



COVID-19 Briefing: Paying Child Maintenance while on a Reduced Income

Parents are legally responsible for the financial costs of raising their children. Following parents separating, they both remain legally responsible for paying for their child/children and therefore, it is necessary to either agree a payment arrangement (where possible), or alternatively an application to the Child Maintenance Service could be made in order to try to resolve the issue.

The Child Maintenance Service will assist in collecting information about a non-paying parent, ascertain the amount that they are due to pay and if necessary, take action to ensure such payments are made in order to provide for the child/children by the non-paying parent.

WHAT CAN I DO IF I AM RECEIVING A REDUCED SALARY?

Unfortunately, due to the current COVID-19 situation, it is a well-known fact that a considerable amount of people are in receipt of a reduced income. Both the employed and self-employed have been affected and in some cases, people are being faced with no income at all.

Inevitably, the usual outgoings still need to be paid such as mortgage/rent, household bills and other expenses. Regardless of the situation, however, many families – together or separated – will still have children to provide for financially.

The most important point here is that wherever possible, communication is key. If you have suffered a change in your financial circumstances, which means you are unable to afford the Child Maintenance payments that you would usually make – you need to communicate your position and the difficulties you are facing to the relevant people.

AGREED PAYMENT ARRANGEMENTS

If you have an agreement with your former partner, which is not being regulated or paid via the Child Maintenance Service, it is essential that you communicate your change in circumstances and the proposed amended payment to your former partner.

It is true that your child still needs to be provided for but there may need to be an adjustment to the agreement in the short term, due to the change in health/financial circumstances, which effects your ability to pay the same amount as you normally would.

Whilst it might seem strange communicating with a former partner about your financial circumstances, it is important to remember that it is for the purpose of the child/children you have together and you need to work together wherever possible to ensure your child/children can still be provided for adequately.

It may well be the case that if you are aware your income will be increasing again in due course, you could reach an alternative agreement to pay less now but to increase the payments in the long term in order to pay off any arrears.

This would help the primary carer to budget sensibly and where possible, to ensure the child/children can receive the benefit of items they may have had to miss out on due to the reduced payments during the coronavirus crisis e.g. new clothes/shoes etc.

It is also worth bearing in mind that even if you are not suffering a loss from the COVID-19 situation, the parent in receipt of child maintenance payments may well be and as a result, they may be struggling to provide for the child/children.

If that is the case, is there anything you could do, even on a temporary basis to assist with meeting the children's needs? As difficult as it may be, even separated parents need to work together for the sake of the children.

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On a more obvious point, if your financial circumstances have not changed, do not try to use the coronavirus situation to negotiate an alternative arrangement or to try to reduce child maintenance payments.

This will only lead to a breakdown in trust with your former partner in the long run, as well as resulting in the child/children not being reasonably provided for.

Under such circumstances, it is highly likely the primary carer will be making an application to the Child Maintenance Service in the future to avoid dishonesty and a potential loss of maintenance for the benefit of the child/children, which would otherwise be avoided with the involvement of the Child Maintenance Service.

CHILD MAINTENANCE ARRANGEMENTS

If there is a payment arrangement in place via the Child Maintenance Service, it will be necessary to contact the Child Maintenance Service immediately to make them aware of any change in your financial circumstances, which would affect your ability to make child maintenance payments to a former partner.

At the current time, the Child Maintenance Service are not taking any enforcement action for non-payment of child maintenance payments but that does not mean that arrears will not be accrued, or that the Child Maintenance Service will not take enforcement action against you, in the future.

By liaising with the Child Maintenance Service directly, they will be able to discuss your case with you and advise you on what action to take. Further, they will be able to ensure a record is made so that they are aware of your change in financial circumstances and the reasons behind any reduction or non-payment of child maintenance payments.

For any further information/guidance in respect of child maintenance issues, visit the following website in order to stay up to date with advice to parents during the COVID-19 crisis, as well as using online tools such as a calculator to assist with calculating child maintenance payments:

<https://childmaintenanceservice.direct.gov.uk>

PEACE OF MIND THROUGH DIFFICULT TIMES

In uncertain times, the only thing we can say for certain is that nothing will stay the same for long.

It is entirely possible, therefore, that new legislation will have been introduced which will mean that all or part of this briefing no longer reflects the current law.

Because of this, we ask you to consider that, although correct at time of printing, information in this sheet may no longer be up to date and it is always best practice to consult with a lawyer about anything contained in this briefing.

Although our office doors are closed, our lawyers are still available to help answer any of your questions about this or any other legal concern you have.

Please contact Fraser Dawbarns directly for up-to-date information on your specific circumstances.

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- [Holding Company Meetings During Lockdown](#)
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