's allowance (minimum)	2,800
Blind person's allowance	1,980

National insurance contributions

Lower earnings limit	102.00
12% on earnings between £139 and £817	
2% on earnings above £817	

Bands of taxable income

Basic rate – 20%	£0 – £35,000
Higher rate – 40%	over £35,000
Additional rate – 50%	over £150,000

Chapter 1

Introduction to child support

This chapter covers:

1. What is child support (below)
2. The Child Maintenance and Enforcement Commission and the Child Support Agency (p5)
3. Future changes (p8)
4. Using this *Handbook* (p10)

1. What is child support

Child maintenance paid by parents who do not live with their children is intended to reflect their legal responsibility to provide financial support for their children. Some people make voluntary arrangements to pay maintenance, others have arrangements made following a court order, and some people have maintenance calculated and enforced by the government's Child Support Agency (CSA), which is now managed by the Child Maintenance and Enforcement Commission. Some people may pay or receive child maintenance in more than one of these ways.

Child support is the name given to child maintenance calculated and enforced by the CSA. This *Handbook* deals mainly with the rules of the child support scheme and the work of the CSA. It is intended to help parents who use the CSA and their advisers.

Note: in this *Handbook*, we generally use the term 'child support' for child maintenance calculated by the CSA and the term 'child maintenance' for all types of child maintenance, including child support, voluntary agreements and payments made under a court order.

The child support system administered by the CSA has been in operation since 1993. This calculates the amount of child support people have to pay in different situations. The original complex formula for calculating child support (the 'old rules' formula) was replaced by a simpler calculation from 3 March 2003. This 'new rules' calculation mostly applies to applications made on or after this date (but see Chapter 7 for details of when 'old rules' cases convert to the 'new rules'). An even simpler system of calculating child support is expected to be introduced in 2012 (see p8).

Responsibility for child maintenance

It is a legal principle that both parents of a child have a duty to contribute to the maintenance of that child.¹ This duty is fulfilled when a parent who does not have the main care of a child makes payments of child maintenance assessed under the formula or calculation.²

This duty applies whether or not:

- the child is living with the other parent or with someone else who is not legally her/his parent; *or*
- the child is living with a lone parent or with a couple; *or*
- the child's parents are on benefit.

This duty only becomes enforceable if there is a court order or an application to the CSA.

Calculating child support: 'old rules' and 'new rules'

Whether a case comes under the 'old' or 'new' rules for calculating child support is important, not only because it dictates how much maintenance should be paid, but also because there are some differences in how other aspects of child support apply – eg, enforcement. In addition, the legislative references are often different. The '**new rules**' are those that came into force on 3 March 2003 (not the proposed simplified system, planned to be introduced in 2012). The '**old rules**' are those introduced with the child support system when it started in 1993. Both sets of rules have been amended since they were introduced.

The 'old rules' use a complicated formula with several steps to work out how much child support should be paid (see Chapter 8). An application can be made for departure from the formula in certain circumstances (see Chapter 15). The 'new rules' use one of four rates of child support maintenance for each non-resident parent, based on his income (see Chapter 5). The calculation can be varied in certain circumstances (see Chapter 6). The fact that people in the two systems are treated differently in terms of the amount of maintenance received and paid, even though their circumstances may otherwise be the same, is probably not discriminatory and does not breach human rights law.³

Generally, if an application for child support is made on or after 3 March 2003, it is a 'new rules' case, and if the application was made before that date, it is an 'old rules' case. However, there are some exceptions to this, and some 'old rules' cases that are connected to a 'new rules' case may be converted to the new rules (see also Chapter 7). Apart from these cases, however, it is now unlikely that 'old rules' cases will convert to 'new rules' because the government intends to introduce a third, and even more simple, calculation. This is expected to be introduced in 2012 (see p8). In the meantime, existing cases will continue to fall under either the 'old rules' or the 'new rules'.

2. The Child Maintenance and Enforcement Commission and the Child Support Agency

The Child Maintenance and Enforcement Commission (CMEC) is a non-departmental public body that came into being on 24 July 2008. It took over responsibility for the child maintenance system in Great Britain, including the Child Support Agency (CSA), from the Department for Work and Pensions (DWP) on 1 November 2008.

CMEC has a much wider remit than the CSA previously had. CMEC's main objective is to maximise the number of effective child maintenance arrangements in place, whether these are made by agreement between parents, by court order or through the statutory schemes operated by the CSA. This main objective is supported by two subsidiary objectives:

- to encourage and support parents to make and keep appropriate voluntary maintenance arrangements;
- to support applications to the statutory child support scheme, and enforce liability.⁴

CMEC is also required to take whatever steps it thinks appropriate to promote awareness among parents of their responsibility for the maintenance of their children and for making appropriate arrangements for the maintenance of any of their children who live apart from them.⁵

CMEC has two delivery bodies: the CSA (see below), which continues to administer the statutory child support scheme, and the Child Maintenance Options service (see p6), which provides information and support. For this reason, this *Handbook* continues to use the term 'CSA' when referring to applications, calculations, decisions, and collection and enforcement procedures under the statutory schemes.

The Child Support Agency

The CSA is responsible for calculating child support payments and, in some cases, their collection and enforcement. This includes tracing non-resident parents and investigating parents' means. Although now part of the responsibilities of CMEC, the CSA remains the delivery body continuing to administer the current statutory child maintenance schemes. This means that individuals continue to apply to the CSA if they cannot reach an agreement for maintenance themselves and wish to use the statutory collection scheme. Current users of the CSA will continue to deal with, and receive letters from, the CSA, not CMEC.

The CSA works closely with Jobcentre Plus, which is responsible for identifying when a parent with care claims benefit. Jobcentre Plus staff pass the parent with care's details to CMEC's Child Maintenance Options service, which then contacts her to discuss the different options for pursuing child maintenance.

Chapter 1: Introduction to child support**2. The Child Maintenance and Enforcement Commission and the CSA**
.....

The CSA has wide powers to gather information. These are covered in Chapter 4. If a parent is unhappy with a child support decision, there are procedures for challenging these (see Chapter 17), and for appealing most sorts of decisions (see Chapter 18).

Structure of the Child Support Agency

The CSA is divided into six regional business units. Apart from the one for the east of England, they are all based in the areas they serve (see Appendix 1). Each business unit has a Child Support Agency Centre, which assesses child maintenance.

The CSA also has local offices around the country, called local service bases or field offices. These may be used to conduct face-to-face interviews with parents.

In February 2006, the government announced a twin-track approach to the reform of child maintenance. The first was an Operational Improvement Plan, which ran from 2006 to 2009 and attempted to stabilise the work of the CSA. This saw the CSA move towards the following structure:⁶

- new client teams supporting new applications;
- client service teams managing ongoing cases and processing changes of circumstances;
- debt management teams taking action when a payment is missed;
- legal enforcement teams ensuring that payment is enforced.

There should also be specialist client teams for different areas of work, usually determined by the employment status of the non-resident parent – eg, teams dealing with benefit claimants, employed clients and self-employed clients.

The second task was to undertake a longer term redesign of the child maintenance system, which will see the proposed introduction of a new, simplified, calculation in 2012.

Child Maintenance Options

CMEC is required to provide information and guidance to assist parents to make effective maintenance arrangements.⁷ Child Maintenance Options was set up by CMEC to offer free, impartial information and support to help both parents make informed choices about child maintenance arrangements. Child Maintenance Options is intended by CMEC to be the first port of call for anyone seeking information on child maintenance, although at present there is no requirement to contact the Child Maintenance Options service before applying to the CSA. It can be used by separating and separated parents, as well as family, friends, guardians and anyone with an interest in child maintenance.

Child Maintenance Options can provide information and assistance with:⁸

- setting up a child maintenance arrangement following separation;

- establishing child maintenance arrangements for parents who are not in a relationship;
- switching from a private arrangement to a CSA calculation, or *vice versa*;
- situations in which an existing child maintenance agreement has broken down or is not working well.

The service is delivered by phone, via a website and through a face-to-face service where required. See Appendix 1 for contact details. It seeks to encourage voluntary maintenance arrangements by offering estimated calculations based on the statutory schemes and other guidance to help parents decide on maintenance arrangements and amounts. It also provides information on other related areas such as housing, employment and money, and can put people in touch with specialist advice agencies.

Child Maintenance Options aims to give impartial information to any party involved in child maintenance arrangements. It can be used anonymously and records are not linked, so that if two parties contact the service independently in relation to the same child(ren), no information regarding one party would be divulged to the other. The website includes leaflets explaining how personal information will be used⁹ and how to complain about the service (see Chapter 20).¹⁰

Arrangements in Northern Ireland

The child support system is the same throughout the UK, but there is a separate Child Maintenance and Enforcement Division (CMED) for Northern Ireland, which is part of the Department for Social Development (DSDNI). There is an Information and Support Service which provides impartial information and support in a similar way to Child Maintenance Options. CMED's powers are the same as those of the CSA in England, Scotland and Wales. Before 1 April 2008, child support was dealt with by the Northern Ireland Child Support Agency. For the time being, cases will be dealt with in the same way as before this date. The future changes proposed for England, Scotland and Wales (see p8) will also apply in Northern Ireland. See www.dsdni.gov.uk for updates. Also part of DSDNI is the Social Security Agency, the Northern Ireland equivalent of Jobcentre Plus.

If this *Handbook* is being used in Northern Ireland, references to the DWP should be read as references to DSDNI and references to Jobcentre Plus should be read as references to the Social Security Agency. **Note:** some legislative references are different in Northern Ireland.

3. Future changes

In recent years there have been significant proposals for further changes to the child support system, prompted in part by persistent problems with the existing system, particularly delays in assessments, difficulties in enforcing payment and weaknesses in IT systems.

Some changes originally planned for 2010 and 2011 have not yet been introduced. These include:

- further changes in enforcement powers, including the power to disqualify non-resident parents from holding passports and the power to apply for curfew orders; *and*
- the new simplified maintenance calculation (see p9).

In January 2011, the government published proposals for the future of child maintenance.¹¹ The consultation states that ‘conflict is inherent’ in the current child support system, and that it needs to be rebalanced towards supporting parents to work collaboratively to agree family-based arrangements wherever possible. The government’s intention is that the statutory child support system should be for only those families who are not able to come to their own arrangements.

The proposals include initiatives to improve the integration of support services for separating families. The main proposed changes to the statutory system include:

- a new ‘gateway’ process that will require parents to take reasonable steps to make family-based arrangements first and allow them to be directed to support if needed, before an application to the statutory scheme will be permitted;
- a calculation-only service to provide parents who are able to make family-based arrangements with an authoritative calculation on which to base decisions, but without that calculation creating any formal liability;
- the new simplified statutory maintenance calculation scheme, underpinned by a new IT system;
- introducing charges to use the new services, with some provision for reductions and exemptions. The proposals cover one-off charges for the calculation-only service and for an application to the statutory scheme, and ongoing administration charges on both the person with care and the non-residents parent when the Child Support Agency (CSA) collection service is used;
- giving non-resident parents control over the choice of paying maintenance direct to avoid ongoing administration charges.

The consultation on these proposals ended in April 2011. At the time of writing, legislation to provide for some of the changes was still undergoing parliamentary scrutiny. The government is expected to publish a response to the consultation in summer/autumn 2011, and then to consult on the detail of the regulations

required to implement the system before introducing a single package of regulations before the end of 2011. For updates, see CPAG's *Welfare Rights Bulletin*.

The proposals are intended to be introduced in 2012. The new service will initially be available only to new applicants. A process of closing all existing CSA cases will begin at a later date, with parents then treated in the same way as new applicants if they wish to apply to the new statutory scheme. There is no information yet on how this process of closing cases will take place in practice, but it is expected to take around two years.

It is also not yet clear how the services will be delivered in the future. The consultation says that there is no assumption about who should deliver the gateway or what connection that body should have to the statutory scheme organisation and other services. The government has also proposed that the Child Maintenance and Enforcement Commission should cease to be a non-departmental public body and become an executive agency of the Department for Work and Pensions. This is also still subject to parliamentary scrutiny and no date has yet been set for the change of status.

The new maintenance calculation

A new scheme for calculating child maintenance is expected to be introduced in 2012. All new claimants will have their claims calculated under these new rules. At a later date, a process of closing all existing CSA cases will begin, and any parents who wish to apply to the new scheme will have to do so in the same way as new applicants.¹²

The new calculation will be based on information from HM Revenue and Customs on the non-resident parent's gross income for the latest available tax year. The amount will be fixed for one year unless his income varies by 25 per cent.

As the new calculation will be based on gross income rather than net income, as currently used, the percentage amount that the non-resident parent will be expected to pay will change.¹³

For a non-resident parent whose weekly income is £800 or less, the rates will be:

- 12 per cent for one child;
- 16 per cent for two children;
- 19 per cent for three or more children.

If the non-resident parent's income is over £800 a week, the following rates will apply to the excess over £800:

- 9 per cent for one child;
- 12 per cent for two children;
- 15 per cent for three or more children.

The gross weekly income taken into account will be reduced if the non-resident parent has other relevant children.

The flat rate will increase from £5 to £7.

4. Using this *Handbook*

This *Handbook* covers the child support scheme in England, Wales and Scotland as at 1 May 2011. Northern Ireland has a similar scheme, although some of its legislative references and guidance are different. Separate chapters detail how maintenance is worked out under the 'old' and 'new' rules. All other chapters relate to both 'old' and 'new' rules chapters.

Structure of the book

Part 1 is an introduction to child support, the Child Support Agency (CSA) and how to use this *Handbook*. **Part 2** explains the key principles and terms of the child support scheme, how applications are made (including for parents treated as applying) and how the CSA seeks information. Once all the information is available, the amount of maintenance can be worked out – **Part 3** does this under the 'new rules' and **Part 4** under the 'old rules'. The transitional rules on the conversion of 'old rules' cases to the 'new rules' are also covered in Part 3 (Chapter 7). **Part 5** covers CSA decisions, how to change, query or challenge them (by review, supersession and appeal), collection and enforcement of maintenance, and how to complain.

The **appendices** contain useful addresses, information about reference materials and an explanation of income support premiums. For child support rates, see pxi.

The best way to find the information you need is to use the index at the back of the book.

Footnotes

At the end of each chapter are the footnotes. These contain the legal authorities and other sources of information which support the text, and some further information. Parents and advisers can quote the reference to the CSA if the statement in the text is disputed. Appendix 6 explains the abbreviations used in the footnotes, with information on how to obtain the sources.

Different guidance applies to 'old rules' and 'new rules' cases. The Child Maintenance and Enforcement Commission (CMEC) does not publish the guidance used by CSA decision makers. As the guidance is not readily available, this *Handbook* does not use it as a source. The guidance can, however, be obtained by making a request to CMEC under the Freedom of Information Act 2000. Anyone concerned about the application of a particular aspect of the law may

wish to ask the CSA to provide a copy of any guidance taken into account by the decision maker.

This *Handbook* also includes references to relevant caselaw.

Definitions and terms used

The following terms are used throughout this *Handbook*. For more detailed definitions, see Chapter 2.

A parent who does not live with her/his own child is a '**non-resident parent**'.

A child who does not live with both her/his parents is a '**qualifying child**'.

The person with whom the child is living and who provides her/him with day-to-day care is the '**person with care**'. If a person with care is also a parent of the qualifying child, s/he is a '**parent with care**'.

A child living with the non-resident parent, for whom s/he or any new partner receives child benefit, is a '**relevant child**'.

As the latest statistics from the CSA show that 95 per cent of people with the care of a qualifying child are women, this *Handbook* uses '**she**' to describe the person with care and '**he**' to describe the non-resident parent. However, the law applies in the same way if the person with care is a man or the non-resident parent is a woman, or if both parents are men or both women.

The term '**second family**' is used loosely to describe the situation where a parent of a qualifying child (usually the non-resident parent) also has children who live with her/him. This could be a third or fourth family, or even a first family where, for example, a married man remains with his wife despite having a child with another woman. It may also apply where a parent is living with a same-sex partner who has responsibility for a child.

The term '**stepchild**' is used to describe the child of a person's partner, whether or not they are a married couple or in a civil partnership.

Notes

1. What is child support

- 1 s1(1) CSA 1991
- 2 s1(2) and (3) CSA 1991
- 3 In CCS/1077/2006 the commissioner stated that, even if discrimination could be shown, 'it is an objective and reasonable justification that parents are treated differently as new legislation is tested as it is brought into force'. See also R(CS) 3/07 in which the commissioner decided there was no breach of the European Convention of Human Rights, even though it is now clear that the 'new rules' scheme will not be implemented for all 'old rules' cases as had originally been intended.

2. The Child Maintenance and Enforcement Commission and the Child Support Agency

- 4 s2 CMOPA 2008
- 5 s4 CMOPA 2008
- 6 CSA Operational Improvement Plan 2006-2009
- 7 s5 CMOPA 2008
- 8 *Child Maintenance: getting started*, Child Maintenance Options, April 2010
- 9 *How Will the Child Maintenance Options Service Use My Personal Information?* Child Maintenance Options, October 2008
- 10 *How Can I Complain About the Child Maintenance Options Service?* Child Maintenance Options, October 2008

3. Future changes

- 11 DWP, *Strengthening Families, Promoting Parental Responsibility: the future of child maintenance*, Cmnd 7990, January 2011
- 12 DWP, *Strengthening Families, Promoting Parental Responsibility: the future of child maintenance*, Cmnd 7990, January 2011
- 13 Sch 4 CMOPA 2008