



Children Act 1975

1975 CHAPTER 72

PART II

CUSTODY

Custodianship orders

[^{F1}34A Matters to which court is required to have regard in exercising powers as to maintenance.

- (1) The court, in deciding whether to exercise its powers under section 34(1)(b) or (c) and, if so, in what manner, shall have regard to all the circumstances of the case including the following matters, that is to say—
 - (a) the income, earning capacity, property and other financial resources of each parent and of the custodian;
 - (b) the financial needs, obligations and responsibilities of each parent and of the custodian;
 - (c) the financial needs of the child;
 - (d) the income, earning capacity (if any), property and other financial resources of the child;
 - (e) any physical or mental disability of the child.
- (2) The court in deciding whether to exercise its powers under section 34(1)(b) or (c) against a person who is not the child's mother or father and, if so, in what manner, shall, in addition to the matters mentioned in subsection (1), have regard (among the circumstances of the case)—
 - (a) to whether that person had assumed any responsibility for the child's maintenance and, if he did, to the extent to which and the basis on which he assumed that responsibility and to the length of time during which he discharged that responsibility;
 - (b) to whether in assuming and discharging that responsibility he did so knowing that the child was not his own child;
 - (c) to the liability of any other person to maintain the child.

Changes to legislation: There are currently no known outstanding effects for the Children Act 1975, Section 34A. (See end of Document for details)

(3) In subsection (1)—

- (a) references to a parent of a child include any person in relation to whom the child was treated as a child of the family (as defined in section 52(1) of the ^{M1}Matrimonial Causes Act 1973);
- (b) the reference in paragraph (a) to income, earning capacity, and other financial resources includes the income, earning capacity, property and other financial resources which the person concerned is likely to have in the foreseeable future; and
- (c) the reference in paragraph (b) to financial needs, obligations and responsibilities includes the financial needs, obligations and responsibilities which the person concerned is likely to have in the foreseeable future.]

Textual Amendments

F1 Ss. 34A, 34B inserted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), s. 65, [Sch. 1](#)

Marginal Citations

M1 1973 c. 18(49:3).

Changes to legislation:

There are currently no known outstanding effects for the Children Act 1975, Section 34A.