

Russell Kennedy Family Law Webinar: A practical guide on how to navigate child support

20 April 2022

Susan Foote, Senior Associate
Maria Gomes, Lawyer



Webinar housekeeping

- All attendees will be on mute and their cameras turned off for the entire webinar
- We have BD tech support live to assist with any technical issues
- Use the chat function for any comments/technical issues
- Use the Q&A function for specific questions related to the webinar content – Questions will be addressed at the end of the webinar
- There will be a post webinar survey link sent at the end of the webinar. We value attendee feedback
- We will also have a QR code linking to our feedback survey towards the end of the presentation so you can provide instant feedback

Disclaimer

The information contained in this presentation is intended as **general commentary only** and should not be regarded as legal advice

Should you require specific advice on the topics or areas discussed, please contact the presenters directly

Introduction



What we will cover today?

- 1. What is child support?*
- 2. What are parent's obligations to pay child support?*
- 3. How is child support calculated?*
- 4. Types of agreements parents can enter into to vary the assessed child support.*
- 5. Bringing an application
In the Federal Circuit and
Family Court of Australia.*



Child Support in Australia



Child Support

- Child support is defined as “financial support ...including financial support ...by way of lump sum payment or by way of transfer or settlement of property.”
- Child support is paid by one separated parent to another to assist with the costs of raising a child under 18 years of age.
- The law in Australia states that both parents have a duty to support their children financially. This applies whether the child is biological, adopted or children of same-sex parents.
- Persons who are eligible to apply for child support include either parent of the child, if they are not living with the other parent on a genuine domestic basis and non-parents who are eligible carers under the Act.
- If there is a dispute over the paternity of the child, a DNA test may be required.

**How is Child Support Assessed
and calculated?**



Assessment Process

- A parent can apply for a Child Support Assessment thorough the Department of Human Services (Child Support Agency) (“CSA”). The assessment is determined by an 8 step formula.
- The formula takes into consideration the cost of the care of the child, the income of both parents, who cares for the child and the duration of that care, whether the parents have any other children they pay support for or any other dependents living with them.
- The Department of Human Services has a child support estimator which a parent can utilise to obtain an approximate guide.

How is child support collected?

The collection of child support is governed by the Child Support (Registration and Collection) Act 1988 (Cth).

There are a few ways that Child Support may be collected:

1. Self Management.
2. Private Collection.
3. CSA Collection.

What agreements can I enter into concerning child support?



Limited and Binding Child Support Agreements

- Parents may enter into an agreement to vary the Child Support as assessed, which affords the parents greater flexibility and financial certainty.
- There are two options which can be registered with the CSA
 - Limited Child Support Agreements'; and
 - Binding Child Support Agreements.
- Determining which agreement is right for you will depend on your particular financial circumstances and consideration of any changes that could occur in the future to your source of income and/or living circumstances.



What are the main differences?

Limited Child Support Agreement (LCSA)

- A Child Support assessment is required
- Duration
- Independent legal advice is not required
- Requires registration with the Child Support Agency

Binding Child Support Agreement (BCSA)

- A Child Support assessment is not required
- Independent legal advice is required
- Requires registration with the Child Support Agency

Specific Examples



Reassessment Application

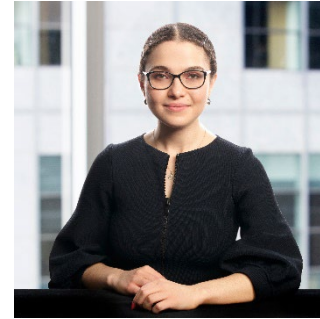
- What if a parent disagrees with a Child Support Assessment?
- What matters can proceed to the Federal Circuit and Family Court of Australia?
- What happens if a parent fails to make their child support payments according to a registered agreement or as assessed by the CSA?

Q&A – Your Russell Kennedy Contacts



Susan Foote
Senior Associate

+61 2 8987 0000
sfoote@rk.com.au



Maria Gomes
Lawyer

+61 2 8987 0000
mgomes@rk.com.au



Feedback

Scan this QR
code to provide
instant feedback
on the session.

Thank you for your attendance





Russell Kennedy Pty Ltd
info@rk.com.au
russellkennedy.com.au

Melbourne

Level 12, 469 La Trobe Street
Melbourne VIC 3000
PO Box 5146
Melbourne VIC 3001 DX 494 Melbourne
T +61 3 9609 1555 **F** +61 3 9609 1600

Sydney

Level 6, 75 Elizabeth Street
Sydney NSW 2000
Postal GPO Box 1520
Sydney NSW 2001
T +61 2 8987 0000 **F** +61 2 8987 0077

Liability limited by a scheme approved under Professional Standards Legislation.

An international member of



russellkennedy.com.au