

Child Support | Empower Family Law & Mediation

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Details:

Services

Child Support

Both parents are responsible for supporting their children financially, whether they are still together or not. After separation, this support is usually paid by one parent to the other as child support. The amount can be set by a formula or by an agreement between you and the other parent.

At Empower Family Law & Mediation, we can help you understand your options, protect your position and reach an arrangement that works for your family.

How is child support worked out?

In most cases, Services Australia assesses and administers child support using a formula that takes into account:

- each parent's income;

- the number of nights each parent cares for the children;

- the number and ages of the children; and

- whether either parent supports other children.

Services Australia can also collect payments and take action to recover child support that isn't paid. You can get an indication of the likely amount using the Services Australia child support estimator. However, a formula result may not suit your circumstances, and that is where we can help.

Child Support Estimator

Your options

Depending on your circumstances, your options include:

- Accepting the Services Australia assessment.

- Asking Services Australia to change the assessment because of a recognised special reason.

- Making a Limited Child Support Agreement or a Binding Child Support Agreement with the other parent; or

- In certain circumstances, asking the Court to depart from an assessment or make orders about support.

How long does child support last?

Child support generally ends when a child turns 18. If your child is still in full-time secondary school, you may be able to ask for the assessment to continue until the end of the school year, but the application must be made before the child turns 18. After that, the Court can order financial support for an adult child only in limited circumstances, such as to allow them to finish their education or because of a disability.

What if the formula doesn't fit my situation?

If the assessment doesn't fairly reflect your circumstances, you may be able to:

Apply to Services Australia for a change of assessment. This must be based on one of the special reasons set out in the legislation, for example high costs of enabling a child to spend time with a parent, child care or education costs, a child's special needs, or a parent's income, earning capacity, property or financial resources.

Object to a Services Australia decision you believe is wrong. Strict time limits apply (generally 28 days), and a further review by the Administrative Review Tribunal may be available.

Ask the Court for a departure order. In certain circumstances, the Federal Circuit and Family Court of Australia can depart from an assessment if it is satisfied that a recognised reason applies and that it is just and equitable to do so.

Time limits are strict and delay can limit how far back a change applies, so it is important to get advice early.

Can we agree on child support ourselves?

Yes. Many parents prefer to reach their own arrangement, which can also cover costs the formula doesn't, such as private school fees, health insurance, and medical and orthodontic expenses. There are two types of formal agreement:

Limited Child Support Agreement. Made alongside an existing assessment, with payments of at least the assessed amount. Independent legal advice is not required.

Binding Child Support Agreement. Not tied to the formula, so the amount can be higher or lower. Each parent must receive independent legal advice, with a certificate from each lawyer. It is difficult to end or set aside.

A binding agreement can give both parents certainty, but it is hard to undo, so please talk to us before you sign anything. Arrangements made informally, without a formal agreement, can't be enforced through Services Australia.

A note on safety

If there is family violence, or you are worried about your safety, please let us know. If you are in immediate danger, please call 000.

Services Australia also has options for parents who don't want to deal directly with the other parent.

How we can help

At Empower Family Law & Mediation, we have the experience to help you seek a child support arrangement that suits your circumstances, whether through negotiation, mediation or a formal agreement.

If we can't reach agreement, we can guide you through challenging or changing an assessment, including Court proceedings where necessary. Please contact us on (03) 7020 6542 to discuss your options.

FAQ's

How do I apply for an assessment?

Either parent can apply to Services Australia. You will need details about both parents, the children and the care arrangements. We can help you gather what is needed.

What if our care arrangements or incomes change?

Tell Services Australia promptly. A change in care can alter the assessment, and income estimates can be updated. Failing to update details can lead to a debt later.

Can we pay each other directly?

Yes. You can choose Private Collect, where you deal directly with each other, or Child Support Collect, where Services Australia collects and transfers payments. The right choice depends on your

circumstances and your relationship.

What happens if the other parent doesn't pay?

Services Australia can take enforcement action, such as withholding money from wages, intercepting tax refunds and pursuing Court action. We can advise you on your options, including where you have a private arrangement or agreement.

Does child support cover school fees and medical costs?

Child support is a contribution towards the costs of raising a child and is not itemised. Extra costs can be dealt with in a child support agreement or, in some cases, through a change of assessment.

Do I need a lawyer?

You don't need a lawyer to obtain an assessment, but you must have independent legal advice to make a binding agreement. Advice is also strongly recommended before challenging an assessment or ending an agreement.

Speak with us

Your first 30-minute consultation is free. Call (03) 7020 6542 or contact our team to discuss your circumstances and next steps.

Phone : (03) 7020 6542

Email : info@empowerfamilylaw.com.au

Let us be your voice in troubled times.

Contact Us

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How is child support usually assessed and what information is used?

Services Australia generally calculates an administrative assessment using the parents' incomes, the number and ages of the children, care percentages and statutory cost factors. A parent can apply directly and does not need a lawyer simply to obtain the ordinary assessment. Accurate information about care arrangements and income is important because changes can affect the amount. An assessment is separate from parenting orders and from property settlement, although the same family circumstances may affect practical decisions in each area. Keep records of the actual care pattern, payments and communications. Notify Services Australia promptly when relevant details change rather than relying on an informal understanding. Where the formula does not fairly reflect special circumstances, a change-of-assessment process or another legal option may be available, but it requires evidence and should be considered carefully.

What is the difference between an assessment and a child support agreement?

An administrative assessment is made under the statutory formula and can change as income, care or other inputs change. Parents may instead enter a limited or binding child support agreement that sets out agreed payments or the treatment of particular expenses. The two kinds of agreement have different entry, duration and termination rules. A binding agreement requires independent legal advice

for each parent before signing. It can create significant obligations and may not adjust automatically when circumstances change, so the drafting should address payment timing, school or medical expenses, review mechanisms and interaction with any assessment. A limited agreement also has statutory requirements and depends on an assessment. Do not use an informal template without understanding how it will operate if care, income or the child's needs later change.

What can I do if income, care arrangements or a child's costs change?

Report relevant income or care changes to Services Australia promptly and keep supporting records. Depending on the issue, the ordinary assessment may update through new income information, a care determination, an estimate or a change-of-assessment application. Special expenses, earning capacity, financial resources or other statutory circumstances can require a more detailed process. If an agreement is in place, read its terms before assuming the amount changes automatically. A change in parenting arrangements does not necessarily rewrite a private child support agreement. Gather the assessment notices, payment history, care calendar, invoices and communications that explain the change. Tailored advice can help identify the correct process and the evidence needed, particularly where a debt is accumulating or the parents disagree about the care percentage.

What happens if child support is not paid or extra expenses are disputed?

Collection and enforcement options depend on whether Services Australia collects the payments or the parents use private collection, and on whether the obligation comes from an assessment, agreement or Court order. Services Australia may have administrative enforcement powers for registered liabilities. A private arrangement may require different legal steps, so obtain advice before allowing arrears to grow. Ordinary child support is a contribution toward the costs of raising a child and is not an itemised reimbursement system. School, medical or other significant expenses may be addressed through an agreement, a change-of-assessment process or other orders depending on the circumstances. Keep receipts, account statements and written proposals. Clear drafting about what is included, when evidence must be supplied and how payment will occur can reduce later disputes.