

PLAIN ENGLISH GUIDE

matthewsfolbigg
LAWYERS

CHILD SUPPORT

Child support aims to ensure that children under the age of 18 receive an appropriate level of financial support from their separated parents.

Parents have the choice of applying to Services Australia for an administrative assessment or they can make a private agreement between themselves with the assistance of their family law lawyer.

OPTION 1- SERVICES AUSTRALIA

Child support is assessed by the Australian Government Department of Services Australia using a formula that can take into account:

- The number of children
- The child's age
- How much money a parent needs to support themselves
- Both parent's incomes
- The percentage of time the child spends with each parent

If you or your former partner fail to pay child support as assessed through the scheme, Services Australia may be able to recover payments through:

- Income support payment deductions;
- Intercepting tax refunds;
- Employer or bank account deductions;
- Enforcement proceedings at Court;
- In some cases, restrictions on the ability of the payer parent to travel.

OPTION 2 – PRIVATE AGREEMENT

An alternative to relying on the child support formula is to negotiate an agreement known as a Binding Child Support Agreement. This type of agreement allows separated couples to develop a plan for paying child support that is suited to their individual needs.

Requirements

Prior to entering into a Binding Child Support Agreement, both parents must seek independent legal advice regarding the advantages and disadvantages of the Agreement. Your lawyer will then issue you with a certificate of independent legal advice. Due to the finality of the Agreement, they must be carefully drafted by your lawyer to ensure they meet your needs.

Arrangements

As well as everyday expenses, parents may reach an agreement relating to additional expenses for a child including school fees, medical expenses, clothing or the payment of extra-curricular activities. They may also agree to have the payment made in one go as a lump sum or to be paid periodically such as once per week.

For advice about child support contact us on 1800 300 170 or email us at famlaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.