

Maintenance for children

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About child maintenance

We may treat your claim for Income Support as an application for child maintenance if you or your partner:

- claim Income Support, **and**
- are a parent with day-to-day care of a child who has a parent who does not normally live with you. We call them the *non-resident parent*.

What is a parent with care?

You are a parent with care if you or your partner are the natural or adoptive parent of a child living with you.

If you are a parent with care, you can opt out of being treated as applying for child maintenance at any time. If you believe and we agree, that by applying for child maintenance there would be a risk of harm or undue distress to you or to any children living with you, the Child Support Agency will not seek child maintenance from the non-resident parent.

However, if we do not think that you have good reasons for opting out of your child maintenance application, you may face a reduction in your benefit.

What is a person with care?

You are the person with care if you or your partner are not the natural or adoptive parents of a child you are caring for – for example, if the child is your nephew, niece, grandchild or totally unrelated to you.

If you are a person with care, you can choose if you would like to give details about the non-resident parent or parents to enable the Child Support Agency to seek child maintenance on your behalf. We will arrange for someone to interview you about your application for child maintenance. If you do not wish to apply for child maintenance, we will take no further action to gather information for the Child Support Agency.

Confidentiality

The Child Support Agency will not disclose any information you give them, without your permission, except in certain circumstances allowed under child support law.

What will happen next

We will contact you shortly after you have made your application for benefit. We may arrange for someone to call and see you at home.

If someone interviews you they will:

- Help you fill in a statement giving details about the non-resident parent or parents, to enable the Child Support Agency to contact the non-resident parent and arrange child maintenance, or
- If you are a parent with care and state that you want to opt out of your application for child maintenance, take a statement from you saying why you believe there would be a risk of harm or undue distress to you or to any child living with you, if the Child Support Agency contacted the non-resident parent about child maintenance. This is called a Good cause interview.

You can ask the interviewing officer for extra time to consider your position if you have not decided what to do. We can give you 14 days thinking time before we interview you again for your decision.

Good cause

It is not possible to say exactly what reasons will be accepted as likely to cause harm or undue distress in a particular case. But the dictionary says that to harm is to hurt, injure or damage, undue means excessive, unjustifiable or disproportionate and distress means to subject someone to severe strain, pressure, anguish or pain.

However, if we do not accept your reasons for opting out of your child maintenance application, you may face a reduction in your benefit.

We will consider the statement taken at the Good cause interview very carefully and write to you with our decision.

We will either:

- accept your reasons for believing there would be a risk of harm or undue distress if the Child Support Agency was to seek child maintenance on your behalf, or
- if we consider that there is no risk of harm or undue distress, we will ask you to give details about the non-resident parent so that the Child Support Agency can seek child maintenance on your behalf.

Your Income Support

We may reduce your Income Support if:

- we decide that you have not given enough information, or
- you have opted out of your child maintenance application and we do not accept your reasons for believing there would be a risk of harm or undue distress to you or any child living with you, if child maintenance was pursued from the non-resident parent.

We will take into account the welfare of any child or children living with you when deciding whether or not to reduce your benefit.

About the interview

We will tell you the date of the interview. If it is not convenient, please contact us. Our address and phone number will be on the letter telling you about the interview. You may want to have a friend or adviser with you at the interview. You or they may take notes of what is said.

You may not want your child to be present because the interviewing officer may need to ask questions of a private or sensitive nature. If so, we can arrange for you to be interviewed at a more convenient time, for example, while your children are at school.

All interviewing officers have been specially trained to discuss sensitive issues. If you would like the interviewing officer to be of the same sex, we will arrange this, where possible.

We will send you leaflet **CSL100** to tell you all about the interview. Please make sure you read this before the interview. It explains more about your child maintenance application.

Information about child maintenance

If you have any questions about child maintenance in general, or you want help or more information, you can phone the Child Support Agency Helpline. Their phone number is **08457 133 133** and the line is open from 8.00am to 8.00pm Mondays to Fridays and 8.30am to 5.00pm Saturdays. Calls may be recorded to check customer service and to train staff.

If you would like to get independent advice you can contact your local Citizens Advice Bureau. The address and phone number are in your local telephone directory.

These notes give general information and are not a complete and authoritative statement of the law.