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INCREASE FOR A QUALIFIED CHILD

1. Legislative background

The main legislative provisions for the payment of an Increase for a Qualified Child (IQC) are:-

- Part I of the Social Welfare Consolidation Act 2005, as amended (hereinafter referred to as 'the 2005 Act'), see especially Section 2(3).
- Part I of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (hereinafter referred to as 'SI 142/2007').
- See in particular Articles 12, 13, 14, 83 (inserted by SI 426/96, as amended) and Article 228.

2. Definition of a qualified child

Section 2(3) of the Social Welfare Consolidation Act 2005, (as amended) defines the term "qualified child".

A qualified child must:

- Be ordinarily resident in the State
- Not be detained in a children detention school
- Satisfy the condition as to age.

Note: Where a customer presents at a local office, requesting an increase on any payment for his/her underage cohabitant, the officer will refer this to TUSLA, through the normal DEASP Children First channels. This is the Department's standard operating procedure in alignment with [Children First Guidance here](#).

2.1 Ordinarily resident in the State

The usual abode of the child must be in the State. The IQC may be paid for a qualified child temporarily absent from the State for a particular reason, e.g. educational activities, if the Deciding Officer is satisfied that the child's normal residence remains in the State and with the claimant (see Section 4). See "[Absence from the State](#)" guidelines for exceptions. Not detained in a children detention school

The child must not be held in legal custody in the Oberstown Children Detention Campus, in Lusk, Co. Dublin.

The IQC may be paid for child detainees who are released from detention in Oberstown prior to their release date subject to provisions in Part 10 of The Children Act 2001 (as amended). In such cases the onus is on the claimant to present the relevant release papers from Oberstown / the [Probation Service](#) (or other relevant authority) before the IQC is paid.

2.2 Satisfy the condition as to age

Under 18

An IQC is payable in respect of qualified children until age 18 on all schemes where IQCs apply¹.

Note: From January 2012 onwards, qualification for the [One-Parent Family Payment](#) is dependent on, among other conditions, the age of the youngest child in the family being seven or under. If a person qualifies for OFP based on this, payment of an IQC for any other child(ren) will continue until they reach 18 years, or 22 years if they are in full-time education. Most customers who no longer qualify for an OFP payment because the youngest child is aged between 7 and 13 will transfer to the [Jobseeker's Transitional payment](#) (JST).

Over 18 and under 22

An IQC is payable where the child is in full-time education and the customer is in receipt of:

- a long-term DEASP payment or
- a short-term payment i.e. JB, JA, IB, Injury Benefit or Health and Safety Benefit for 156 days or has an accumulation of at least 156 days of relevant DEASP payments. **See list of relevant payments in [Appendix 1](#).**

Where a student reaches 18 during the academic year, and the customer is in receipt of a short-term payment but does not satisfy the 156 days requirement, the IQC will continue to be paid in respect of that child up to the 30th June following the birthday or until s/he completes the full-time day course, whichever is the earlier.

Where a student reaches age 22 during an academic year, payment of the IQC is continued for the duration of that academic year, provided s/he remains in full-time education until then.

2.3 Age in full-time education

Full-time education

The [Department of Education and Skills](#) and the [Higher Education Authority](#) consider a person to be in full-time education where s/he is attending a course which awards 60 ECTS credits² per annum within the traditional academic year of September to May. The number of hours per week on the course can vary significantly and there are no rules regarding the number of contact hours a student must have. Where the college offering the course designates this as full-time, it will mean

¹ See Section 2.2 for details of schemes where no IQCs apply.

² European Credit Transfer and Accumulation (ECTS) is a standard for comparing the study attainment and performance of students of higher education across the European Union and other collaborating European countries. For successfully completed studies, ECTS credits are awarded. One academic year corresponds to 60 ECTS credits that are equivalent to 1500 – 1800 hours of study in all countries irrespective of standard or qualification type and is used to facilitate transfer and progression throughout the Union.

the course has a full-time work-load. Please check with the relevant authorities should queries arise regarding specific courses.

Course of study/instruction over an academic year

A course of study is a full-time day course of study, instruction or training which may take place over more than one academic year, at an institution of education.

Academic year

An academic year is a period in which a course of study commences in one year and finishes in the next following year. This includes term vacations.

Therefore, the IQC remains in payment during school holidays, for vacation periods between college years and providing that the child does not qualify for a primary payment in her/his own right. It remains in payment for the 3 months following the completion of the Leaving Certificate examination only; this does not apply to final year of any other academic programme.

Institutions of education

The following are the main forms of institutions of education recognised for the purposes of the payment of an IQC. [Click here for a full list of eligible institutions](#) recognised by the Minister for Education and Skills.

1. a school/college
2. a university
3. a national university of Ireland or a recognised college Institutes of Technology
4. Colleges of Education
5. Other State-aided institutions of education (see linked list)
6. An institution providing a *Youthreach* course

2.4 Courses excluded from the definition of full-time education

The following courses are excluded from the definition of full-time education for the purposes of awarding the IQC:-

- Courses provided by or on behalf of Solas or an Education and Training Board where an allowance is payable (unless it is a *Youthreach* course)
- Courses which form part of a work experience programme
- Courses which arise from employment
- Courses which comprise in an academic year, a period of paid work experience, where such period of paid work experience is greater than the time spent receiving tuition or instruction at an institution of education.

3. Payment of Increase for a Qualified Child (IQC)

An increase for a qualified child is payable in respect of each qualified child who normally resides with the claimant (see Section 4).

An IQC is payable only once, at any one time, in respect of any child.

3.1 Dependency or unemployment of the child not required

It is not a requirement that a qualified child be financially dependent on the claimant. It is possible for a child to be in remunerative full-time employment and still be admitted as a qualified child.

A child in respect of whom child maintenance is being paid by an estranged parent may be still considered a qualified child. However, payment of child maintenance can determine where the child is considered normally resident under the Social Welfare code (see Part 4).

3.2 Schemes where IQC is not payable

There is no provision for payment of an Increase for a Qualified Child in the following schemes:

- Working Family Payment (WFP)³ (however, the qualifying income level on which the rate of WFP is calculated varies according to the number of qualified children) See [WFP guideline](#) for details.
- Guardian's Payment (Contributory)
- Guardian's Payment (Non-Contributory)
- Widow's, Widower's or Surviving Civil Partner's Non-Contributory Pension⁴
- Death Benefit by way of Orphan's Payment.

3.3 Overlapping payments

Section 247 precludes more than one payment to, or in respect of a qualified child, for the same period, with a limited number of exceptions.

An IQC is payable on any benefit, assistance or allowance in addition to any of following excluded payments:

³ The payment formerly known as the Family Income Supplement (FIS) has been renamed the Working Family Payment (WFP), effective from 1 January 2018.

⁴ A widow/er or surviving civil partner with dependent children may qualify for One-Parent Family Payment, subject to meeting the conditions for this means-tested scheme. See the separate guideline [on One-Parent Family Payment](#) for more detail.

- Supplementary Welfare Allowance.
- Domiciliary Care Allowance
- Death benefit by way of a grant for funeral expenses.

Where a person is a qualified child but is also entitled to, or in receipt of a DEASP benefit or assistance payment in his or her own right, an IQC cannot be paid in addition to this.

Also, an IQC cannot be paid where a person is a qualified child, but is also the subject of an increase for a qualified adult payment on another customer's claim, for example a 17 year old spouse or civil partner of a customer on JA.

4. Normal residence

To qualify for payment of IQC, the child in respect of whom the increase is claimed must be deemed to be normally resident with the person who is claiming. Article 13 of S.I. 142/2007 sets out the statutory rules for determining the normal residence of a child.

Note

For One-parent Family Payment, the normal residence rules are set out in Article 128 of S.I. 142/2007 and are slightly different. See [One-parent Family Payment guideline](#).

For Child Benefit purposes the rules are also different and are set out in Article 159 of S.I. 142/2007. See [Child Benefit guideline](#).

A child shall be deemed to be:

4.1 Normally resident with his/her parents

While the parents remain living together as a couple any children that they have will be deemed to be normally resident with them.

4.2 A qualified child who is resident with one parent only

Where the parents of a child are living apart, the child is considered normally resident with the parent s/he lives with.

4.3 If the parents are separated

In separation cases, the child shall be considered normally resident with the parent who has legal custody, provided this person is substantially maintaining the child.

Where the child is resident part of the time with each parent, the child is considered to be normally resident with the parent with whom the child resides the most.

4.4 Substantial contribution by the other parent

Where the parent with whom the child is residing is not in receipt of a social welfare payment **other than**

- Child Benefit
- Death Benefit by way of Orphan's Pension
- Guardian's Payment (Contributory or Non-Contributory)
- Carer's Support Grant
- Continued Payment for Qualified Children
- Supplementary Welfare Allowance.

and the other parent is contributing substantially towards the maintenance of the child,

then the child may be deemed to be normally resident with the other parent, and would not be considered normally resident in any other household.

An IQC is payable only once at any one time in respect of any child i.e. Section 247 precludes more than one payment in respect of a qualified child in respect of the same period.

"Contributing Substantially" in this context is taken to mean at least the current equivalent value of the IQC in monetary terms or in-kind.

Where the claimant is not currently making such a contribution but the Deciding Officer is satisfied that s/he would do so if IQC were awarded (e.g. if had done so previously when could afford to), then it may also be accepted that the condition is fulfilled.

Contribution in-kind

In some cases there may be an arrangement where the claimant has care of the child(ren) for some period/s during each week e.g. regular visits by them. An IQC may be payable in such cases if the expenses incurred equate to 'substantially contributing' to their maintenance i.e. are at least equivalent to the current IQC rate. Only costs actually incurred on behalf of the child(ren)'s maintenance can reasonably be construed as necessary (e.g. transport, meals, social activities, ensuring accommodation is suitable, cost of overnight accommodation where applicable, etc.) It will be for the Deciding Officer to consider each such case by reference to the context and all the facts. All such cases should be dealt with sensitively and sympathetically. In cases of doubt, the Decisions Advisory Office should be contacted for advice.

4.5 If one parent is dead

The child is deemed to be normally resident with the surviving parent, but only if that parent is maintaining the child.

4.6 Head of the household

If the child cannot be deemed resident with either parent under the above provisions s/he shall be deemed normally resident with the head of the household with whom s/he resides.

4.7 Child residing in an institution

If the person with whom s/he would be deemed normally resident under the above provisions is contributing towards the costs of the child's maintenance in the institution, then the child will be regarded as resident with that person.

Contributing towards the maintenance costs of the child in the institution is taken to mean that there is a significant level of financial support by the adult in question. Expenses incurred in buying the child clothes etc. on a regular basis, or taking the child on outings or for holiday periods, would be included in the calculation for this purpose.

4.8 Refugees

A qualified child who is a refugee in the State from another country shall be regarded as being normally resident with the head of the household of which the child is for the time being a member and with no other person.

5. Rate of Increase for a Qualified Child payable:

5.1 Full-rate and half-rate increase for a Qualified Child

For most social welfare payments, a full-rate IQC is payable if the customer is receiving an Increase for a Qualified Adult (IQA) for a spouse/civil partner/cohabitant, or s/he is parenting alone.

Only one increase is paid for each qualified child. If the customer and spouse, civil partner or cohabitant are both getting a social welfare payment, a half-rate IQC for each child is payable to both individuals.

A half-rate increase for a qualified child is also payable when the spouse/civil partner/cohabitant has an income of between €310 and €400 a week. This does not apply to Jobseeker's Allowance (JA), Pre-Retirement Allowance (PRETA), Disability Allowance (DA) and Farm Assist (FA) as different income rules apply to these means tested payments.

A half-rate IQC is paid with Carer's Allowance to a customer who is living with a spouse, civil partner or cohabitant. This does not apply to Half-rate Carer's Allowance as the IQC is already included in the customer's or their spouse/partner/co-habitant's primary social welfare payment.

5.2 Earnings Limit

In the case of Jobseeker's Benefit, Illness Benefit, Injury Benefit/Disablement Benefit (Incapacity Supplement), Health and Safety Benefit, Carer's Benefit, Invalidity Pension and State Pension (Contributory) an IQC is **not payable** in respect of a qualified child who resides with the claimant and the spouse/civil partner/cohabitant of the claimant where the spouse/civil partner/cohabitant has a weekly income in excess of €400.00 (from January 2007). * See separate guideline on [Increase for Qualified Adult](#).

Saver clause

The above condition shall not apply to a person who, immediately before the 19 January 2004 was entitled to or in receipt of a payment which included an increase in respect of the child. The saver shall continue to be effective for as long as the person continues to be entitled to or in receipt of the increase in respect of the child. It ceases if there is a break of one week or more.

Appendix 1: List of relevant payments

The relevant payments for the purposes of satisfying the 156 days requirement for short term schemes are as follows:-

Jobseeker's Benefit

Jobseeker's Allowance

Farm Assist

Illness Benefit

Partial Capacity Benefit

Occupational Injuries Benefit comprising Injury Benefit, Disablement Ben. and Death Ben.

Adoptive Benefit

Health & Safety Benefit

Invalidity Pension

Widow, Widower's or Surviving Civil Partner's Contributory Pension

Guardian's Payment (Contributory)

Widowed or Surviving Civil Partner Grant

Blind Pension

Carer's Benefit

Widow, Widower's or Surviving Civil Partner's Non-Contributory Pension

Carer's Allowance

Supplementary Welfare Allowance

Guardian's Payment (Non-Contributory)

Domiciliary Care Allowance

Disability Allowance

One-Parent Family Payment.