

# How your child's living arrangements affect child maintenance

It's usually in the best interests of a child that gets child maintenance to spend time with both parents. We call it 'shared care' if a child stays overnight with the paying parent<sup>+</sup>. If shared care happens for an average of one night a week or more (at least 52 nights a year), this can affect child maintenance payments.

We ask both parents to give us formal, informal or spoken evidence of any agreement they have reached about shared care. We will also accept a court order setting out shared care details.

## How does this affect how much child maintenance a paying parent must pay?

We take shared care into account in different ways depending on the child maintenance rate they are paying. The amount of child maintenance to be paid by the paying parent may be reduced depending on the child maintenance rate and the number of shared care nights there are.

### Basic, Basic Plus or Reduced rate child maintenance

The paying parent's weekly amount of child maintenance is divided between the number of children that qualify for child maintenance.

We then take shared care into account, based on the number of nights of shared care for each child. Depending on the number of nights, we reduce the amount of child maintenance for each child as follows:

Number of nights of shared care each year	Reduction to child maintenance (for each child with shared care)
52 to 103 nights	1/7th
104 to 155 nights	2/7ths
156 to 174 nights	3/7ths
175 nights or more	½ (50%) plus an extra £7 a week reduction for each child in this band

If child maintenance is set at Basic, Basic Plus or Reduced rate, a paying parent will always pay at least £7 a week in child maintenance after shared care has been taken into account. Even allowing for shared care, the paying parent's total weekly payment can't fall below this amount.

### Flat rate

If child maintenance is set at Flat rate (£7 a week) because the paying parent receives a prescribed benefit, allowance or entitlement, then shared care for 52 nights or more a year will reduce child maintenance to £0 for that child. The paying parent also does not have to pay child maintenance for any other qualifying children who live in the same household as that child with shared care.

If child maintenance is set at Flat rate because the paying parent's income is £100 a week or less, we don't take shared care into account at all. This means the amount of child maintenance won't change.

### Shared care example

Ian has two children that he pays child maintenance for (David and Sarah) using Direct Pay (there are no collection charges). He also has two receiving parents in his case group. We've worked out that his weekly amount of child maintenance before shared care is £22.50. Ian has overnight care of David for 54 nights a year.

We divide £22.50 between David and Sarah. This works out at £11.25 for each child.

We then reduce the amount of child maintenance Ian pays each week for David by 1/7th (£1.61).

This means Ian pays £20.89 in child maintenance each week after shared care for David is taken into account.

Sarah receives £11.25 and David receives £9.64.



**Q: What if the number of shared care nights changes?**

**A:** We don't need to know about every change to the number of nights of agreed shared care.

We only need to know if the change affects the 'shared care band' used to work out the reduction in child maintenance.

This means that if the number of nights of shared care a year changes from 140 to 150 we would not need to know.

But if the number of nights of shared care a year changes from 140 to 156 or more, this change would need to be reported to us by either parent.

**Q: What if we can't reach agreement about shared care?**

**A:** If both parents agree in principle that care of a qualifying child or children is shared, but can't agree on the number of nights, we may make an assumption of shared care of one night a week. This is called 'assumed shared care'.

This means we reduce the amount of child maintenance that must be paid for that child by 1/7th.

This decision will not change unless both parents reach an agreement on shared care or a parent gives us proof to show that the number of nights of shared care is different. We always ask for proof of shared care before making an assumed shared care decision.

**Q: What happens if the local authority cares for a child that qualifies for child maintenance?**

**A:** We reduce the amount of child maintenance a paying parent must pay if the local authority provides overnight care for at least 52 nights a year.

If the local authority has overnight care for 263 nights a year or more, the paying parent does not have to pay any child maintenance for that child.

Number of nights of local authority overnight care each year	Reduction to child maintenance (for each qualifying child with overnight care)
52 to 103 nights	1/7th
104 to 155 nights	2/7ths
156 to 207 nights	3/7ths
208 to 259 nights	4/7ths
260 to 262 nights	5/7ths

**Q: What happens if the day-to-day care of a child is equal between a paying parent and a receiving parent?**

**A:** In this situation, the paying parent does not have to pay any child maintenance for that child.

**Where can I get more information?**

Go to [www.gov.uk/child-maintenance](http://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'.