

FACTSHEET: CHILD SUPPORT

Do you have children? Are you separated from your child's other parent? If you are the primary carer for a child under 18, then you may be entitled to child support.

The law says that both parents have a duty to support their children financially, whether they are biological (birth) or adoptive parents, same-sex or otherwise.

How much child support should I get?

The amount of child support you are entitled to depends on the other parent's income, and the proportion of time that each parent spends caring for the child. The Child Support Agency will calculate how much child support you are entitled to, or you can calculate an estimate yourself at the [Services Australia website](#).

How do I apply for child support?

You can apply for child support through Services Australia, or you can call the Child Support Agency General Enquiry Line. You will need to provide information about the child, the other parent, and yourself. This includes details about income, care arrangements, and any relevant court orders or parenting agreements.



What if the other parent won't pay?

Once the Child Support Agency has made a decision, the paying parent has to start paying child support. Money can be paid directly from one parent to the other, or through the Agency. If a parent refuses to pay, then the Agency can take action to seek payment.

I'm scared to ask my ex-partner for child support.

Not seeking child support can affect other payments, such as Family Tax benefits. If you don't want to seek child support due to family violence, then you can ask for an exemption by talking to Services Australia.

What if I don't agree with the decision made by the Child Support Agency?

If you don't agree with a decision made by the Child Support Agency, you can object on the basis that the Agency: used wrong or old information; didn't consider all the facts; missed important details; and/or didn't apply the law correctly.

What if the other person denies being the parent?

A person is legally considered to be a parent if they are named on the birth certificate, married to the biological mother, or living with the mother when the child is born. If there are doubts about parentage, you can apply to the court to order that the other parent does a DNA test to show whether they are the biological parent.

In some circumstances, if the other parent refuses to undergo the court ordered test, the court can still name them as a parent. It is a good idea to get legal advice in this situation.

What if my circumstances change?

If circumstances – such as caring arrangements – change, then you can ask for child support payments to be reviewed.

Case studies

Ravinder has paid child support to his ex-wife Aylah since they separated, but does not have contact with the children because of his history of violence. Recently Ravinder threatened to stop paying child support because Aylah wouldn't let him see the children. Aylah contacted the Child Support Agency, who reassured her that Ravinder is required to pay child support whether he is seeing the children or not.

John stopped paying child support when his ex-partner started a new relationship. The Child Support Agency required that John's employer garnish his wages and make the payments directly to them.

Yasmin's ex-partner Aron had been paying child support for two years, seeing the children for three hours per week during this time. Last week, Aron told the Child Support Agency that he was looking after his children three days per week.

Based on this false information, the Agency said he no longer needed to pay child support. Yasmin was given 28 days to object to the Agency's decision. She now needs to obtain as much proof as possible that the children are in her care 100 percent of the time, such as letters of support from support services, medical professionals, and the children's school/s.



Get help today

If you believe that the Child Support Agency has made an incorrect decision, an NCLC lawyer may be able to provide legal advice. Call us on (03) 9310 4376, or email admin@northernclc.org.au.