

Children - Child Support - The Important Facts You Need to Know

After separation you and your partner, whether married or de facto can reach an amicable agreement about the type and level of child support or maintenance that is paid from one parent to the other. Agreements as to child maintenance can be formalised through the preparation and signing of a Binding Child Support Agreement or a non-Binding Child Support Agreement. These agreements allow parents flexibility as to the type, amount and length of time child support is paid from one parent to the other.

If parents do not agree or do not wish to put a private arrangement in place, then a parent is entitled to lodge an Application for Child Support through the Department of Human Services – Child Support (“The Department”). The assessment and determination as to the level of Child Support is an internal government procedure and is generally not handled through the Family Court system (unless a child support departure Order is made by one parent).

After the initial Application has been lodged with The Department, an Assessment Notice will usually issue several weeks later. This will tell you how much you are to receive/pay each month and about your rights relating to the payment/receipt of Child Support.

The Child Support Legislation has a formula to calculate the amount of child support that would be paid by a parent in any given situation depending upon the income of both parents, the number of children, the ages of children, and the number of nights that the child spends with each parent.

There are provisions in the Child Support Legislation that allow parents to seek an internal (non Court) variation of the amount of child support depending upon the circumstances. Certain grounds must be made out before a Departure Order will be made from the normal formula.

More information as to Child Support including a helpful calculator can be found on the Department of Human Services Website.

The Child Support Legislation is a complex and difficult piece of legislation; you should contact us to seek specific advice about your Child Support situation.

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