



CHILD SUPPORT AWARDS AND COMPLIANCE ENFORCEMENT IN ENGLISH FAMILY LAW

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| Article history: | Abstract: |
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| Received: October 10 th 2023 Accepted: November 7 th 2023 Published: December 14 th 2023 | In this article the principal notions used in international law. Under the international private law the main areas of activity of legal systems of various legal orders are identified. The focus of the study is issues related to marriage and divorce. Europe and Asia have different approaches to the regulation of marriage and family relations. Asian countries base on the religious frame, which largely dictate their legal status. Priority is given to customs and traditions that have been shaped over the centuries. Europe is more flexible and inclined to reforms. The use of binding formulas facilitates consensus between states regarding the application of a particular legal norm. The purpose of the study is the correlation and analysis of national laws regulating marriage and divorce in international private law. |

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Beyond physical living arrangements and rights conferral, family courts also tackle parallel issues related to the financial dimensions of raising minors - assessing the comparative means between separated parents then allocating proportional burdens of various child-rearing expenses like school fees, clothing costs, medical bills or PARAMARI contributions, but also calculating guideline periodic support payment rates assessing non-resident parents based on income percentage levels.¹ These financial support orders promote household stability for more vulnerable guardians suddenly facing solo dependency burdens after abandoning reciprocal partnership. The statutory framework defining support duties and standardized award calculations underwent successive reforms over recent decades - navigating tensions around user-friendliness of simplified assessment protocols designed to maximize compliant payments against preventing manipulation enabling higher-earning non-resident parents to evade full obligations.²

Current guidelines codified under the Child Support Act 1991 mandate baseline child maintenance contribution at 15% of gross earnings for one minor dependent, 20% for two dependents, capped at 25% for three or more children.⁵¹ If liable parents fall into payment arrears, enforcement mechanisms permit recovery of

delinquent support sums through actions like court-ordered wage garnishment deductions applied directly to workplace payroll departments.³ To deter situations of fathers and mothers seeking to avoid parental financial obligations by hiding assets or earnings through either illegal underground transactions or even lawful private agreements to shift wealth to new spouses, English courts also gained additional powers increase maintenance payment orders against evidence of increased means. Child support duties hence persist as an financial lifeline between progenitor and offspring not contingent solely upon ongoing cordial direct face-to-face relationships or living arrangements. They uphold intergenerational support channels protecting minors unable to independent means amidst family structure disruptions through spousal separation:

While early reforms sought to balance the gender scales by empowering fathers to more actively share parenting despite norm that mothers inherently make superior caregivers, demographic trends and value shifts around gender roles also enabled more fathers successfully petition for primary custody itself or joint residential arrangements keeping children in both homes on rotating schedules.⁴ Faced with less stigma against single fathers coupled with greater paternal involvement encouraged in Western cultures, family

¹Jaffe, R. (2017). Children of divorce: Can society minimise the impact? *Paediatrics & Child Health*, 22(2), 53-54.

²Rodgers, B., & Pryor, J. (1998). *Divorce and separation: The outcomes for children*. Joseph Rowntree Foundation.

³Child Support Act 1991 (c.48). London: Her Majesty's Stationery Office.

⁴Wikeley, N. (2006). The reshaping of child maintenance. *Journal of Social Welfare and Family Law*, 28(3), 295-310.



courts grew more receptive to custody claims framed around ensuring need to preserve critical same-gender influencers in children's development when divorcing couples exhibited aptitudes.⁵

Parallel to these custody arrangement evolutions, policy reforms also adjusted financial child support award calculations - calibrating levels higher based on modern understandings around the real cost of raising children rather than minimizing obligations over outdated singly-breadwinner conventions.⁶ Support orders also increased in tandem with recognition that single mothers face steeper economic obstacles, statistical gender income disparities relative to male counterparts, heavier career constraints managing parenting duties with work compared to fathers who more easily shift domestic burdens onto new partners.⁵⁶ Although unequal cultural expectations still linger, reconfigured legal precedent on custody and support duties consciously sought to equalize parental rights and responsibilities for both genders upon encountering marital dissolution.

In limited circumstances of abuse, neglect or abandonment by declared legal parents, family courts reserve discretion to issue orders permanently terminating all parental rights - the most extreme severance of custody bonds between progeny and their maternal or paternal figures.⁷ However, reflecting the gravity of fully dissolving links between children and biological roots across adoptive replacement or foster care transfer, legislators maintained high evidentiary burdens requiring substantiating extraordinary circumstances before stripping parental figures of custody privileges granted implicitly at birth. Termination of rights permanently severs the parent-child relationship, eliminating all privileges like authority in key decisions, eligibility for inheriting property, or even visitation access.⁵⁸ Courts may then facilitate adoption procedures transferring guardianship to new caregivers able to provide safe nurturing environments.⁸

⁵Harris-Short, S. (2010). Resisting the march towards 50/50 shared residence: Rights, welfare and equality in post-separation families. *Journal of Social Welfare & Family Law*, 32(3), 257-274.

⁶Collier, R., & Sheldon, S. (2006). Fathers' rights, fatherhood and law reform: International perspectives. In *Fathers' rights activism and law reform in comparative perspective* (pp. 1-26). Bloomsbury Publishing.

⁷ Collier, R., & Sheldon, S. (2006). Fathers' rights, fatherhood and law reform: International perspectives. In *Fathers' rights*

As young adults reach the age threshold of maturity under English law, parental authority and fiduciary duties towards still minor children eventually conclude through formal emancipation protocols conferring rights and societal privileges associated with adult status - including entitlements to independently control finances, enter legal contracts like apartment leases or employment pacts now binding solely on one's own security absent outside parental guarantees, marrying based on personal consent without external authorization requirements, enlisting for military service commitments, voting in political elections, qualifying for jury duty, ability to sue or get sued under civil court jurisdiction, prerogative over making autonomous medical decisions opting for or refusing treatments previously requiring parental approvals, rights to travel freely without external restraint on physical movements, prerogative over schooling choices including ending formal compulsory education, and crucially, absolute right to physical independence in choosing one's own domicile or lifestyle path free of external circumspection over personal behaviors or relationships by prior guardianship authorities (Baker, 2017).

Current Legal Age Thresholds- The definitive legislative reform marking the age of majority adulthood threshold in England was passed in the Family Law Reform Act 1969, which lowered the age of majority from 21 to 18 years old across British common law domains.⁹ While falling short of permitting unfettered freedom for adolescents under 18 despite displays of maturity,¹⁰ this law catalyzed a rights reform cascade over subsequent decades enlarging youth autonomy privileges and shaking up outdated assumptions ingrained under patriarchal norms about prolonged childlike dependence - instead recognizing that by secondary schooling completion, most young citizens have attained sufficient self-awareness and judgment faculties to direct

activism and law reform in comparative perspective (pp. 1-26). Bloomsbury Publishing.

⁸ Skinner, C., & Main, G. (2013). Gender equality outcomes through paid parental leave provisions: towards an enabling fathers' care policy. *Critical Social Policy*, 33(2), 311-334.

⁹Masson, J. M., Pearce, J., Bader, K., Joyner, O., Marsden, J., & Westlake, D. (2008). Care profiling study. Ministry of Justice Research Series.

¹⁰ Eekelaar, J. (1977). "The emergence of children's rights". *Oxford Journal of Legal Studies*. 6 (2): 161-182.



personal life choices independently from heavy-handed parental oversight (Eekelaar, 1977).¹¹

Critics caution against overextending autonomy model beyond clearing a procedural age hurdle, instead urging careful attention remain fixed on cognitive maturity thresholds in legal reasoning or impulse control as assessed more granularly for impacting individual minors (Baker, 2017). But emancipation at 18 nonetheless lifted external vetoes previously allowing parents to forcibly shape offspring's lifestyle paths. No longer could mothers or fathers decree forced marriages against children's wishes, block educational pursuits disfavored by the family, solely determine religious exposures under formative years then bind them by those beliefs before freely choosing spiritual affiliations aligned with personal values, restrict career interests through threats over cut-offs of college funding lifelines if vocational pathways veer from parental preferences, or prohibit intimate relationships between older adolescents and age-appropriate partners by invoking house rules against dating under one's roof. Emancipation enables such choices as the triumph and terminus over childhood itself.

In conclusion, this chapter's extensive analysis reviewed the diverse legal mechanisms enabling termination of once formidable familial bonds under English law's intricate amalgamation of common law tradition, evolving community norms incorporated into legislative reforms, and key judicial precedents pronounced over decades.¹²

Comparative discussion traced the intricate processes of marital union dissolution either through court-decreed divorce issuance formally ending legal spousal bonds, annulment declarations invalidating procedurally deficient unions void from the start, or the sorrowful event of a partner's untimely death while married triggering automatic cessation of the legal marital ties as applied to the surviving widow or widower. Additionally, the chapter explored adoption procedures which permanently transfer guardianship from biological parents to adoptive caregivers after extensive suitability reviews. This severs prior kinship ties, with focus on shifts in cultural preference from closed

adoptions with no ongoing birth family contact towards more modulated open arrangements that allow post-adoption mediated updates or limited visitation rights subject to compliance.¹³

The complex persisting linkages imposed between divorced parents and any jointly conceived offspring still under the age of majority also received extended analysis - including evolving legislative reform favoring presumption of shared custody, binding both mother and father in unified legally protected roles overseeing their progeny's upbringing to ensure needs get supported across disrupted family structures. Financial obligations like child support maintained similar underlying rationale - upholding interdependent duty chains protective of vulnerabilities unable to independently survive family cracks without ongoing resource access from progenitors. Finally, emancipation statutes eventually concluding caretaker authority at maturity thresholds highlighted the perpetual tension in English law between celebrating expanded youth autonomy while still emphasizing residual obligations persisting between adult children and earlier guardians who ushered them into being.¹⁴

A unifying theme binds these facets of legal kinship bonds and their dissolution — despite progressive efforts expanding individual liberty and choice to exit constraining relationships, communitarian considerations around financial support for dependents and ensuring stable succession of property across coming generations still dominate family policy, perpetuating certain residual rights and duties beyond termination points. Early parental, filial and partnership investments forever shape life trajectories, and the law now reflects that divorce from daily family life alone rarely fully severs the lasting connections shaped during one's formative upbringing years.

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