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[Non-resident parent liable to maintain a child of the family or a child abroad: Special Case](#)

[2012/2677 Regulation 52\(1\)\(b\) Child Support Maintenance Calculation Regulations 2012](#)

If a non-resident parent's liability is based on the Basic, Basic Plus or Reduced Rate, their liability will be reduced if they are supporting:

- a 'child of the family', under a UK court order. This applies where a court has decided that a person who is not a child's parent is responsible for supporting them; or
- a child living abroad, under a foreign court order or another country's child maintenance scheme.

This may apply to children of whom the non-resident parent is not a natural or adopted parent, but for whom a court has decided the non-resident parent should have continuing parental responsibility. For example: the non-resident parent may be a guardian or former step-parent.

Evidence of a 'child of the family' order

If a non-resident parent states that they are supporting a child under a 'child of the family' order, you should request a copy of the court order.

If the non-resident parent does not provide this evidence, you should advise them that the child cannot be considered in the maintenance calculation.

Evidence of a child supported abroad

If a non-resident parent states they are supporting a child who lives abroad, you should request one of the following types of evidence:

- a foreign court order, or
- liability order set under a foreign state's child support scheme

NOTE: there is no requirement to check whether Child Benefit is in payment because a child abroad will not be eligible for Child Benefit.

If the non-resident parent does not have the required evidence, you are not required to contact the other parent. In these circumstances you should advise the non-resident parent that the child will not be considered in the maintenance calculation.

Effect of a child of the family / child abroad

If the evidence confirms that the non-resident parent is supporting a child of the family or a child abroad, then that child will be treated as if they were an additional qualifying child. For example, a non-resident parent with one qualifying child and one child supported abroad will be treated as having two qualifying children.

Any resulting calculation will be apportioned between an amount for the qualifying child, who the non-resident parent is liable to support under the statutory scheme and a notional amount for the child supported abroad.

Example

Non-resident parent has a gross weekly income of £500.

Non-resident parent has a qualifying child PWC1 and a child supported abroad with PWC2:

- apply the calculation for two qualifying children = $£500 \times 16\% = £80$
- apply the apportionment = £40 to PWC1

The other £40 is a notional amount which will not be enforced by the CMG. This is not an enforceable figure.

NOTE: once a child of the family / child supported abroad has been recognised, the CMG is not required to carry out regular reviews of whether the arrangement continues to apply. It is the responsibility of the parents to notify the CMG if the arrangement ceases. The child will continue to be treated as a child until:

- they reach the age of 20; or
- other circumstances apply which mean they can no longer be treated as a child; or
- the arrangement has ceased.

The effective date will be the date when the change occurred.

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