

Mediation

An alternative to Court proceedings is mediation, however any agreement made between parents that is not adhered to will not be enforceable by the Court.

Family mediators are impartial, they guide parents in moving discussions forwards. Family mediation is confidential to the parties and has to be entered into voluntarily, the Court will encourage but will not order parties to go to mediation.

For more information on mediation please visit <http://www.mediation-network.im/index.html>

**Please note that the Court staff cannot help you to decide what to put on the forms, or give you any advice about your case. The Court will always recommend if you are unsure of the relevant Acts/Rules which relate to applications, or have queries regarding the contents of applications you should seek legal advice from a Manx advocate. The names of Manx advocates who are Family Law practitioners may be obtained from the Isle of Man Law Society—
<http://www.iomlawsociety.co.im/>**

Legal aid may be available for eligible parties, <http://www.gov.im/registries/Legal>

Other leaflets in the series:-

CHI01—What the court expects from parents considering asking for a court order

CHI02—Court Orders regarding children

CHI03—How do I apply for a court order in a children's matter?

CHI04—How do I apply for Parental Responsibility?


CHI05—Children's matters—directions appointments and hearings

CHI06—Child Maintenance—Coming to an arrangement

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ISLE OF MAN
COURTS OF JUSTICE

Child maintenance **CHI06**

Children's Matters

**Child Maintenance
Coming to an
arrangement**

www.courts.im

What is child maintenance?

Child maintenance is regular, reliable support that helps towards a child's everyday living costs. It's not the only way a child's non-resident parent can contribute, but it's a very important one.

Child maintenance usually means one parent paying money to the other for their child's upkeep. An arrangement can be much more flexible than this if you choose. It doesn't have to just mean exchanging money – the other parent sharing a child's care, or buying their clothes, could work just as well.

Who should pay?

Usually, if parents live separately the parent who does not have the child living with them (the non-resident parent) will pay maintenance for the benefit of the child to the resident parent.

If parents have a shared care arrangement it may not be necessary for either parent to pay maintenance to the other, however this will depend on parents' circumstances and the individual needs of the child.

Maintenance & contact

Sometimes a parent stops contact because they feel that they are not receiving enough money from the other parent to look after the child. This is **not** a reason to stop contact, the Court does not consider the issues of maintenance payments and contact to be linked in any way.

Children have a right to regular personal contact with both of their parents unless there is a good reason why they should not. Money issues are not a good enough reason to prevent a child from seeing their other parent.

How much should they pay?

With effect from April 2013, the Department of Social Care (DSC) have set the figure as £53.40 per child, per week. This figure is based on those set by Tynwald for Child Benefit and Income Support allowances and can change on an annual basis with the new tax year. Please note that this figure is intended as a guideline only. It does not directly take into account any overnight stays the non-resident parent may have, nor any other methods of support that parents may already have in place between them. However, the DSC may take shared care into account in a statement of means. The liable person may declare higher outgoings in respect of food, clothing, utilities and other costs incurred as a result of the child being with them part of the time. In addition, goods in lieu of cash maintenance (such as clothes, food and nappies) may be acceptable when the Department looks at voluntary maintenance.

Working out a figure

If parents are attempting to come to an agreement the Child Maintenance Service website can be useful - <https://www.gov.uk/calculate-your-child-maintenance>

Please note that these guidelines are not binding in the Isle of Man and do not necessarily apply in respect of Court proceedings in the Isle of Man. The non-resident parent's ability to pay is the overriding consideration.

Parents could try together working out the approximate cost of raising their child, factoring in the costs of accommodation, keeping warm, clothing, food and activities. Calculating who has the care of the child for which proportion of the week or month against income may assist.

If parents cannot agree

Issuing Court proceedings against one parent should be seen as a last resort, parents have a duty to support their children financially as well as emotionally. Withholding financial support from the resident parent can only be detrimental to the child and the relationship between the parties. However, there will be cases where making an application to Court is necessary. There are links to the relevant forms on the Courts website:- <http://www.courts.im/formsandguidance/divorceproceedings.xml> - Form 12 should be filed (in triplicate) where the parties have been married. This form can also be used for applications for financial support in respect of non-marital children. <http://www.courts.im/formsandguidance/summarycourts.xml> - Form FPC1 can be used to apply for a financial Order for marital or non-marital children.

It assists if a Statement of Means (when applying in the Summary Court) or sworn Affidavit (High Court matters) is filed at the same time as the application.

As at 2014 the fee for filing an application for a financial Order is £120.00, an application to vary an existing financial Order or have an Order made with both parents' consent is £60.00.

If you reside in the Isle of Man and are on state benefits or are on a low income you may be eligible for a remission of the filing fee—
<http://www.courts.im/fees/welcome.xml>