

## If it comes to divorce...

- One in every four children has parents who are divorced
- Around 650 children see their parents separate or divorce every day
- Over 2.5 million children are now growing up as part of a stepfamily

With these statistics it is no wonder that so many of our readers are asking questions about their parental rights after separation and divorce. In the search for the answers we came to Joan Goss, an experienced Family Law Solicitor and Member of the Law Society's Advanced Family Law Panel who specialises in disputes involving divorce, separation, children and property.

### **Q. How do we decide where the children live?**

**A.** "Parents are encouraged to reach an amicable agreement either through negotiation via solicitors or through mediation. Where it is not possible to reach an agreement, either parent can apply to the Court for a Residence Order. The Court will consider the welfare of the children to be the most important factor. The children's wishes and feelings will be considered although the weight attached, will depend upon their ages. Research has shown that parents are much happier with a negotiated agreement than one imposed upon them by a Court."

### **Q. My ex-partner is stopping me seeing the children. What can I do?**

**A.** "Courts consider it the right of every child to have a meaningful relationship with each parent. When agreement cannot be reached by negotiation through solicitors or mediation, it may be necessary to apply to the Courts for a Contact Order. A CAFCASS Officer appointed by the Court to investigate the difficulties may ascertain the wishes and feelings of the children."

### **Q. What is Parental Responsibility and do I have it?**

**A.** "Parental Responsibility is defined in the Children Act 1989 as being "all the rights, duties, powers, responsibility and authority which by law a parent of a child has in relation to the child and property". Mothers and married fathers automatically acquire Parental Responsibility. Unmarried fathers have Parental Responsibility for children born after 1 December 2003 providing that their name is on the birth certificate. Otherwise, if the parents are in agreement, a Family solicitor can draw up an official agreement. In the absence of an agreement, the unmarried father may make an application to court for a Parental Responsibility."

### **Q. Will my ex-partner have to pay maintenance for the children?**

**A.** "If maintenance cannot be agreed, it will be necessary to make an application to the Child Support Agency. In general, an absent parent will be required to pay 15% of his net income for one child, 20% for two and 25% for three or more. This may be reduced depending on other factors e.g. the number of nights the children stay with the non resident parent, the existence of stepchildren etc. The calculation used can be accessed on [www.csa.gov.uk](http://www.csa.gov.uk). Alternatively, an experienced family solicitor will be able to advise you as to how much you can expect."

**With your questions on family matters you can contact Joan for a free initial consultation on 0161 482 8822.**

## Employing a nanny? Get the taxman to pay you!

**Employing a nanny brings with it the same obligations as any business taking on an employee. By law, therefore, an employer must account for Income Tax and National Insurance Contributions on the salary paid to a nanny or mothers help, whether they are full-time, part time or temporary.**

A nanny's salary is normally quoted net of deductions (i.e. the amount she wishes to receive in her hand), and it is therefore the employers responsibility to pay over to the Inland Revenue, PAYE, Employees National Insurance and Employers National Insurance in addition to the net salary paid to the nanny. Expenses paid and benefits provided on behalf of a nanny in addition to her salary may be liable to a separate charge to Tax and National Insurance.

An employer is also normally obliged to pay Statutory Sick Pay (SSP) to an employee who is sick for four or more calendar days in a row, and to pay Statutory Maternity Pay (SMP) to a nanny who becomes pregnant.

More and more families are participating in nanny shares. This brings additional tax complications which you are likely to need a professional to deal with on your behalf.

The company that will assist you in dealing with these and many other matters and recover the amounts from the Inland Revenue where applicable is called Taxing Nannies

Taxing Nannies is a specialist payroll service that has helped thousands of parents through the tax minefield and can provide you with a comprehensive service to sort out your nanny's tax.

**For more information visit [www.taxingnannies.co.uk](http://www.taxingnannies.co.uk)  
To discuss your personal requirements call 0208 – 882 6847 or email [post@taxingnannies.co.uk](mailto:post@taxingnannies.co.uk)**