

Child Support: Brief Comparative Legal Overview

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Child Maintenance

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Abstract

The paper presents a brief picture of the position in the UK before the introduction of the child support scheme; the origins of specific child support guidelines in the US; the failed UK attempt to produce its own system, and why it may have failed; and its new direction; and finally the contrast with the Australian and Canadian schemes, and also with the continental European approach.

Questions addressed

1. Do we want it to play an important role in relieving child poverty?
2. Do we want it to reinforce moral obligations?
3. Do we want it to relieve the state's social welfare budget?
4. Do we want it to provide a framework for assisting parents to share some resources after separation on a co-operative basis?
5. Do we want it to reflect a fair allocation of resources between separated parents, and, if so, should the community's sense of what would be fair be the basis on which mandatory rules should be drawn up?
6. Do we want to reduce the load on the court system?

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