

Do you think you should be getting more child support?

Do you have a problem with Child Support?

Have your Centrelink payments or FTB been reduced?

Have you received a letter from Centrelink about the Maintenance Action Test?



4276 1939



We may be able to help!

ILC is a Community Legal Centre (CLC) that provides free legal advice, advocacy and representation, where appropriate, in relation to child support to the parent who has the child the majority of the time.

ILC also provides free legal advice in most areas of general law. The Centre offers a Tenants service, Welfare Rights service, Financial Counselling service and Community Legal Education.

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The law as at 1 January 2021.
This brochure is intended as a guide and should not be used as a substitute for legal advice.

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**CHILD
SUPPORT
SERVICE**

Do you have a child support problem?

Do the children live with you most of the time?

Child Support basics

Child support is an ongoing, periodic payment made by one parent to the other parent for the financial benefit of a child.

You can Register online at:
servicessupport.australia.gov.au

or on the Services Australia Child Support enquiry line on:
131 272

The Services Australia Child Support (CS) will use a formula to work out the correct amount of child support to be paid.

The formula:

Some of the things that the formula takes into account are the parents' incomes, the level of care based on a table of sole care, regular care or shared care, the cost of raising your child and the number of children.

Private collect or CS collect?

Agreeing to collect privately brings risks. CS collect provides a level of protection.

If you do not agree with the assessment:

Child support legislation provides 10 reasons for making an application to change the amount of child support.

Two types of child support agreements:

Binding – warning: you need a solicitor.

Limited – the ILC solicitor can provide advice.

Social Security & Child Support

Are you getting Centrelink payments?

- You may be required by Centrelink to make reasonable attempts to get child support from the other parent.
- You may need evidence that the other party is the parent of your child.
- You may have a reason to ask for an exemption from seeking child support, such as, you may be fearful of domestic violence from the other parent.

What is your level of care?

Your care percentage (the amount of time you spend with the child) affects your child support.

There are 5 levels of care. The levels of care per year are:

- below regular care: 13% (0 to 51 nights)
- regular care: 14 to 34% (52 to 127 nights)
- shared care: 35 to 65% (128 to 237 nights)
- primary care: 65 to 86% (238 to 313 nights)
- more than primary care: more than 86%

Your care percentage also affects how much Family Tax Benefit Part A you are entitled to receive.

When you don't agree with a decision

If a CS decision is made on your child support case, and you don't agree, you can lodge an Objection. A time limit of 28 days applies.

If a decision is made on your objection, and you don't agree, you can lodge an application with the AAT (Administrative Appeals Tribunal) to have the original decision reviewed. A time limit of 28 days applies.

Collecting & Enforcement

Collecting child support

Once you have an assessment or agreement you can ask Services Australia Child Support (CS) to collect it for you.

If you choose private collect, CS will not be able to take enforcement action if the other parent is not paying.

Enforcement

If you have CS collect and the other parent is not paying you can ask CS to take various enforcement actions.

CS will often have the payer enter an arrangement to make extra payments until the arrears are paid. However, there are other enforcement powers available to CS.

CS has the power to intercept tax returns, garnish wages or Centrelink payments, stop the payer from leaving the country and sell the payer's property.