

# Can the mother claim maintenance for herself while she is pregnant and maintenance for an unborn child?

## **Can the mother claim maintenance for herself while she is pregnant and maintenance for an unborn child?**

No, a mother is not entitled to a maintenance payment from the father of the child on account of the fact that she is pregnant. However, she can claim payment for “lying-in” expenses which include the medical expenses and hospital costs during the pregnancy and when the baby is born.

‘Lying-in expenses’ is a legal term that is used in the Maintenance Act. These expenses are meant to contribute to the reasonable costs that a single woman has while pregnant to carry the baby and prepare for the birth of the baby. These costs usually include things like maternity vitamins, maternity clothes and baby-related items, like a crib, stroller, or car seat. They can also include maintenance of the mother during the pregnancy and expenses related to the birth of the child.

An unmarried woman may ask to have lying-in expenses paid as part of a child maintenance application to the court. A court can order the mother or the possible father, or both of them, to pay certain amounts toward these expenses. The costs have to be proven (for example, by giving receipts or confirmation of costs) and they have to be reasonable and necessary.

Maintenance for the child can only be claimed once the child is born. However, the maintenance officer will grant a maintenance order to include all expenses incurred from the date the baby was born up to the date that the maintenance order is granted.

Applications for lying-in expenses can be made during the pregnancy, or after the birth of the child. Often, the application is made after the child is born, and combined with the application for child maintenance, to make things easier (making one application instead of two).