



MACARTHUR  
**Legal Centre**

*Supporting our community*

## FAMILY LAW MATTERS SERIES: CHILD SUPPORT



### Useful Contacts

- Macarthur Legal Centre can provide free legal advice and assistance. Contact us on (02) 4628 2042.
- Contact the Child Support Agency on 131 272 for the assessment and collection of child support.
- Contact the Department of Human Services on 1800 050 004.
- Contact New South Wales Law Access on 1300 888 529 for free legal information.

## CHILD SUPPORT

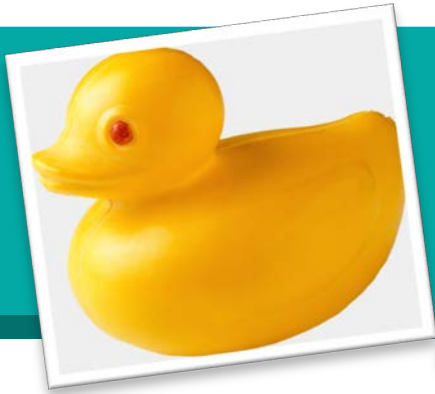
Parents are responsible for their children financially, until they reach the age of eighteen (18) years of age.

The Child Support Agency offers a voluntary scheme to assess and/or collect child support payments. The Child Support Agency “assesses” child support by applying a formula, which takes into account, inter alia, the relative incomes of both parents and the time the child/ren spend with each parent.

The Child Support Agency also has the power to “enforce” payments, where a liable parent defaults. Either parent can apply for a change of assessment in special circumstances.

Alternatively, parents can enter private child support arrangements, based on agreement. The *Child Support Assessment Act 1989 (Cth)* allows parents to enter two different types of written agreements – a Binding Child Support Agreement and a Limited Child Support Agreement.

**Disclaimer:** The above content is information only and does not constitute legal advice. You should seek independent legal advice about your particular circumstances.



### **Binding Child Support Agreements**

Generally, there is no requirement for an administrative Child Support Agency Assessment; therefore, the amount payable under the agreement may be more or less than the administrative assessment.

Parties must obtain independent legal advice before entering, or terminating, a Binding Child Support Agreement.

A Court can only set aside a Binding Child Support agreement in very limited circumstances.

### **Limited Child Support Agreements**

There must be an administrative assessment of child support payable, before entering into the agreement.

The amount payable under the agreement must be equal to, or more, than the notional assessment.

There is no requirement for independent legal advice.

It is easier to terminate a limited child support agreement.

### **IMPORTANT INFORMATION:**

**Child support payments, or lack thereof, can affect your Centrelink entitlements. You should contact the Department of Human Services for further information.**



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