



CHILD SUPPORT – THE IMPORTANT FACTS YOU NEED TO KNOW

If you and your partner separated on or after 1 October 1989 or any of your children were born after this date, then the law relating to child support is governed solely by the Child Support Act.

- After separation, the parent with whom the children continue to live is entitled to apply for child support from the other parent.
- This right is not automatic. The parent with the children must lodge an Application with the Child Support Agency.
- It is important to remember that the assessment and determination of child support is an internal Australian government procedure (through Services Australia) and it is not handled through the Family Court system.
- Once an Application for Child Support is lodged, Services Australia will make an assessment and a Notice of Assessment will issue to both parents informing them of the amount of child support to be paid each month or fortnight (as the case may be).
- There are certain circumstances in which you can apply for a departure from the assessed amount of Child Support. These include, for example, where your children attend private school or where a child has special needs. If you wish to make this application you are able to do so directly through Services Australia. Once you complete the relevant form to apply to change your assessment, the other party is notified and given an opportunity to respond before the Child Support Registrar makes a decision.
- In most cases the person liable to pay will make the payments to Services Australia directly and they will pass these on to the parent entitled to receive payment.
- Parents may opt to receive/pay child support through a private collection which they have both agreed to the terms of.
- The *Child Support Act* is an extremely complex and difficult piece of legislation and we are able to advise you specifically on issues that may effect you. The amount of child support is

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You should seek legal advice or other professional advice in relation to any particular and specific matters you may have.



determined by using a formula and a set of tables based on published research and statistics relating to the care of children. The formula also looks at the income of both parents, number of children involved and the number of nights per year the children spend with the non-resident parent. Services Australia provides a useful calculator on that site allows you to calculate how much child support you'll receive or be liable for.

- More information on Child Support can be found on Services Australia's website (www.servicesaustralia.gov.au).
- Outside of the Child Support scheme through Services Australia, parents are able to negotiate their own agreements and enter into arrangements that suit their families best by entering into either Limited Child Support Agreements or Binding Child Support Agreements, both of which are private agreements between parents which can be lodged with Services Australia. If you would like more information on these private agreements we are able to assist.

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