

Supersessions

[Contents: Overview](#)

- [Supersessions](#)
- [Supersessions Process](#)

Contents (Decision Making Guidance)

- [Benefit Changes](#)
 - [Income Changes](#)
 - [Default Maintenance Decisions](#)
 - [Other Relevant Changes](#)
-

[Supersessions \(Overview\)](#)

[1991/48](#) Section 17 of the Child Support Act 1991

[2012/2677](#) Regulation 17 of The Child Support Maintenance Calculations Regulations 2012

What is a Supersession?

Supersession is a process used when there is a change of circumstances that affects the maintenance liability on a case. This may be due to:

- changes in the non-resident parent's income;
- changes in the non-resident parent's benefit status; or
- other changes that affect the maintenance liability, such as changes to the status of qualifying children, or levels of shared care.

When changes of this type are identified or reported, the existing decision is replaced or superseded by a new decision with a new effective date.

The Decision Making Guidance includes advice on dealing with supersessions for the different types of changes that can occur on a case.

Who can apply for a Supersession?

Supersessions can be:

- initiated by the CMG, following a reported change from a third party; or

- requested by the non-resident parent; parent with care; child in Scotland or an authorised representative.

When can an application for a Supersession be made?

Applications for supersession can be made at any time during the life of a case.

Note: A decision will not be superseded in circumstances where a Revision is appropriate.

What is the effective date of a Supersession?

The effective date of a supersession will depend on the type of change that has occurred. Refer to the Decision Making Guidance for further advice.

[Return to contents](#)

[Supersessions Process: Overview](#)

When you are dealing with an application for supersession, you will always need to follow the same basic process:

- identify the type of change (NOTE: for income changes this will include checking whether the 25% tolerance is breached);
- obtain any evidence needed to confirm / verify the change;
- identify the appropriate effective date;
- decide whether to accept or reject the supersession request; and
- notify the relevant parties of the outcome.

Notice of a Supersession decision

[Refer to the Notifications guidance for further advice](#)

Multiple Case Groups

If a non-resident parent has more than one parent with care then, if as a result of a supersession the non-resident parent's maintenance liability is affected, the Maintenance Calculation will be apportioned between all parents with care.

[Return to contents](#)

[Benefit Changes: Decision Making Guidance](#)

Non-resident parents who are entitled to receive a prescribed benefit, are usually liable to pay child maintenance at the Flat Rate.

If a non-resident parent starts / stops being entitled to receive a prescribed benefit then this will affect the Maintenance Calculation. The Effective Date of these decisions will be the date the entitlement to benefit started or ceased.

See the following table of Benefit Entitlement Scenarios

[2012/2677](#) Regulation 18(3)(d) & 18(7)(b) of the Child Support Maintenance Calculation Regulations 2012

| Reason why benefit is not payable | Outcome |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sanction | Benefit entitlement continues - No change required Flat rate maintenance to remain Deduction from benefit not available, unpaid maintenance added to arrears |
| Suspended | Benefit entitlement continues - No change required Flat rate maintenance to remain Deduction from benefit not available maintenance added to arrears |
| Underlying entitlement | Not entitled to benefit Underlying entitlement refers to the overlapping of benefits (if a persons claim is reduced to nil because they earn too much, they are no longer entitled to that benefit). Although an underlying entitlement may exist, they are technically not entitled in the same way as a person who earns too much for a claim to be awarded |

| | |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>“Benefit” flat rate maintenance to cease</p> <p>Consider what the paying parent is living on, nil rate a possibility</p> |
| Disallowed | <p>Not entitled to benefit</p> <p>“Benefit” flat rate maintenance to cease</p> <p>Consider what the paying parent is living on, nil rate a possibility</p> |
| Credits Only | <p>Not entitled to benefit</p> <p>The paying parent will be having their national insurance contributions paid.</p> <p>“Benefit” flat rate maintenance to cease</p> <p>Consider what the paying parent is living on, nil rate a possibility</p> |
| Nil award | <p>Not entitled to benefit</p> <p>“Benefit” flat rate maintenance to cease</p> <p>Consider what the paying parent is living on, nil rate a possibility</p> |

Notification of changes in benefit status

The CMS will normally receive notification of a change to a non-resident parent’s benefit status automatically via the interface with Job Centre Plus. However, these changes may also be reported by:

- the non-resident parent
- the parent with care
- a third party

If you are notified of a change to the non-resident parent’s benefit status, the action you will need to take will depend on the type of change that has been reported. Refer to the drop-downs below for further details:

Non-resident parent becomes entitled to a prescribed benefit

If the non-resident parent starts to receive a prescribed benefit, they will usually become liable to pay child maintenance at the Flat Rate.

For non-resident parents on universal credit (UC), Flat Rate will only apply where they are in receipt of 'UC with NO earnings'.

Refer to Guidance on Universal Credit for further information

The effective date of the change is the date the non-resident parent's entitlement to the prescribed benefit started.

If you are notified of this change via the system interface, the date of entitlement to that benefit should automatically be populated.

If the entitlement date is not pre-populated then you will need to check the start date on CIS.

NOTE: If a non-resident parent in these circumstances also has a reduction for shared care then their maintenance liability will be reduced to nil. Their benefit details will still need to be recorded on SIEBEL.

Non-resident parent no longer entitled to a prescribed benefit

If the non-resident parent is no longer entitled to a prescribed benefit, then SIEBEL will automatically check whether an Historic Income figure is already held for the non-resident parent.

See below for further details.

Entitlement to prescribed benefit stops: historic income figure held

If an Historic Income figure is held on SIEBEL, it will be used to calculate the non-resident parent's new liability.

A supersession decision will automatically be completed using this figure. The effective date of the decision will be the date the change occurred: i.e. the date the non-resident parent's entitlement to the prescribed benefit ceased.

Notification of the new liability will be issued to both parties and either party can ask for the decision to be revised if they do not agree with it. For example: the non-resident parent may request a revision if they want Current Income to be considered because it is at least 25% different to the Historic Income figure held.

Variations and Benefit Changes

[2012/2677](#) Regulation 75 of the Child Support Maintenance Calculation Regulations 2012

A variation will cease to have effect on the maintenance calculation if the non-resident parent becomes liable to pay the flat or nil rate because they or their partner is in receipt of a benefit listed in regulation 44(2) of the Maintenance Calculation Regulations 2012.

When the prescribed benefit is no longer payable and the non-resident parent starts to pay a rate of maintenance which means the variation can be allowed, the variation will be automatically reinstated.

The responsibility will be on the parents to notify the CMG if there has since been a change to the variation or the variation has ceased.

If a parent reports within 30 days from the date of the decision that the variation no longer occurs or that something has changed then you should complete a supersession.

Refer to the [Initial Effective Dates](#) Guidance for advice on the correct effective date to use in these circumstances.

[Return to contents](#)

[Income Changes: Decision Making Guidance](#)

A non-resident parent's income can change for a variety of reasons, such as employment starts / ceases; changes in work pattern; and promotion / demotion.

Notification of income changes

The CMG will normally receive notification of changes to the non-resident parent's income from the non-resident parent. However these type of changes can also be reported by:

- the parent with care, or
- a third party, such as the non-resident parent's employer

REMEMBER:

[2008/2551](#) *Regulation 9A of the Child Support Information Regulations 2008.*

- Employed non-resident parents who have a maintenance calculation based on Current Income are legally obliged to notify the CMG within fourteen days if their income increases by 25% or more.
- Non-resident parents who have a maintenance calculation based on nil income are legally obliged to notify the CMG within 14 days if they start receiving income of £7.00 weekly or more.

Income Changes and the 25% rule

[2012/2677](#) Regulation 34(2) of the Child Support Maintenance Calculation Regulations 2012

We will only consider altering a Maintenance Calculation to reflect income changes if:

- The non-resident parent's Current Income is at least 25% different to the Historic or Current Income figure already being used. NOTE: if there is a variation in place the 25% difference must apply to the original income figure not the adjusted income, i.e. following the variation, and
- the change is expected to last for at least the next 12 weeks

Refer to the Current Income guidance for advice on the process you should follow and the information you may need to obtain if a client reports a change in the non-resident parent's income.

Income Changes and Effective Dates

Refer to the Effective Dates guidance for advice on the effective date of a supersession to reflect income changes.

[Return to contents](#)

[Default Maintenance Decisions](#)

[2012/2677](#) Regulation 49 of the Child Maintenance Calculation Regulations 2012

There may be occasions where CMS obtains NRP employer information (for example from HMRC). This will provide the opportunity to consider replacing the DMD with a maintenance calculation.

It after employer and income information has been obtained the earnings details commenced on or before the DMD effective date then the DMD can be replaced.

However, if the income information commenced after the DMD effective date, the DMD will remain in place and a supersession can be considered from a subsequent effective date.

Example

- a DMD is in place from an initial effective date - 01/01/16
- HMRC employer details received through DEO request process - 01/05/16

- enquiry form issued to NRP employer to request earnings details from them - 04/05/16
- NRP employer provides information on 20/05/16 detailing earnings from the start of the NRPs employment which commenced on 15/04/16
- therefore the effective date of the supersession is 20/05/16. This is the date that the information is received from the employer. The key reason why we use this date is the fact of having the information required to convert the DMD, which essentially means knowing the income of the NRP. The information provided to CMS through HMRC's contact provides employer details but, in itself, is not sufficient to enable CMS to calculate a maintenance calculation
- therefore the DMD will remain in place, followed by a supersession maintenance calculation with an effective date of 20/05/2016

[Return to contents](#)

[Other Relevant Changes](#)

There are a range of changes that are not linked to the non-resident parent's income or benefit status that can still affect the Maintenance Calculation.

These types of changes can be reported by:

- the non-resident parent
- parent with care, or
- a third party

Guidance on these types of changes is listed below.

Shared Care changes

The following drop downs provide guidance on the range of changes to Shared Care.

Non-resident parent starts having shared care

[2012/2677](#) *Regulation 46 & 47 of the Child Support Maintenance Calculation Regulations 2012.*

If a non-resident parent starts having shared care of a qualifying child, the Maintenance Calculation will be affected. Refer to the Guidance on Shared Care for further details about the information and evidence you will need to obtain if a client reports that shared care has started.

If the information / evidence indicates that there is no shared care or that shared care is not at the required level you should reject the supersession.

If the information / evidence indicates that there is shared care, you should complete a supersession to reflect the change and update the Maintenance Calculation. The effective date of this decision will be the date the change was reported. Regulation 18(6)(a) of the Child Support Maintenance Calculation Regulations 2012.

Non-resident parent stops having shared care

If a party reports that shared care has ceased the action you take will depend on who reports the change:

- If the non-resident parent reports the change then no further evidence will be required and you can update the Maintenance Calculation;
- If the parent with care / third party reports the change then you should contact the non-resident parent before you make a decision.

If the non-resident parent agrees that they no longer have shared care then you should complete a supersession to update the Maintenance Calculation. The effective date of this decision will be the date the change was reported.

If the non-resident parent disputes that shared care has ceased then you will need to request further evidence. Refer to the guidance on Shared Care Disputes for guidance on the information / evidence you will need in these circumstances.

- If the evidence confirms that shared care is still in place, you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If the evidence confirms that shared care has ceased then you should complete a supersession to update the Maintenance Calculation. The effective date of this decision will be the date the change was reported. Regulation 18(6)(a) of the Child Support Maintenance Calculation Regulations 2012.

Number of nights shared care changes

NOTE: if the number of nights shared care has changed but the shared care and has not changed then you should still complete a supersession to update the number of nights. However, the system will automatically reject the application for supersession and will issue a notice to the relevant parties to confirm this.

If either parent reports a change to the number of nights shared care, you should contact the other parent for confirmation before making a decision.

If the other parent agrees to the new number of nights shared care you should complete a supersession to update the Maintenance Calculation.

If the other parent disputes the change to the number of nights shared care then you will need to request further evidence. Refer to the guidance on Shared Care Disputes for advice on the information / evidence you will need in these circumstances.

- If the evidence confirms the number of nights has not changed then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If the evidence confirms the number of nights has changed and they still fall within one of the shared care bands then you should complete a supersession to update the Maintenance Calculation. The effective date of this decision is the date the change is reported.
- If the evidence confirms the number of nights has changed but do not fall within one of the shared care bands then a reduction will no longer be appropriate. In these circumstances you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision is the date the change is reported

Care Provided in part by a local authority (special case) changes

The following drop downs provide guidance on the range of potential changes involving local authority care.

Child starts spending time in local authority care

[2012/2677](#) *Regulation 53 of the Child Support Maintenance Calculation Regulations 2012*

If a client reports that a child is spending time in Local Authority Care, you will need to confirm:

- the number of nights a year that the child is spending / is going to spend in Local Authority Care; and
- the date this change occurred.

Refer to the guidance on Care provided by a Local Authority for advice on the information and evidence you will need to obtain.

NOTE: if care of a qualifying child is shared by a parent with care, non-resident parent and a Local Authority, the total shared care reduction is aggregated.

Example:

Parent with care has one qualifying child

Non-resident parent has shared care for 104 nights of the year

Local Authority has care for 52 nights of the year

The reduction is $\frac{2}{7}$ (non-resident parent) + $\frac{1}{7}$ (Local Authority) = $\frac{3}{7}$

- If the evidence confirms that the child is spending between 52 – 262 nights a year in Local Authority care, the Maintenance Calculation will need to be reduced. Refer to the Guidance on care provided by a local authority for advice about reductions. You should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision is the date the change is reported.
- If the evidence confirms the child is spending no / less than 52 nights per year in Local Authority care, there will be no change to the Maintenance Calculation. You should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If the evidence confirms that the child is spending more than 262 nights per year in Local Authority Care, then the parent with care can no longer be treated as a parent with care and the case should be closed. Refer to the section on changes in parent with care status for further advice.

Child stops spending time in local authority care

- If there is a reduction in the Maintenance Calculation for Local Authority Care and a client reports that this care has ceased, you will need to confirm the date the change occurred. Refer to the guidance on Care provided in part by a Local Authority for advice on confirming a change of this type.
- If the evidence confirms that Local Authority care has ceased or reduced to less than 52 nights per year, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change is reported.
- If the evidence confirms that Local Authority care is still the same, you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.

Changes to the number of Relevant Other Children

The following sections provide you with guidance on the range of potential changes to Relevant Other Children.

Non-resident parent has a relevant other child

If a client (this will normally be the non-resident parent) reports that there is a new relevant other child, refer to the section on Evidence of a Relevant Other Child for guidance on the checks you will need to complete. This guidance also explains the action you will need to take if a parent with care disputes that there is a relevant other child.

- If the information / evidence provided confirms that there is a relevant other child, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date that the change was reported
- If the information / evidence provided does not confirm that there is a relevant other child, you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If the relevant other child is a new born and Child Benefit is not yet in payment for them then this will need to be treated as a future change. Refer to the Guidance on Effective Dates: Future Changes for further advice.

Non-resident parent no longer has a relevant other child

If a client reports that the non-resident parent no longer has a relevant other child, the action required will depend on who reported the change.

- If the non-resident parent reports the change then no further evidence will be required. You should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date that the change occurred. Refer to the Effective Dates Guidance for further advice.
- If the parent with care / third party reports the change then you should contact the non-resident parent before you make a decision.

If the non-resident parent agrees they no longer have a Relevant Other Child, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date that the change occurred. Refer to the Effective Dates guidance for further advice.

If the non-resident parent disputes the change then you will need to request further evidence. Refer to the guidance on Parent with care disputes relevant other child for advice on the evidence that will be required in these circumstances.

- If the evidence confirms the non-resident parent no longer has a Relevant Other Child, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change occurred.

- If the evidence confirms that the non-resident parent still has a Relevant Other Child then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.

Qualifying Child Changes

The following drop downs provide you with guidance on the range of potential changes to Qualifying Children.

Additional qualifying child/ren

Notification of an additional Qualifying Child will usually be reported by an application for child maintenance for that child by either the non-resident parent or the parent with care.

The Decision Making Guidance on Qualifying Children explains the checks you will need to complete in these circumstances

If these checks confirm there is an additional qualifying child, you should complete a supersession to reflect this change and update the Maintenance Calculation. Because this change will be based on the new application for the additional child, the effective date of the decision will be the initial effective date of that application. Refer to the Effective Dates guidance for further advice.

If these checks do not confirm there is an additional qualifying child, then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.

Child no longer a qualifying child

The action you will need to take if this type of change is reported will depend on why the child is no longer a Qualifying Child. Use the links below for further details:

Client reports changes in the qualifying child's circumstances

Child maintenance remains payable while a child meets the criteria for a Qualifying Child. This includes the requirement that they are a child within the meaning set out in child support legislation.

Clients are unlikely to be fully aware of our definition of a “child” for these purposes but they may report a range of changes to the Qualifying Child’s circumstances, which they think affects whether or not child maintenance should be paid / received. For example:

- child has left full time education
- child has ceased training
- child Benefit has ceased, or

- child has started employment

However, these type of changes do not necessarily affect whether child maintenance is payable, because our definition of a child is not this straightforward. If a party reports these type of changes, refer to the guidance on the definition of a child, to establish what information / evidence you will need to obtain to confirm whether the Qualifying Child can still be treated as a child.

- If the information / evidence confirms that the child can still be treated as a child for our purposes, then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If the information / evidence confirms that the child cannot be treated as a child for our purposes, then you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change occurred: e.g. the date from which the child could no longer be treated as a child.

NOTE: if the child is the only or the last remaining Qualifying child in the case, you will close the case from the relevant effective date.

Refer to the guidance on changes to parent with care status for cases where the Qualifying Child no longer lives with the parent with care, or the parent with care is no longer the main provider of day to day care.

Qualifying child dies

If a qualifying child dies, child maintenance ceases to be payable for them from the date of death.

If a party reports that a qualifying child has died, you will need to confirm the date of death.

Your first action should be to check CIS. If this shows a date of death for the qualifying child, then this date can be accepted as verified. You should complete a supersession to reflect the change and update the maintenance calculation. The effective date of this decision will be the date the child died.

If CIS does not confirm a date of death for a qualifying child, then the case will be put into a wait stage of 14 days in order to allow CIS to provide an update. If after 14 days, no update has been received from CIS to confirm the death, you should ask the party who reported this, whether they can provide evidence to confirm that the child has died and their date of death. Refer to the section on [Verification of Death](#).

When the relevant evidence is received, you should proceed with the supersession to update the maintenance calculation. This action will then automatically update CIS if it isn't already.

REMEMBER: if a qualifying child dies and they were the only child in the case, then the case will close from their date of death. However, if there are other children in the case, the case will remain open.

Changes to Children Supported Under Family Based Arrangements

The following sections provide advice on the range of potential changes to children supported under Family Based Arrangements.

Non-resident parent supports a child under a family-based arrangement

Notification that a child is being supported under a family-based arrangement will usually be reported by the non-resident parent.

The guidance on Evidence of a Child supported under a Family Based Arrangement provides advice on the checks you will need to complete if this type of change is reported.

If these checks confirm that the non-resident parent is supporting a child under a Family Based Arrangement, you should complete a supersession to reflect this decision and update the Maintenance Calculation. The effective date of this decision will be the date the change is reported.

If these checks do not confirm that the non-resident parent is supporting a child under a Family Based Arrangement, then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.

Non-resident parent no longer supports a child under a family-based arrangement

The action needed if this type of change is reported will depend on who reports the change.

- If the non-resident parent reports the change then no further evidence will be required. You should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change occurred.
- If the parent with care / third party reports the change then you should contact the non-resident parent before you make a decision.

If the non-resident parent agrees they no longer support the child under a family based arrangement, then no further evidence is required. You should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change occurred.

- If the non-resident parent disputes the reported change then you will need to request further evidence. The guidance on Evidence of a child supported

under a Family based arrangement provides advice on the type of evidence you would need the non-resident to provide in these circumstances.

- If the evidence confirms the non-resident parent still supports a child under a family based arrangement, then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If the evidence confirms the non-resident parent no longer has a child supported under a family-based arrangement, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change occurred.

Changes to children supported abroad

The following drop downs provide advice on the range of potential changes to children supported abroad.

Non-resident parent supports a child abroad

Notification that a child is being supported abroad will usually be reported by the non-resident parent.

The guidance on children supported abroad provides advice on the checks you will need to complete and the evidence you will need to obtain if this type of change is reported.

If the evidence confirms that the non-resident parent is supporting a child abroad, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date that the change is reported.

If the evidence does not confirm that the non-resident parent is supporting a child abroad, then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.

Non-resident parent no longer supports a child abroad

The action needed if this type of change is reported will depend on who reports the change:

- If the non-resident parent reports the change then no further evidence will be required. You should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change occurred.
- If the parent with care / third party reports the change then you should contact the non-resident parent before you make a decision.

If the non-resident parent agrees they no longer have a child supported abroad, then no further evidence is required. You should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change occurred.

If the non-resident parent disputes the reported change then you will need to request further evidence. The guidance on Evidence of a Child Supported Abroad explains the type of evidence you would need to obtain in these circumstances.

- If the evidence confirms the non-resident parent still supports a child abroad then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.

If the evidence confirms the non-resident parent no longer supports a child abroad, you should complete a supersession to reflect this change and update the Maintenance Calculation. The effective date of this decision will be the date the change occurred.

Changes affecting jurisdiction

Statutory child maintenance is only payable if the non-resident parent, parent with care and qualifying child are all habitually resident within the United Kingdom. NOTE: there are limited exceptions to this rule, refer to the section on Jurisdiction for further advice.

If you receive information from a client, a third party or CIS to indicate that one of the above may not be habitually resident, you will need to make further enquiries to confirm if this is the case.

The guidance on Habitual Resident provides further advice on the issues you must consider when you are deciding whether an individual can be treated as Habitually Resident.

Habitual residence changes: outcomes

- If the information / evidence indicates that the non-resident parent, parent with care or the qualifying child/ren are no longer habitually resident, you should complete a supersession to reflect this change. The effective date of this decision will be the date that the change occurred. E.g. the date from which you decide that the individual can no longer be treated as habitually resident.
- If the information / evidence indicates that the individual is still habitually resident, there will be no need to change the Maintenance Calculation. If a client has asked you to consider a supersession on this basis, you will need to reject the application. Notification of the refusal to supersede will be issued to the relevant parties.

Changes to parent with care / non-resident parent status

The following drop downs provide guidance on the potential changes to the status of a parent with care / non-resident parent.

Parents have reconciled

Notification of this type of change will normally be received from the parent with care or the non-resident parent. If the applicant requests closure then you do not need to contact the other party for confirmation. However, if the non-applicant requests closure then you should always confirm that this change has occurred with the other party before making a decision.

- If the other party confirms the reconciliation then you should complete a supersession to close the case. The effective date of this decision will be the date the change is reported.
- If the other party does not confirm the reconciliation then you should reject the supersession. A notification confirming the refusal to supersede will be issued to all relevant parties.
- If either party is reporting a retrospective period of reconciliation that has ended, the opportunity to report this change has been missed, as the effective date of the decision to supersede would be the date the change is reported.

Role reversal

“Role reversal” means that a Qualifying Child has stopped living with the parent with care and started living with the non-resident parent. This means that the parental roles in relation the child have “reversed” so that the parent with care is now the non-resident parent, and vice versa.

NOTE: the following guidance applies to the date you would remove the qualifying child/ren from the current case. Remember that if the new parent with care (e.g. the former non-resident parent) wants to claim child maintenance for the child/ren they must submit a new application. Normal initial effective date rules apply.

If a client reports that a change of this type has occurred, you should ask them to confirm the date of change. You should then contact the other parent to check if they agree the reported change.

If the other parent agrees the reported change, then no further evidence is needed. The outcome will depend on how many children the Role Reversal affects:

- If the Role Reversal affects all the Qualifying Children in the case, e.g. all the Qualifying Children move to live with the non-resident parent, then the case should be closed.
- If the Role Reversal does not affect all the Qualifying Children in the case, then you should complete a supersession to remove the affected child/ren

only with an effective date of the date the change occurred. The parties will be issued with an updated Maintenance Calculation for the remaining children.

If the other parent does not agree the reported change, you will need to obtain information / evidence to confirm who is providing main day to day care for the Qualifying Child/ren. Refer to the guidance on who is a parent with care for further advice on the information / evidence you will need to obtain in these circumstances.

- If the information / evidence confirms that there has been a Role Reversal, you should complete a supersession to reflect the change and update the Maintenance Calculation;
- If the information/ evidence indicates there has not been a Role Reversal, you should reject the supersession and notify the relevant parties of the outcome.

One of the parent has died

Notification of the death of one of the parties will usually be received from one of the following:

- the Parent With Care;
- the Non-Resident Parent;
- a Third Party; or
- CIS.

Sufficient evidence will be required before you make a decision. You should:

- Check CIS first to verify the date of death.

If CIS confirms the date of death then you do not need to obtain a death certificate. In these circumstances you should proceed with the supersession and close the case from the date of death.

If CIS does not confirm the date of death then the case should be put into a wait stage of 14 days in order to allow CIS to provide an update. If after 14 days, no update has been received from CIS to confirm the death, you should ask the party who reported this, whether they can provide evidence to confirm that the parent has died and their date of death.

When the relevant evidence is received, you should proceed with the supersessions to update the Maintenance Calculation. This action will then automatically update CIS if it isn't already. You should suppress all correspondence and wait 14 days for CIS to be updated. Refer to the section on [Verification](#) of Death.

If you do not receive confirmation within the timescale provided then you reject the supersession and the case will remain open. A notification confirming the refusal to supersede will be issued to all relevant parties.

Parent with care no longer has day to day care

Child support legislation states the parent with care is the person:

- with whom the child has their home;
- who usually provides day to day care of the child; and
- who does not fall into a category excluded by child maintenance legislation (see the specific section below for details).

A parent with care may stop meeting the above criteria for a number of reasons, including:

- the qualifying child/ren move to live with the non-resident parent (see the above guidance on Role Reversal for advice on these type of cases);
- the qualifying child/ren move to live with a different third party, who is not claiming child maintenance for them;
- the child has moved into Local Authority Care for more than 262 nights per year.

If a client reports that a parent with care no longer meets the required criteria for any reason, you will need to make further enquiries to confirm if this is the case. Refer to the guidance on Who is a parent with care for further advice on the required criteria and the type of information you will need to make a decision on this point (NOTE: this guidance also includes advice about temporary absences).

- If the information / evidence confirms that the parent with care no longer meets the required criteria, you should complete a supersession to reflect this change. The effective date of this decision is the date the change occurred.
- If the information / evidence confirms that parent with care still meets the required criteria, you should reject the supersession. A notification confirming this outcome will be issued to the relevant parties.

Variations

NOTE: An application for a variation that is made after the maintenance calculation has been completed is treated as an application for a supersession.

- Refer to the Guidance on Variations for further information on what is required to make a successful application;

- Refer to the Guidance on Effective Dates for advice on the correct effective date to apply.

Changes to a variation

For further information on dealing with reported changes to a variation refer to the appropriate section of Guidance as set out below

- [Changes to a special expenses variation](#);
- [Changes to an unearned income variation](#);
- [Changes to an earned income variation](#).

CMG initiated changes

Income Reviews are to be treated as CMG initiated supersessions.

- Refer to the Guidance on Income Reviews for further information on the correct process to follow;
- Refer to the Guidance on Effective Dates for advice on the correct effective date to apply.

Future Changes

If a parent reports a change in advance of the date on which it is expected to occur, you should record the change on the system and advise them to call again once the change has actually taken place.

The effective date of a supersession in these circumstances will be the date the change occurred.

Example

The non-resident parent reports on 21 January that from 28 January they will have shared care of two nights per week.

A record of the change and the date on which it is expected to occur is recorded in free text. The non-resident parent is advised to call again on 29 January to confirm that the change did in fact take place.

Non-resident parent call on 29 January and confirms that shared care is now taking place, this is confirmed with the parent with care and a supersession is completed, using an effective date of 28 January.

[Return to contents](#)