

The Single Parent Family

For some parents they will be faced with the very difficult situation that they will become a single parent family. This might be because their partner has left them during their pregnancy, or leaves shortly after the pregnancy, or the relationship comes to an end sometime thereafter.

Dealing with the emotional issues that arise from such a situation is extremely difficult, but what often cause parents extreme anxiety is how they will cope financially upon separation and how often the child should see their ex-partner.

Child Maintenance

The parent who retains primary care of the child will be entitled to receive Child Maintenance on behalf of that child from the non-resident parent regardless as to whether they have ever been married. In very simple terms if the Child Support Agency (CSA) assess the non-resident parent for Child Maintenance they will be assessed as having to pay 15% of their net salary for one child, 20% of their net salary for two children, and 25% of their net salary for three or more children. This can be varied to take into account how often the child stays with the non-resident parent, whether or not the non-resident parent has responsibility for any other children, and whether or not the non-resident parent works or is on a very low income.

If an amount of Child Maintenance is agreed directly between the parties, then it is advisable to set up a standing order to the primary carer's bank account so that there is no difficulty on a month-by-month basis receiving payments. Alternatively, if agreement cannot be reached or there is difficulty contacting the non-resident parent an application can be made to the CSA so that Child Maintenance can be deducted directly from the non-resident parent's salary.

Possible Other Financial Claims

It might be that you are able to make further financial claims on behalf of your child. If you are married to your ex-partner then not only will you be able to bring financial claims on behalf of your child, but you will also be able to bring claims on behalf of yourself and it is worth seeking specialist advice from a family lawyer as to the type of financial settlement you might achieve.

Alternatively, if you are not married to the father of your child, then you might be able to bring a claim under the Children Act 1989 for financial relief for your child. However, you will not be able to make any claims for yourself personally, and any claims must be for the exclusive benefit of the child. In addition, you might have a claim under the Trust of Land and Appointment of Trustees Act 1996. Again, it is advisable to seek the specialist advice of a family lawyer.

Parental Responsibility

A father who has not been married to the mother will automatically have what is known as 'parental responsibility' for their child if the child was born after December 2003 and both parents registered the birth with the father's name on the birth certificate. If the child was born before December 2003,

the father can obtain parental responsibility by entering into a formal Parental Responsibility Agreement with the mother or asking the Court to make a Parental Responsibility Order.

Parental Responsibility recognised the rights of both parents to be consulted about major issues that may occur during the life of the child, such as education, religious upbringing, medical treatment, agreement to adoption, consent to marriage or removal out of the country.

Children Seeing Non-Resident Parent

A further consideration is how often your child should see the non-resident parent, referred to legally as "contact". This is often the major concern for parents who are struggling to come to terms with the fact that the relationship has come to an end and feel reluctant, if not very concerned, about their ex-partner seeing the child.

The court are very pro-contact and hence if children matters cannot be resolved by agreement between the parties, the court are likely to award the non-resident parent, if they make an application for contact at court, the right to see the child in some form unless there is very good reason not to do so.

If possible it is best to try to agree a sensible contact regime with your ex-partner. This should take into account the child's age and needs, but should also be prepared to be a fluid and flexible agreement which adapts to the child's circumstances as that child grows older. It may also be worth considering attending mediation with your ex-partner to discuss children issues to keep the dialogue between you flowing. It will not be in the best interest of the child for there to be ongoing acrimony between the parties, and if a sensible rapport can be established early on then this will ultimately be in the best interests of the child. Despite a child's age and their apparent ability to cope with the separation of their parents, it is a fact that the majority of children suffer when their parents separate however the separation is dealt with and hence consideration has to be given to dealing with matters as calmly as possible, so as to minimise the stress and anxiety for the child.

If you feel that any of the issues discussed in this article affect you and you wish to take further advice, then please contact Samantha Jago, a family solicitor with Howell-Jones LLP on 01483 302000, or email samantha.jago@howell-jones.com.

Please note that Howell-Jones LLP does not offer Legal Aid and if you are of the view that you might be eligible then you should refer to the Legal Services Commission website, www.legalservices.gov.uk, or contact your local Citizens Advice Bureau for further information.

Samantha Jago

Family Solicitor
Howell Jones LLP

May 2008