

How payments can be adjusted to take ‘split care’ into account

In most child maintenance cases, there is one receiving parent⁺ and one paying parent.

The receiving parent has the main day-to-day care of the child or children who qualify for child maintenance. The paying parent must pay child maintenance for the qualifying child or children.

But different family circumstances can sometimes mean child maintenance is not always as straightforward as that.

Sometimes some qualifying children in a child maintenance case live with one parent and other qualifying children in the same case live with the other parent. We call this ‘split care’.

Important: split care can be taken into account in Collect & Pay or Direct Pay cases.

With **Collect & Pay** we collect payments from the paying parent and pass them on to the receiving parent.

If Collect & Pay is used, each parent must pay a collection fee for using the service:

- A paying parent must pay a 20 per cent fee each time we collect a payment from them
- A receiving parent must pay a 4 per cent fee each time we pass on a payment to them.

Direct Pay is where we work out the amount of child maintenance a paying parent must pay, but parents agree between themselves how and when payments are made.

There are no collection fees for using Direct Pay.

Making a family-based arrangement

A family-based arrangement is when parents work together to sort out child maintenance between themselves without our getting involved. There are no payment or collection fees with a family-based arrangement.

If parents can make a family-based arrangement, there’s no need to take split care into account. This is because payments are made directly between each parent.

Find out more about how to set up a family-based arrangement by going to the Help and Support for separated Families section at www.cmoptions.org.

What split care means for child maintenance payments

When there is ‘split care’, in theory each parent:

- should **receive** child maintenance for the qualifying child (or children) in the case **who lives with them**, and
- must **pay** child maintenance for the qualifying child (or children) in the case **who does not live with them**.

When this happens, the child maintenance payments that are made between the two parents can be adjusted to make things simpler. This is called ‘split care offsetting’. If it’s a Collect & Pay case, the collection fees apply to the amount of child maintenance worked out after split care has been taken into account.

Important: offsetting payments in this way does not affect how we work out your child maintenance payments. It simply adjusts how child maintenance is paid.

We may, or may not, decide to offset payments in this way. Our decision will be based on the circumstances of a particular case.

How split care offsetting works – an example

John and Sarah live apart. They have two children that qualify for child maintenance – Debbie who lives with John, and Simon who lives with Sarah. They use Collect & Pay to pay and receive child maintenance. This means that:

- John is the receiving parent of Debbie and the paying parent of Simon, and
- Sarah is the receiving parent of Simon and the paying parent of Debbie.



We worked out that John must pay £100 a week in child maintenance for Simon.

We also worked out that Sarah must pay £50 a week in child maintenance for Debbie.

Instead of John and Sarah making separate child maintenance payments, **we can offset John's payment against Sarah's**. When Sarah's payment of £50 a week is taken away from John's payment of £100 a week, **the balance is £50**.

This means that John must pay **£60 each week** - the **£50** weekly child maintenance payment, plus a 20 per cent Collect & Pay collection fee of **£10**.

This also means Sarah gets **£48 each week** - the weekly child maintenance payment of £50, less the 4 per cent Collect & Pay collection fee of **£2**.

John and Sarah could avoid paying collection fees by switching to Direct Pay. They could also avoid the need to take split care into account by making a family-based arrangement.

What we do: step by step

When we look at cases affected by split care, the first thing we do is consider a range of issues - and certain circumstances about the case - to see if offsetting payments is suitable.

If it is, we check if it's possible to offset the unpaid child maintenance that parents may owe each other.

After this, we consider if it's possible to offset the regular 'ongoing' maintenance each parent has to pay against any payments that may be owed.

Finally, we look into offsetting the regular ongoing maintenance if it's appropriate to do this.

Where can I get more information?

Go to: **www.gov.uk/child-maintenance** for more information, or call us on **0800 171 2345*** if you have any questions.

Important information about this factsheet

This factsheet is only a guide and does not cover every circumstance. It only refers to the statutory child maintenance scheme provided by the Child Maintenance Service. It does not refer to any child maintenance schemes provided by the Child Support Agency. 'Statutory' means set up under the law.

We have done our best to make sure the factsheet is correct as of September 2018, but it may not reflect changes to the law or to our procedures after this date. You may want to get independent advice before making financial decisions based on the content of this factsheet.

*Call charges

Calls to 0800 numbers are free from landlines and mobiles.

*You may have heard different terms used to describe the parents in a child maintenance case.

In child support law:

- the parent who receives child maintenance is known as the 'parent with care' - we call them the 'receiving parent'
- the parent who pays child maintenance is known as the 'non-resident parent' - we call them the 'paying parent'.