



# CHILD SUPPORT

## REASONS THAT AFFECT SETTING OF THIS SUPPORT

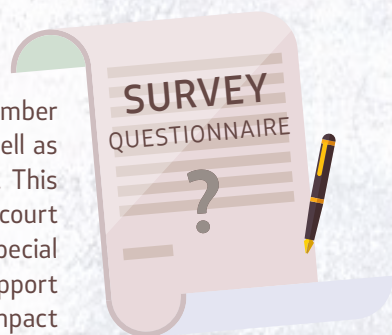
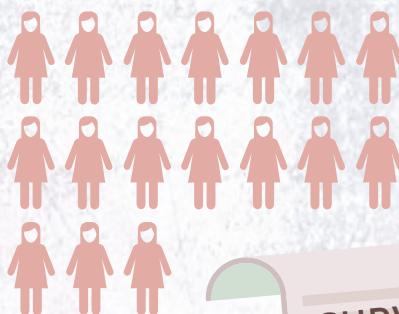
*One of the main problems faced by women after divorce/ separation from their partners concerns resolution of the issues related to child support. Practices show that even court-awarded child support does not imply a final resolution to this problem, primarily due to the low amount of child support, which fails to serve the underlying purpose of such support - to fulfil the most basic living needs of children.*



# ABOUT this analysis...

Starting from the need to determine and identify reasons that affect setting of child support, the basic premise of this survey research concerns data collection pursuant to already established legal criteria applied by the courts when setting the amount of child support, such as income of former partners from employment, additional earnings, property rights and obligations to support other dependants (parents and children from other marital/non-marital partnerships) on the one side, and data on the children's needs, on the other side.

The survey covered 17 randomly selected women who approached the Legal Assistance Centre at ESE in the course of 2010 and sought legal support to have their problem with maintenance for minor children resolved, after having separated from their respective marital/ non-marital partners. The survey questionnaire included questions inquiring about former marital/non-marital partners and their financial status, the number and age of children and their needs and implied expenses, as well as material living conditions before and after divorce/separation. This analysis aims to assess their satisfaction and the efficiency of court protection in resolution of child support problems, with special emphasis on determining the facts that affect the child support amount awarded in court decisions, but also the reasons that impact regularity in child support payment.



## DATA ON FORMER PARTNERS

The survey collected data in respect of age group, ethnicity and education background of former marital/non-marital partners, whereby it was established that former partners are of similar age, are of the same ethnicity, with the exception of one surveyed women who is a member of another ethnic community while her former partner is a member of the Serbian ethnic community. As regards the education background of both marital/non-marital partners, the majority of them have completed secondary education, while a significantly lower number have other education backgrounds, indicating that former marital/non-marital partners have equal opportunities in terms of their employment status.

**For the publisher:**  
Jasminka Friscik

**Authors:**  
Delfina Todorovska, Assistant for provision of legal and psychological aid

**Consultant and editor:**  
Debbie Budlender

**The analysis was prepared and published by:**  
Association for Emancipation, Solidarity and Equality of women - ESE  
st. Maxim Gorki 20/1-4, 1000 Skopje  
Tel: +389 (0) 2 3298 295; 3298 296  
[www.esem.org.mk](http://www.esem.org.mk)



## DATA ON EMPLOYMENT STATUS BEFORE AND AFTER SEPARATION FROM PARTNERS

The survey collected data in respect of age group, ethnicity and education background of former marital/non-marital partners, whereby it was established that former partners are of similar age, are of the same ethnicity, with the exception of one surveyed women who is a member of another ethnic community while her former partner is a member of the Serbian ethnic community. As regards the education background of both marital/ non-marital partners, the majority of them have completed secondary education, while a significantly lower number have other education backgrounds, indicating that former marital/ non-marital partners have equal opportunities in terms of their employment status.

	BEFORE DIVORCE/SEPARATION			AFTER DIVORCE/SEPARATION			TOTAL
	Employed	Unpaid domestic workers	Unemployed	Employed	Don't know	Unemployed	
Former wife/partner	9	1	7	10	/	7	11
Former husband/partner	14	1	2	15	1	1	17

**TABLE 1.** Employment status of former marital/non-marital partners before divorce/separation

After the divorce, employment status remains almost unchanged for both partners, while a single change is noted with one woman, from unpaid domestic worker into employed, and the status of one former partner is unknown. Hence, the general conclusion is that higher unemployment is present among surveyed women, both before and after divorce/separation.

AMOUNT OF PERSONAL NET INCOME (IN MKD)	FORMER WIFE/PARTNER	FORMER HUSBAND/PARTNER
7,501 to 15,000	6	1
15,001 to 30,000	3	4
30,001 to 45,000	1	2
45,001 to 60,000	/	1
60,001+	/	2
No personal income	7	1
Don't know	/	6
TOTAL	17	17

**TABLE 2.** Amount of personal net income before divorce/separation

Based on data obtained about the level of personal income, as shown in **Table 2**, the majority of surveyed women do not have personal net income (n=7), while among those that reported personal income, the most numerous group are women who earn personal income between 7,501 and 15,000 MKD per month. In the case of their former partners, information about personal income is not available for 6 partners, one former partner does not have personal income and the other partners are distributed across different income categories. Comparison of data obtained, excluding women without personal income and partners for which this piece of information is unknown, provides the conclusion is that surveyed women earn lower personal income than their former partners.



FAMILY SOCIAL RIGHTS	YES	NO
Benefited from social allowance before divorce/separation	0	17
Submitted application after divorce/separation	3	14
Approved applications	2	1
Rejected applications	1	2

**TABLE 3.** Social protection rights before and after divorce/separation

Based on data about the enjoyment of social protection rights before and after divorce/separation, as shown in **Table 3**, no families benefited from a social allowance before the divorce/separation, but afterwards social allowance was sought by three surveyed women, of whom two had their applications approved and one application was rejected.

PERSONAL PROPERTY	YES	NO	DON'T KNOW	TOTAL
Former wife/partner/custodian	1	16	/	17
Former husband/partner	3	2	12	17

**TABLE 4.** Data on property in own possession

**Table 4** provides an overview of data in respect of property ownership by former marital/non-marital partners and allows the conclusion that almost all, with the exception of one woman, do not have property in their name, while the property ownership status for more than half of former partners is unknown.

Legal obligation to support other dependants (parents and children from other marital/non-marital partnerships)

Data collected pursuant to the survey questionnaire show that two former partners are under legal obligation to sustain parents or children from other marital partnerships. This information was primarily sought because, when setting the amount of child support, the court takes into consideration maintenance of other dependents and makes sure that the amount of child support does not endanger the basic livelihood of the parent responsible for child support and of his family members.

OBLIGATION TO MAINTAIN OTHER CHILDREN	FORMER WIFE/PARTNER	FORMER HUSBAND/PARTNER
Applicable	3	2
Not applicable	14	10
Don't know	/	5
TOTAL	17	17

**TABLE 5.** Obligation to maintain children from other marital/non-marital partnerships

Based on summary data presented in **Table 5**, it can be concluded that the majority of former partners are under no obligation to maintain other children, while among the remaining cases three surveyed women and two former partners are under such obligation, and the status of such obligation is unknown for five former partners.

## **CHILD SUPPORT CLAIM IN COURT PROCEDURE**

In formally-legal terms, child support is claimed by an interested party by means of motioning a child support claim in a court procedure, in which the interested party could be both parents, but most often these claims are motioned by the parent with whom the children live. The Social Work Centre can also motion a child support claim on behalf of minor children when the parent responsible for child care and education has not exercised this right without justifiable reasons. The child support claim should include data about the children for whom the court is asked to approve child maintenance.

CHILD SUPPORT CLAIMS PER NUMBER OF CHILDREN	NUMBER OF CLAIMS	TOTAL NUMBER OF CHILDREN
One child	8	8
Two children	5	10
Three children	4	12
<b>TOTAL</b>	<b>17</b>	<b>30</b>

**TABLE 6.** Data on child support claims according to number of children

Data presented in **Table 6** show the number of children for whom child support claims were motioned before the court, which allows the conclusion that the majority of claims (n=8) concern one child, while 5 claims concern child support for two children and 4 claims concern child support for three children. Accordingly, the vast majority of children have siblings who are also included in the child support claim. The relevant case law shows that the child support awarded, irrespective of the number of children covered by a single child support claim, should not threaten the livelihood of the person responsible for child support and of his family members, i.e. it is often set in the amount of 35% of the income earned by the parent who does not have custodial rights over the children.

CHILDREN'S AGE	FIRSTBORN	SECOND-BORN	THIRD-BORN
2 years	1	/	
3 years		1	
4 years	1	/	
5 years	1	1	
6 years	3	/	1
7 years	1	/	
9 years	2	1	1
10 years	2	2	1
11 years	2	/	1
13 years	1	/	
14 years	/	2	
15 years	1	/	
16 years	1		
18 years	/	1	
19 years	/	1	
20 years	1		
21 years	1		
<b>TOTAL</b>	<b>17</b>	<b>9</b>	<b>4</b>

**TABLE 7.** Data on the age of children

**Table 7** presents data on the age of children which, according to legal provisions in effect, are entitled to maintenance by their parents from their birth until adulthood, with the possibility for extended child support after the age of 18 years, provided the children continue regular education, but not beyond the age of 26 years.



## APPROVAL OF CHILD SUPPORT IN COURT PROCEDURE

The party motioning the child support claim is entitled by law to request the child support to be set at an absolute amount or as a share of the total personal income earned by the other party, i.e. the other parent. Initiation of child the support procedure does not necessary imply a lawsuit, i.e. the court procedure could be initiated on the basis of a previous agreement reached by the parents in respect of the child support amount for each child separately or for all children together. In such cases, the practice shows that the court approves the child support amount set only when the same does not threaten the livelihood of the future payer of child support. In cases where parents have not agreed on child support, the court takes into consideration the age and schooling needs of the child and assesses the financial status of the parent obliged to pay child support and his obligations in respect to sustaining livelihood of parents and children from other marital partnerships.

No.	FIRST CHILD				SECOND CHILD				THIRD CHILD				TOTAL
	gender	age	requested	approved	gender	age	requested	approved	gender	age	requested	approved	
1.	F	10	15%	15%	F	9	15%	15%					2
2.	M	9	5,000	5,000	F	3	0	0					2
3.	M	4	5,000	5,000									1
4.	M	4	4,000	4,000									1
5.	F	11	6,000	6,000	F	5	6,000	6,000					2
6.	F	20	3,000	3,000	M	18	3,000	3,000					2
7.	M	16	3,000	3,000	F	14	3,000	3,000	F	9	3,000	3,000	3





**TABLE 8.** Number of children for whom child support was requested and approved

No.	FIRST CHILD				SECOND CHILD				THIRD CHILD				TOTAL
	gender	age	requested	approved	gender	age	requested	approved	gender	age	requested	approved	
1.	M	10	5,000	3,000									3,000
2.	F	3	30%	10%									10%
3.	F	2	7,000	4,500									4,500
4.	M	10	35%	20%									20%
5.	F	4	5,000	4,000									4,000
6.	F	7	6,000	3,000									3,000
7.	F	21	7,000	5,000	F	19	6,000	5,000	M	11	4,000	3,500	13,500
8.	F	13	3,500	2,000	M	10	3,500	2,000	M	10	3,500	2,000	6,000
9.	F	11	2,000	1,000	F	9	2,000	1,000	M	6	2,000	1,000	3,000
10.	M	15	6,000	3,000	M	14	6,000	3,000					6,000

**TABLE 9.** Number of children for which child support was requested, but was not approved or was reduced in amount

The general conclusion from the two tables above is that in both cases, i.e. approved and rejected child support claims, the court decision sets the child support in monetary amount or as share of income pursuant to request made by the petitioners, while the amount of child support does not depend on the gender, age or total number of children, i.e. the court sets an identical amount of child support for children of different ages.



ARE YOU SATISFIED WITH THE CHILD SUPPORT AWARDED?		NUMBER
YES		3
NO		1
I'M NOT FULLY SATISFIED		9
CANNOT MAKE AN ASSESSMENT		4
<b>TOTAL</b>		<b>17</b>

**TABLE 10.** Satisfaction with the child support amount

Summary data shown in **Table 10** allow the conclusion that the majority of surveyed women are not fully satisfied with the court's decision. The reasons indicated for such dissatisfaction include: the court has not taken into consideration additional income earned by former husband/partner and that the child support amount does not meet the children's needs.

## CHANGE OF PREVIOUSLY SET CHILD SUPPORT AMOUNT

The amount of child support awarded by the court is not permanent and legal provisions in effect allow this amount to be increased in the case of changed circumstances. In particular, this legal possibility for a change of child support amount was used by three surveyed women, and all of them indicated increased expenses to meet the children's needs as relevant circumstances for change of child support amounts, on the one side, and increased income earned by their former husbands, on the other side, as shown in **Table 11**.

FIRST CHILD			SECOND CHILD		
requested	approved	change	requested	approved	change
15%	15%	5,000		15%	5,000
35%	20%	35%	/	/	/
6,000	3,000	6,000	6,000	3,000	6,000

**TABLE 11.** Request to change the amount of child support

## CHILD SUPPORT IS MANDATORY

Legal regulations in effect oblige the non-custodial parent to effect regular and timely payment of child support. The obligation for payment of child support becomes effective from the day when the court decision enters into effect and becomes enforceable, while matured but unsettled liabilities on the basis of child support are not subject to the statute of limitations and can be collected for the entire duration of parental rights.

	TIME PERIOD	NUMBER
1.	One year later	5
2.	Doesn't remember	4
3.	Six months later	1
4.	Three months later	2
5.	Two months later	4
	<b>TOTAL</b>	<b>16+1*=17</b>

**TABLE 12.** First child support received after separation from former husband/partner



Based on survey data presented in *Table 12*, it can be concluded that the shortest period in which surveyed women received the first payment of child support is two months, while the longest period is one year after the separation. One surveyed women had not yet received any child support payment. The highest number of women received the first payment of child support one year later (n=5), while 4 women do not remember when they received the first payment of child support. In order to establish factors that affect receipt of first child support payment, these data were analysed and cross-referenced against employment status, personal income and obligation to support children from other marital/non-marital partnerships.

FORMER PARTNER'S EMPLOYMENT STATUS AFTER DIVORCE	WHEN DID YOU RECEIVE THE FIRST PAYMENT OF CHILD SUPPORT?					
	Two months later	Three months later	Six months later	One year later	Don't remember	TOTAL
Employed	3	2	1	3	2	1
Don't know	1	/	/	1	/	/
Unemployed	/	/	/	/	/	/
TOTAL	4	2	1	4	2	1

**TABLE 12.1.** First child support received, according to employment status

FORMER PARTNER'S PERSONAL INCOME (IN MKD)	Two months later	Three months later	Six months later	One year later	Don't remember	TOTAL
7,501 to 15,000				1		1
15,001 to 30,000		2	1	1		4
30,001 to 45,000	1				1	2
45,001 to 60,000				1		1
60,001+	1				1	2
Don't know	2			2	2	6
TOTAL	4	2	1	5	4	16+1*=17

**TABLE 12.2.** First child support received, according to net personal income

FORMER PARTNER'S CHILDREN FROM OTHER MARRIAGES	Two months later	Three months later	Six months later	One year later	Don't remember	TOTAL
Yes	1	1	0	0	0	2
No	2	1	0	3	3	9
Don't know	1	0	1	2	1	5
TOTAL	4	2	1	5	4	16+1

**TABLE 12.3.** First child support received, according to obligation for maintenance of other children

Analysis of cross-referenced data provides the conclusion that employment status, personal income and obligation to support children from other marital partnerships do not clearly affect the time period until payment of the first child support.

The survey also provided summary data in respect to regularity of child support payment, on the basis of which it was established that more than half of surveyed women (n=12) do not regularly receive child support payments despite child support being specified as a monthly payment.



	TIME PERIOD	NUMBER
1.	No payments	2
2.	Once a year	2
3.	Every several months	3
4.	Every 2-3 months	3
5.	Every 2 months	2
TOTAL		12

**TABLE 13.** Irregularity in payment of child support

**Table 13** provides an overview of data for 12 surveyed women who indicated irregular payment of child support. It allows the conclusion that, with the exception of two women whose former husbands/partners do not make any payments, the remaining women (n=10) do not receive regular payments of child support, with the longest period of late payment indicated as once a year and the shortest period as every 2 months.

The next step was to cross-analyse data related to regularity of child support payment against their former partners' employment status, personal income and obligation to support children from other marital/non-marital partnerships.

FORMER PARTNER'S EMPLOYMENT STATUS AFTER DIVORCE	Once a year	Doesn't receive	Doesn't pay	Every 2-3 months	Every 2 months	Every few months	TOTAL
Employed	2	1	0	3	2	2	10 (83.30%)
Don't know						1	1 (8.30%)
Unemployed			1				1 (8.30%)
TOTAL	2	1	1	3	2	3	12

**TABLE 13.1.** Regularity of child support payment, according to employment status

FORMER HUSBAND'S PERSONAL INCOME (IN MKD)	Once a year	Doesn't receive	Doesn't pay	Every 2-3 months	Every 2 months	Every several months	TOTAL
15,001 to 30,000				1	1	1	3
30,001 to 45,000						1	1
60,001+	1			1			2
No personal income		1					1
Don't know	1		1	1	1	1	5
TOTAL	2	1	1	3	2	3	12

**TABLE 13.2.** Regularity of child support payment, according to personal income

FORMER PARTNER'S CHILDREN FROM OTHER MARRIAGES	Once a year	Doesn't receive	Doesn't pay	Every 2 months	Every 2-3 months	Every several months	TOTAL
Yes	1						1
No	1	1		2	1	2	7
Don't know			1		2	1	4
TOTAL	2	1	1	2	3	3	12

**TABLE 13.3.** Regularity of child support payment, according to obligation to support other children



The analysis of cross-referenced data provides the conclusion that regularity in child support payment does not depend on the former partner's employment status, personal income or obligation to support children from other marriages, which means that shorter periods of time in respect to regularity in payment of child support are observed among those with lower personal income and obligations to support other children, unlike former partners with higher personal income and no obligations to support children from other marriages.

FIRST CHILD SUPPORT PAYMENT AFTER DIVORCE	Once a year	Doesn't receive	Doesn't pay	Every 2-3 months	Every 2 months	Every several months	TOTAL
Two months later	1					1	2
Three months later					1		1
Six months later						1	1
One year later				2	1		3
Don't remember	1	1	1	1		1	5
TOTAL	2	1	1	3	2	3	12

**TABLE 14.** Regularity of child support payment, according to time period for first payment made

The analysis of cross-referenced data on first child support payment with data on regularity of such payments allows the conclusion that regularity of child support payment does not depend on the time period within which the first child support payment was made. For example, in one case the first payment was made one year later, but child support payments continued regularly after that every two to three months.

The general conclusion is that, in addition to the factors analysed above, other reasons affect the regularity of child support payment, making it a complex issue that is individually defined and different in each separate case.

## MATERIAL LIVING CONDITIONS BEFORE AND AFTER DIVORCE/SEPARATION

The survey collected data in respect of living conditions before and after divorce/ separation, in order to establish changes in this regard.

BEFORE DIVORCE / SEPARATION					AFTER DIVORCE / SEPARATION				
HOUSE/ APARTMENT	rooms	beds	members	HOUSE/ APARTMENT	rooms	beds	members	TOTAL	
1.NN apart./40m <sup>2</sup>	2	3	2	house/50m <sup>2</sup>	3	3	3	7,501 - 15,000	
2.HN house/100m <sup>2</sup>	4	6	8	house/80m <sup>2</sup>	3	3	4	15,001 - 30,000	
3.IS apart./70m <sup>2</sup>	3	3	2	house/100m <sup>2</sup>	3	3	3	30,001 - 45,000	
4.AM apart./56m <sup>2</sup>	3	3	3	apart./34m <sup>2</sup>	2	2	1	7,501 - 15,000	
5.NC house/70m <sup>2</sup>	3	4	4	apart./57 m <sup>2</sup>	3	4	3	15,001 - 30,000	
6.SD house/50m <sup>2</sup>	3	2	3	house/30m <sup>2</sup>	1	2	2	15,001 - 30,000	
7.AB house/40m <sup>2</sup>	2	2	4	house/45m <sup>2</sup>	3	3	5	15,001 - 30,000	
8.LM apart./80m <sup>2</sup>	3	3	4	apart./50m <sup>2</sup>	2	3	3	7,501 - 15,000	
9. AJ house/200m <sup>2</sup>	8	6	7	house/45m <sup>2</sup>	2	3	5	15,001 - 30,000	
10.RB apart./65m <sup>2</sup>	2	3	2	apart./65m <sup>2</sup>	2	3	1	45,001 - 60,000	
11.MS apart./35m <sup>2</sup>	2	3	3	house/30m <sup>2</sup>	2	3	2	7,501 - 15,000	
12.SP house/150m <sup>2</sup>	4	4	3	house/60m <sup>2</sup>	3	3	2	7,501 - 15,000	
13.DK house/26m <sup>2</sup>	2	2	4	house/60m <sup>2</sup>	3	5	4	15,001 - 30,000	
14.NC house/200m <sup>2</sup>	6	5	3	house/50m <sup>2</sup>	3	3	2	15,001 - 30,000	
15.LK house/50m <sup>2</sup>	3	3	4	apart./60m <sup>2</sup>	3	3	3	15,001 - 30,000	
16.NC house/50m <sup>2</sup>	3	6	6	apart./50m <sup>2</sup>	2	3	2	15,001 - 30,000	
17.LJT house/60m <sup>2</sup>	3	4	4	house/50m <sup>2</sup>	3	4	4	15,001 - 30,000	
TOTAL									

**TABLE 15.** Spatial living conditions before and after divorce/separation, according to the number of family members



Based on data processed and shown in *Table 15*, it could be established that, in respect to material living conditions, 6 surveyed women have better spatial conditions after divorce/separation, with separate rooms and separate beds for all family members, while reduced spatial conditions after divorce/separation are noted for 3 surveyed women. One of these does not have appropriate living conditions as she is sharing a house of 45 m<sup>2</sup> as a 5-member household with only 2 separate rooms and 3 beds; one woman lives within a 3-member household in N apartment of 50 m<sup>2</sup> with 2 separate rooms and 3 beds; and the last one lives with 2 family members in house of 30 m<sup>2</sup> with 1 separate room and 2 separate beds.

In the case of other surveyed women, living conditions according to number of family members, separate rooms and beds remain the same or almost unchanged before and after divorce/separation.

The general conclusion is that more than half of the women (n=10) have spatial living conditions for themselves and their children in the sense that each household member has their own room and separate bed, providing them intimate space. It should be noted that data collected through this survey allowed establishment of the relevant situation in respect of availability of spatial conditions, while quality and minimum standard of living would require additional inquiries with new data on aspects such as: access to water, electricity and the like. Also, it should be noted that only one from all women surveyed has property in own name, while the remaining women who have custody over children have only temporarily solved the issue of residence by means of renting an apartment or being accommodated in their parents' home. Having in mind data on unemployment among surveyed women (n=7) and those earning income up to 15,000 MKD (n=6), it can be concluded that more than half of women are unable to solve on their own the issue of residence for themselves and for their children. Additional concerns are raised as to whether and to what extent the court, when setting the amount of child support, takes into consideration the need for adequate spatial conditions for children, given that parents of surveyed women, i.e. grandmothers and grandfathers, provide assistance and support in solidarity with the women and are not legally obliged to support children, unlike the parent with whom the children does not live.

## BASIC NEEDS OF CHILDREN AND MONTHLY EXPENSES

*Table 16* provides an overview of all types of expenses for each child separately after divorce/separation, and covers a total of 30 children of all surveyed women. Moreover, the table shows calculation of total regular expenses for children on a monthly basis against the amount of child support awarded by the court and personal income of surveyed women. Primarily, this was done for the purpose of determining actual expenses for children against the amount of child support awarded in terms of court decisions.

According to the tabular overview, education expenses for children after divorce/separation are present for 16 of the 17 women surveyed, and range between 1,000 MKD and 4,000 MKD per child, every month. Expenses for the second child are reported by all 9 women, in the amount of 1,000 to 3,000 MKD, while education expenses for the third child are reported by 3 of a total of 4 women, in a monthly amount of 500 MKD to 2,000 MKD per child.

Recreational expenses after divorce/separation were reported for 25 of the total of 30 children, i.e. 17 surveyed women, in the amount of 500 MKD to 3,000 MKD monthly per child, while expenses for the second child are reported by 6 of the 9 surveyed women, in amounts ranging from 500 MKD to 1,000 MKD, and third child recreational expenses are reported by 2 of 4 surveyed women, in a monthly amount of 1,000 MKD. Based on aggregate data, it can be concluded that recreational expenses were not incurred for the remaining 5 children, because surveyed women reported they are financially unable to meet such needs, especially the women with two or three children.

Healthcare expenses for chronically ill children were reported by one woman, for her first child, in the amount of 5,000 MKD monthly.

Regular monthly expenses for medicines were reported for all 30 children. Expenses for the first child are in the amount of 500 MKD to 3,000 MKD, for the second child - 200 MKD to 500 MKD, and for the third child - 200 MKD to 500 MKD monthly.

Monthly expenses for clothes were reported for all children. Expenses for the first child amounted 2,000 MKD to 5,000 MKD, for the second child from 500 MKD to 2,000 MKD, and for the third child from 1,000 MKD to 3,000 MKD.



Other separate expenses were reported for a total of 22 children before divorce, i.e. 12 of the 17 surveyed women indicated such expenses for the first child in the amount of 500 MKD to 4,000 MKD, for the second child (6 of 9 women) from 500 MKD to 2,000 MKD monthly, and for the third child (all 4 women) from 500 MKD to 1,700 MKD per month.

This analysis calculated total expenses for the children, at individual level, according to the number of children, and this information was compared against child support awarded by the court and total income of household members, including income from social allowances and parental allowances for the third child. Cross-analysed data are shown in Table 16, with an indication that approved child support for 3 women is set as a share and varies in amount depending on the monthly net income earned by their former partners, so that their cases could not be compared against total expenses for children. As regards the remaining 14 women whose child support is set as a monetary amount, for as many as 10 of them total expenses

exceed the amount of child support awarded, and for 5 of them the amount of total expenses are two to three times higher than the amount of child support awarded, not including other costs of the family such as food, rent, utility bills, etc.

## REGULAR MONTHLY EXPENSES FOR THE FAMILY/HOUSEHOLD

The questionnaire allowed collection of data in respect of monthly expenses of the family after divorce/separation, such as food, rent, utility bills and other costs necessary for the family livelihood. According to data shown in **Table 17**, listed individually for each woman surveyed with total number of family members, it was established that monthly expenses for food range from 4,000 to 20,000 MKD for all family members, rent or mortgage expenses were reported by 6 of the 17 women in the amount of 3,000 MKD to 12,000 MKD monthly, while the other 10 women reported they do not have such expenses after divorce/separation and are temporarily accommodated with their parents, while one woman has own apartment. Utility bills range from 2,000 to 10,000 MKD, and include water, electricity and the like. Other expenses related to house maintenance were reported by all women, with the exception of one woman, in the amount of 1,000 to 3,000 MKD monthly.

No.	FIRST CHILD						Education	Recreation
	Education	Recreation	Health	Other	Medicines	Clothes		
1.	3,000	3,000		1,000	1,000	3,000		
2.	3,000	1,000		1,000	500	2,000	2,000	1,000
3.	/	2,000		4,000	1,000	5,000		
4.	1,000	500		3,000	1,000	2,000		
5.	4,000	2,000		2,000	500	2,000	3,000	1,000
6.	1,000	500	5,000	1,000	500	1,000	/	500
7.	3,000	1,000		500	500	2,000	2,000	1,000
8.	1,000	1,000			3,000	2,000		
9.	1,000	1,000		1,000	1,000	2,000		
10.	3,000	3,000			1,000	5,000		
11.	2,000	00			300	1,000	1,000	00
12.	3,000	500			500	2,000	1,000	500
13.	2,000	00		500	500	1,000	2,000	00
14.	1,000	1,000		1,000	500	2,000		
15.	2,000	1,000		2,000	1,000	1,000		
16.	3,000	1,000		00	500	1,000	2,000	1,000
17.	1,000	00		2,000	200	1,000	1,000	00
<b>Total no. of children</b>	16(17)	14(17)		12(17)	12	17(17)	9(9)	6(9)
<b>Total amount</b>	<b>34,000</b>	<b>18,500</b>		<b>19,000</b>		<b>34,000</b>	<b>14,000</b>	<b>5,000</b>



SECOND CHILD				THIRD CHILD						TOTAL EXPENSES	TOTAL INCOME	CHILD SUPPORT
Health	Other	Medicines	Clothes	Education	Recreation	Health	Other	Medicines	Clothes			
										11,000	7,501-15,000	3,000
	500	500	2,000							13,500	15,001-30,000	15%+15% =30%
										12,000	30,001-45,000	10%
										7,500	7,501-15,000	4,500
	500	500	2,000	2,000	1,000	500	500	500	3,000	24,500	15,001-30,000	13,500
/	1,200	500	500	00						7,200	15,001-30,000	5,000 (no support for second child)
	500	500	2,000	00	1,000	500	1,500	500	1,000	17,000	15,001-30,000	3,000
										7,000	7,501-15,000	5,000
										6,000	15,001-30,000	4,000
										12,000	45,001-60,000	20%
		300	1,000							5,600	7,501-15,000	6,000
		500	1,000							9,000	7,501-15,000	12,000
	1,700	500	2,000	2,000	00	500	1,700	500	2,000	16,400	15,001-30,000	6,000
										5,500	15,001-30,000	4,000
										7,000	15,001-30,000	3,000
	00	500	1,000							10,000	15,001-30,000	6,000
	2,000	200	1,000	500	00	200	1,000	200	1,000	10,600	15,001-30,000	9,000
	6(9)	9(9)	9(9)	3(9)	2(4)	4(4)	4(4)	4(4)	4(4)			
	6,400	4,000	12,500	4,500	2,000	1,700	4,700	1,700	6,000	163,300		

NUMBER OF FAMILY MEMBERS	Food	Rent/ mortgage	Utilities	Other expenses	Total expenses
3	7,000	00	5,000	3,000	15,000
4	15,000	00	10,000	2,000	27,000
3	13,000	00	8,000	3,000	24,000
1	4,000	6,000	5,000	2,000	17,000
3	10,000	11,200	6,000	2,000	29,200
2	6,000	3,000	2,000	1,000	12,000
5	10,000	00	6,000	1,500	17,500
3	10,000	00	8,000	2,000	20,000
5	15,000	00	7,000	2,000	24,000
1	20,000	00	10,000	1,000	31,000
2	6,000	00	5,000	00	11,000
2	10,000	6,000	3,000	1,000	20,000
4	15,000	00	6,000	1,000	22,000
2	6,000	00	3,000	1,000	10,000
3	8,000	9,000	5,000	1,000	23,000
2	6,000	12,000	5,000	1,000	24,000
4	7,000	00	5,000	1,000	13,000
TOTAL	168,000	47,200	98,000	26,500	319,700

TABLE 17. Monthly family expenses after divorce/separation



According to data shown in *Table 17*, it can be concluded that the highest expenses reported by surveyed women include food, then utility bills, with lower amounts for other family expenses. Those that reported rent/mortgage payments indicated these as the highest expense, followed by food. Also, it can be concluded that the number of family members does not affect the total amount of monthly expenses, i.e. households with the same number of family members have different amounts of total expenses.

Based on data collected in respect of monthly expenses for children (*Table 16*) and regular monthly expenses of the family/household (*Table 17*), we were able to calculate the sum of total monthly expenses per family, as shown in *Table 18*.

CHILD EXPENSES	FAMILY EXPENSES	TOTAL FAMILY EXPENSES
163,300	319,700	483,000

**TABLE 18.** Total family expenses per month, after divorce/separation

From the table, we are able to establish that child expenses alone account for 30% of total family expenses, and this amount becomes higher when adding regular monthly expenses of the family.

No.	NUMBER OF MEMBER	TOTAL EXPENSES	INCOME OF ALL MEMBERS
1	3	26,000	7 501-15,000
2	4	40,500	15,001-30,000
3	3	36,000	30,001-45,000
4	1	24,500	7,501-15,000
5	3	51,200	15,001-30,000
6	2	23,700	15,001-30,000
7	5	34,500	15,001-30,000
8	3	27,000	7,501-15,000
9	5	30,000	15,001-30,000
10	1	43,000	45,001-60,000
11	2	16,600	7,501-15,000
12	2	29,000	7,501-15,000
13	4	38,400	15,001-30,000
14	2	15,500	15,001-30,000
15	3	30,000	15,001-30,000
16	2	34,000	15,001-30,000
17	4	23,600	15,001-30,000
TOTAL (n=17)			

**TABLE 19.** Total monthly expenses versus personal income of surveyed women

According to *Table 19*, it can be established that in the case of half of surveyed women (n=9) total expenses are higher than total income of all family members. However, it should be noted that 7 women do not have personal income and do not contribute to total family expenses that also cover expenses to meet the needs of children after divorce/separation.



# KEY FINDINGS

Analysis of collected and processed data allows several key findings based on identified problems in respect to the list of defined criteria for setting the amount of child support, and recommendations aimed to address them.

## THE COURT DOES NOT ESTABLISH ADDITIONAL INCOME ON THE BASIS OF SECONDARY/OTHER ACTIVITY

Analysis of data obtained allows the conclusion that, when determining the financial status of former partners, the court does not identify/establish additional income from another activity, even in cases when the former spouses admit/declare that they have such an income. Also, it remains unclear whether and how the court assesses and values (unpaid) labour and time spent by the parent caring for the children and whether the same is integrated in the child support awarded to the parent that cares for children.

*It is recommended that the court establish the financial status of former partners on the basis of total income, including income from the informal economy, and to clearly define criteria for valuation of unpaid labour by the parent holding custody rights over children.*

## AGE AND NUMBER OF CHILDREN DO NOT AFFECT THE AMOUNT OF CHILD SUPPORT AWARDED BY THE COURT

Based on data obtained, it can be concluded that there are no criteria in place on the minimum amount of child support according to the age and number of children, and the court does not engage in due consideration of these aspects in its ex officio capacity. The general conclusion is that the court's efforts are mainly focused on making sure that child support does not exceed 30-35% of personal income earned by the non-custodial parent irrespective of the number and needs of children, and financial status of the parent caring for the children.

*The recommendation is to define criteria with a set minimum amount of child support depending on the age and actual needs of children, in order to ensure fairness in respect of the amount of child support for each child separately, so as to equalize support for all blood-related children.*

## HIGH SHARE OF DISSATISFACTION WITH COURT DECISIONS ON CHILD SUPPORT

The analysis established that there is broad dissatisfaction with court decisions on child support, as reported by 12 of the 17 women surveyed, in respect of both approved and rejected child support claims, due to the inability to meet the children's needs.

*In future, it is recommended that the court set the amount of child support in ex officio capacity and where there is parental agreement, in order to ensure that court protection of children's rights is efficient and meets their needs.*



## IRREGULAR PAYMENT OF CHILD SUPPORT

This analysis established that many of the surveyed women face problems in respect of regular payment of child support, irrespective of their former partner's financial status or obligations to support children from other marriages.

*In future, it is recommended that the government find an adequate solution (following the example of some countries in the region) whereby child support would be disbursed from separate funds established by the state and later would be subject to refund claims from the parents obliged to pay child support.*

## FINANCIAL POSSIBILITIES FOR CHILD SUPPORT OF FORMER PARTNERS

Based on data obtained, it can be concluded that, in general, former partners do not have equal financial potential for child support. As regards employment status, higher unemployment is observed among women (n=7) unlike their husbands/former partners (n=1). As regards the amount of personal net income, the general conclusion is that employed women (n=6) earn up to 15,000 MKD monthly, while men (n=10) earn monthly net income in amounts above 15,000.

*In future, it is recommended that the government design efficient employment measures targeting children's custodians, with special emphasis on women as custodians, with a view to ensure equitable financial possibilities for child support for both partners/parents.*



Association for emancipation,  
Solidarity and equality  
of women - ESE



FOUNDATION ФОНДАЦИЈА  
OPEN OTBORENO  
SOCIETY OPICTECTBO  
MACEDONIA MAKEDONIJA



The analysis is financially supported by Foundation Open Society - Macedonia as part of the Shared Framework for Legal Empowerment as part of ESE's Program for work for 2020.

The program was financially cosupported by EU. The contents of this publication are the responsibility of the publisher and the author and does not necessarily reflect the views of the Open Society - Macedonia Foundation and EU.