

Child maintenance in Germany - continuity, change and problematic issues

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Child Maintenance

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Abstract

This presentation will provide an overview of the child maintenance scheme in Germany and will explore some of the contested issues for policy. The basic principles of German child maintenance law as part of family law has remained stable (e.g., the intensified maintenance obligation for minor children, the calculation based on the child's need and the obliged parent's capacity to pay based on income above the sufficient means to cover their own needs, decisions mainly made by family courts, frequent use of tables by courts to calculate the maintenance due). Important changes were made in 2007 with the introduction of a minimum amount of child maintenance (corresponding to the existence minimum) and when child maintenance claims of minor children was given priority over other creditors' claims. Reforms of post-divorce maintenance law affect children in lone-parent families too; for example the time when a divorced parent has to re-enter employment was reduced to when the child turns three. Self-reliance of the divorced main carer through employment is now more rigidly enforced. The existing public advance maintenance scheme is rather limited in coverage; other means-tested income support schemes are more important for children receiving no or little maintenance payments. How shared care between parents living apart should affect the calculation of child maintenance (and how public benefits should be divided between parents in this case) is a contested issue; up to now alternate residence leads to a reduction of the child-maintenance obligation only when the child spends about half of the time with each parent. There are still many unresolved questions on how to coordinate different child-related public benefits efficiently and how to take different care-arrangements into account without endangering the financial situation of the child and the main carer.