

YOUR STEP BY STEP GUIDE

Child Support



WHAT IS CHILD SUPPORT?

Child support is a legal obligation for a parent to provide financial support for a child.

Child support is governed by the Child Support (Assessment) Act 1989. It can be assessed and collected by the Department of Human Services (Child Support) known as the Child Support Agency (CSA) or it can be agreed on privately between former spouses.



HOW MUCH ?

The amount of child support payable pursuant to an administrative assessment is calculated using a specific formula set out in the Assessment Act, which takes into consideration both parents' incomes, whether a parent pays child support for other children, the age of the child, and the amount of time the paying parent spends with the child.

AN ESTIMATE of the likely child support amount to be paid or received pursuant to an administrative assessment can also be calculated via an online calculator available on the CSA website.

CHANGES TO ASSESSMENT: Once an administrative assessment has been made by the CSA, either parent may apply to have the assessment reviewed if they are not satisfied with it. You can lodge an online application for a change of assessment with the CSA.

COLLECTING: Once there has been an administrative assessment, child support can either be collected by the CSA or, where agreed, paid directly to the recipient parent by the paying parent.

TYPES OF AGREEMENTS:



1. NON-DOCUMENTED AGREEMENT:

Parents can reach an informal agreement regarding the payment or receipt of child support. Both parties agree on the amount to be paid and in what form it is to be paid (e.g. cash or an indirect payment, like health insurance).

2. LIMITED CHILD SUPPORT AGREEMENT: (Documented/CSA Agreement)

- This can only be made if there is an administrative assessment already in place with the CSA. The child support amount in a limited agreement must be equal to or more than the administrative assessment.
- Can only be ended if both parents agree to create a new limited agreement or if they confirm in writing to end the existing agreement.
- Either parent may unilaterally terminate a limited agreement if it is 3 or more years old or if the notional assessment changes by more than 15%.
- Although not compulsory, it is highly recommended you seek legal advice before making a limited child support agreement.



3. BINDING CHILD SUPPORT AGREEMENT: (Documented/CSA Agreement)

- Can only be made after each parent has received legal advice about the effect of the Agreement and the advantages and disadvantages of entering into the agreement.
- The child support amount can be less or more than the CSA would calculate pursuant to an administrative assessment.
- Can only be ended by the making of a new one, or by going to court. The court will not terminate the binding agreement simply on the request of one parent, there must be exceptional circumstances.

