

# Family Law Factsheet No. 3 Child Support



This factsheet is to help you understand the law relating to child support.

## What is child support?

Child Support is money paid by a parent for the support of a child.

A parent or a carer of a child, such as a grandparent, can apply for child support.

A parent who does not have the primary care of a child can also apply for child support.

## Should I apply for child support?

Before you apply, it is a good idea to check whether you are eligible to receive child support. It may be that you have to pay the other parent child support.

You can obtain an estimate of the child support payable by you or the other parent by using the calculator available on the Services Australia website.

## Where do I apply?

A parent or carer can make an application for child support through Services Australia.

The application can be made online at:  
[www.servicesaustralia.gov.au](http://www.servicesaustralia.gov.au).

If you cannot make the application online, you can contact the general Child Support Enquiry Line on 131 272.

## How is child support calculated?

Services Australia (Child Support) uses a formula to calculate how much child support will be paid by a parent.

They look at:

- the income of each parent and the combined income of both parents
- how much time each parent cares for the child
- the child's age, and
- research on how much Australian's spend on a child.

The assessment changes each year based on each person's income and the costs of raising a child.

The formula is more difficult when there is more than one assessment.

## What if I receive Family Tax Benefit?

If you receive family Tax Benefit A, you may need to apply for a child support assessment in order to receive more than the base rate.

The child support you receive will affect the amount of Family Tax Benefit you receive.

## How is child support collected?

There are three ways for child support to be collected.

1. You can organise payment of child support direct with the other parent. If you do this, Services Australia will not collect overdue amounts on your behalf.
2. You can apply for an assessment and then make arrangements directly with the other parent as to when and how the amount will be paid. If your direct arrangement is not honoured, Services Australia will collect overdue amounts on your behalf.
3. You can request that Services Australia issue an assessment and then collect the child support on your behalf.

## What if my circumstances change?

You should notify Services Australia if your circumstances change, particularly if:

- your income changes
- the arrangements for the care of the children change, and/or
- you have another dependant child.

## What if I am not happy with the assessment?

There are ten grounds on which you can seek a change of assessment.

1. The costs of spending time with a child are more than 5% of your taxable adjusted income. This is the income used by Services Australia to assess child support.
2. The child has special needs.
3. The child's education is costly; for example, private school fees and the cost of extra curricular activities.

4. The child earns an income or has assets or financial resources.
5. The child support is unfair because the paying parent has paid for other things for the benefit of the child such as school fees, extra curricular activities, health costs etc.
6. A parent has high child care costs and the child is under 12 years of age.
7. The paying parent has necessary expenses that impacts their ability to pay child support, such as high medical costs.
8. The child support assessment is unfair because of the income, assets and financial resources of a parent. This includes when a person reduces their business income using a company.
9. The paying parent has a responsibility to maintain another person or child.
10. The paying parent has a responsibility to support a child who lives with them and that child is in financial need; for example, an adult child who needs support whilst completing tertiary studies.

If you are unsuccessful with a change in assessment, you can object to the decision.

## Can I enter into a private agreement with the other parent?

Yes, you can enter into a private agreement.

There are two types of agreements:

1. Limited Child Support Agreements - these agreements are limited for a maximum of three years and must be signed by both parties.
2. Binding Child Support Agreements - both parties need to obtain legal advice before signing a Binding Child Support Agreement and a certificate needs to be signed by each person's lawyer.

## **What can I include in a child support agreement?**

A child support agreement can include payment of a weekly, fortnightly or monthly amount of money. It can also include payment of expenses such as school fees, extra curricular activities, medical, dental and other health related expenses.

A parent can also include other expenses such as school clothing, sport shoes, computers and other items needed for the benefit of a child.

## **Can I seek child support for a child who is over the age of 18?**

Child Support is payable until a child reaches 18 years of age.

There are limited grounds for seeking child support for a child over the age of 18. They include if the child is finishing their secondary schooling, has a disability, special needs including health needs or if the child needs financial support to complete their tertiary education.

In order to seek adult child support, an application must be made to the Family Courts. The application can be made by a parent, a carer or the child seeking support.

## **Where can I get more information?**

Child support law is difficult. Always check before formally making an application. You can obtain information from the Services Australia Child Support Enquiry Line on 131 272. You can also find further information on the Services Australia website: [www.servicesaustralia.gov.au](http://www.servicesaustralia.gov.au).

You can seek legal advice from a community legal centre or Legal Aid.

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This factsheet is not a substitute for legal advice. If you have a problem please seek legal advice from your local community legal centre.

