

[Overview : Contents](#)

- [Other factors affecting the Maintenance Calculation: Overview](#)
-

[Other Factors Affecting the Maintenance Calculation: Overview](#)

The non-resident parent's income / benefit status determines the rate that their calculation is based on. However, a range of other circumstances may affect their maintenance liability. These include:

Shared care

[1991/48](#) Schedule 1, Paras 7–9 of the Child Support Act 1991; and

[2012/2677](#) Regulation 46 of the Child Support Maintenance Calculation Regulations 2012

[1991/2628](#) Schedule 1, Paras 7-9 of the Child Support (Northern Ireland) Order 1991

[2012/427](#) Regulation 45 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

Shared Care applies if the non-resident parent provides overnight care for a qualifying child for at least 52 nights per year. If shared care is agreed to, the non-resident parent's liability will be reduced.

Policy rationale

It is the government's view that children almost always benefit from the continuing involvement of both parents in their upbringing, even if the family does not live together. Shared care rules reduce the maintenance liability and aim to encourage non-resident parents to maintain this ongoing involvement with their children. The reduction also recognises that shared care will usually involve additional costs for non-resident parents and a corresponding reduction in costs for parents with care.

Refer to the Decision Making Guidance for further details.

Relevant other children

[1991/48](#) Schedule 1, Para 10(C)(2) of the Child Support Act 1991

[2012/2677](#) Regulation 77 of the Child Support Maintenance Calculation Regulations 2012

[1991/2628](#) Schedule 1, Para 10(C)(2) of the Child Support (Northern Ireland) Order 1991

[2012/427](#) Regulation 76 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

A child will be a relevant other child for maintenance purposes if they:

- are not a qualifying child in the case concerned, but
- are a child for whom the non-resident parent or their partner receives Child Benefit (if the non-resident parent's partner receives the Child Benefit, they must be living in the same household as the non-resident parent)

A relevant other child will normally live in the same household as the non-resident parent and their partner, although there are circumstances where this is not the case. For example: because the child is at boarding school or is a patient in hospital.

NOTE: a relevant other child includes a child in respect of whom the non-resident parent or their partner would receive Child Benefit, but don't, solely because the child is temporarily out of the country. For example: where they are receiving medical care abroad.

If a non-resident parent has a relevant other child, their maintenance liability will be reduced, if it is based on basic, basic plus, or reduced rate.

Refer to the Decision Making Guidance for further advice.

Child supported under family based arrangements

[1991/48](#) Schedule 1, Para 5A of the Child Support Act 1991; and

[2012/2677](#) Regulation 48 of the Child Support Maintenance Calculation Regulations 2012

[1991/2628](#) Schedule 1, Para 5A of the Child Support (Northern Ireland) Order 1991; and

[2012/427](#) Regulation 47 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

One of the CMG's key objectives is to maximise the number of effective arrangements between parents who live apart for the financial support of their children. Linked to this objective is the principle that parents should be encouraged, wherever possible, to make these arrangements between themselves, without relying on the statutory maintenance scheme.

It is therefore likely that cases will arise where a non-resident parent, who is the subject of an application for statutory maintenance, is also supporting a different child outside the statutory scheme. The CMG will recognise such arrangements when calculating the non-resident parent's liability, if it is based on the basic, basic

plus or reduced rate, to ensure that their financial responsibility to all their children is accurately reflected.

Refer to the Decision Making Guidance for further details.

Special cases

[1991/48](#) *Section 42 CSA 1991; and*

[2012/2677](#) *Regulations 50-55 of the Child Support Maintenance Calculation Regulations 2012*

[1991/2628](#) *Article 39 of the Child Support (Northern Ireland) Order 1991; and*

[2012/427](#) *Regulations 49-54 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

A range of additional situations have been provided for separately in the Regulations, and are referred to as 'Special Cases'.

Some of these situations affect who can be treated as a non-resident parent, parent with care or qualifying child. These situations are dealt with in the Applications section of the Policy guide.

However, three of these situations potentially affect the amount of child maintenance that a non-resident parent will be liable to pay. These are:

- non-resident parent liable to maintain a child of the family or a child living abroad
- care of a qualifying child provided in part by a local authority
- care of a relevant other child provided in part or in full by a local authority

These situations, and their effect on the maintenance calculation, are explained in the Decision Making Guidance on family-based arrangements, Shared Care and Relevant Other Child/ren.

Variations

[1991/48](#) *Sections 28E-28G of the Child Support Act 1991*

[2012/2677](#) *Regulations 56-71 of the Child Support Maintenance Calculation Regulations 2012*

[1991/2628](#) *Articles 28E-28G of the Child Support (Northern Ireland) Order 1991*

[2012/427](#) *Regulations 55-70 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

Variations allow us to look at some circumstances which are not covered by the basic maintenance calculation rules. If agreed to, a variation can lead to an adjustment to the maintenance calculation. Refer to the Variations Chapter for further advice.

PLDMG @ 09.03.2017