

SEPTEMBER 2023

Child support and the law

This booklet is for anyone who needs to ask for child support or has been asked to pay child support.



Do you need this booklet in a different format?

Please go to www.legalaid.vic.gov.au and search *Child support and the law*. You can also phone (03) 9269 0234 and ask for Community Legal Education. We can talk with you about what you need.

Produced by Victoria Legal Aid

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For free information about the law and how we can help you:

- visit our website www.legalaid.vic.gov.au
- use our Legal Help Chat on the website, Monday to Friday, 8 am to 6 pm, excluding public holidays
- phone Legal Help on 1300 792 387, Monday to Friday, 8 am to 6 pm, excluding public holidays.

For business queries, call (03) 9269 0234.

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Disclaimer: The material in this publication is a general guide only. It is not legal advice. If you need to, please get legal advice about your situation.

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Victoria Legal Aid

We serve the Victorian community by providing information, legal advice and education with a focus on the prevention and early resolution of legal problems.

We prioritise more intensive legal services, such as legal advice and representation, to those who need it the most, using evidence to inform what we do. We also recognise the connections between legal and social issues in the way we do our work and advocate for change.

We work to address the barriers that prevent people from accessing the justice system, by participating in systemic reforms and strategic advocacy.

ABOUT THIS BOOKLET

Who this booklet is for

This booklet is for anyone who needs to ask for child support or has been asked to pay child support.

What this booklet covers

This booklet has information on:

- the child support scheme and who can apply
- who has to pay child support
- parentage testing. This is a DNA test that identifies the biological father of a child
- child support assessments. This is how much money needs to be paid
- how you can make child support payments
- how to question or change a child support assessment, payment or debt
- family violence and child support
- Victoria Legal Aid's Child Support Legal Service.

What the law says

The law says that parents must financially support (pay money to bring up) any children they have. Parents must do this even if:

- they do not spend time with their children
- they were never in a relationship with the other parent.

How much time a parent spends with their children may affect how much money they pay.

Children have a right to a relationship with their parents as long as they are safe. You can come to an agreement about who looks after the children. If you cannot come to an agreement, you can apply for court orders about who the children live with and who they spend time with.

This booklet has information for parents who have the responsibility to financially support their children under the child support scheme. These are biological, adoptive or intended parents. For more information on these terms **go to** 'Paying child support' on page 6.

If you play a different parenting role you could still have options when it comes to seeing and caring for the children. You might also still have financial responsibility for the children under a court order called child maintenance. Talk to a lawyer if you are in this situation. **Go to** 'More information and where to get help' on page 30.

Families come in many different shapes and sizes. Families might include step-parents and co-parents. They might include people who identify as lesbian, gay, bisexual, trans and gender diverse, intersex, queer and questioning (LGBTIQ). It is best to get advice from a lawyer about how the law applies to your family. **Go to** 'More information and where to get help' on page 30.

Getting more help

Any relationship breakdown is stressful, especially when you have children. It may be harder to pay for what you and your children need. Making decisions during this time is not easy but there is help available. Getting legal advice and other support can help you understand what choices you have.

Talking to a lawyer does not mean you have to go to court. If you can, talk to the other parent about what will happen in the future. If you and the other parent can reach an agreement, this can be better for everyone, especially the children.

Always get legal advice (talk to a lawyer) before signing any documents. Do this even if you have reached an agreement with the other parent.

Lawyers can get interpreters if you need one.

Victoria Legal Aid's Child Support Legal Service may be able to help. **Go to** 'The Child Support Legal Service' on page 27.

CHILD SUPPORT

What is child support?

Child support is a legal scheme. Under the scheme:

- an assessment is done to work out how much money needs to be paid to help with the costs of raising children
- payments are made from one parent to the other.

These payments are separate from any parenting or other Centrelink and family assistance payments. However, child support payments can affect how much you get from Centrelink.

What does Services Australia (Child Support) do?

Services Australia (Child Support) is a government organisation that helps parents support their children financially. Services Australia (Child Support) can help by:

- working out how much a parent should pay
- collecting payments from one parent and giving them to the other.

Services Australia (Child Support) can help all families, including LGBTIQ families.

Who can apply for child support?

You can apply for child support if you care for a child at least 35 percent of the time. That is about five nights every two weeks. You can be a parent, relative, step-parent, co-parent or any other person that cares for the child.

How do I apply for child support?

The first step is to ask Services Australia (Child Support) to work out how much child support you should get. This is called an assessment. You can do this on the Services Australia website (www.servicesaustralia.gov.au). Click the 'raising kids' tab then click on 'separated parents.' If you have a question or need an interpreter, call Services Australia (Child Support) on 13 12 72.

If you claim more than the base rate of Family Tax Benefit, you must apply for child support through Services Australia (Child Support). You have 13 weeks to apply after you separate. Your Family Tax Benefit can be reduced if you do not apply. You have more time to apply and get advice about your options if there are special circumstances. These include:

- you do not know who the other parent is
- you do not know where the other parent is
- you fear violence from the other parent, or they have threatened you.

The Child Support Legal Service may be able to help you get child support. **Go to** 'More information and where to get help' on page 30.

What do I need to prove to get child support?

When you apply for child support, you need to prove who the other parent is. The other parent can be a biological, adoptive or intended parent. **Go to** 'Paying child support' on page 6 for more information on these terms.

Services Australia (Child Support) may reject your application if you do not provide evidence of who the other parent is. For example, their name is not on the birth certificate.

If this happens, get legal advice. Our Child Support Legal Service may be able to help. **Go to** 'The Child Support Legal Service' on page 27. You can also **go to** 'More information and where to get help' on page 30 for other legal services.

You have three options to prove who the other parent is if Services Australia (Child Support) rejects your application.

Statutory declaration

The other parent may agree to sign a statutory declaration saying they are the child's parent. If they do so, send this to Services Australia (Child Support) with your application for assessment.

DNA (parentage) test

The other parent may agree to do a DNA test. This must be done by an accredited laboratory. **Go to** 'Parentage testing' on page 9 for more details on the testing process.

Going to court for an order

If the other parent refuses to sign a statutory declaration or do a DNA test, you can go to court.

Generally, you must apply within 56 days of when you get the rejection letter from Services Australia (Child Support). If the court agrees you may be able to make a late application. Delays can be bad for your case.



PAYING CHILD SUPPORT

Do I have to pay child support?

You may have to pay child support if you are a parent and your child lives with someone else at least 35 percent of the time. That is about five nights every two weeks.

The law says you are the parent if you are a biological, adoptive or intended parent. This is for the child support scheme only.

If you are not the biological, adoptive or intended parent but care for or have cared for a child, you may need to pay a different type of financial support. This financial support is called child maintenance. Talk to a lawyer if you are in this situation. **Go to** 'More information and where to get help' on page 30.

Biological parents

The law says you are the parent of a child if:

- you gave birth to the child
- you made someone pregnant by having sex.

You prove you are a biological parent by signing the birth certificate.

Sometimes the law will presume (think that) a person is the biological father of a child. This can happen when they are married or are living with the birth parent and a child is born. Get legal help if you are in this situation. **Go to** 'More information and where to get help' on page 30.

Intended parents: artificial conception

If a couple used artificial conception procedures, the law says the parents of a child are:

- the person who gave birth to the child
- the person who was married or in a de facto relationship with the birth parent at the time of the procedure and agreed to it. The law says this partner is the 'intended parent'.

You prove you are the intended parent by signing the birth certificate.

Services Australia (Child Support) will think you agreed to the artificial conception procedure unless you can show you did not agree.

A sperm donor is not usually regarded as a parent when sperm is donated as part of an artificial conception procedure. However, if you donate sperm informally, you may have to pay child support if you are asked. If you are in this situation, talk to a lawyer. **Go to** 'More information and where to get help' on page 30.

Adopted parents

If you adopt a child, you are their parent. The adoption papers prove this.

What if I am not on the birth certificate?

There are other ways to prove to Services Australia (Child Support) that you are a parent. These include:

- you sign a form telling the Registry of Births, Deaths and Marriages that you are a parent. This means your name will be put on the birth certificate
- you sign a statutory declaration saying that you are the child's biological father. A statutory declaration is a formal written statement, signed in front of an authorised witness
- a court names you as the parent
- you take a parentage test (a DNA test) that shows you are the biological father. **Go to** 'Parentage testing' on page 9 for more information
- you were married to the birth parent when the child was born
- you were living with the birth parent when they got pregnant with the child.

I got a child support notice of assessment. What do I do?

Services Australia (Child Support) could send an assessment notice that asks you to pay child support. If you agree you are the biological, intended or adoptive parent you will have to pay child support.

If you think the assessment (how much you have to pay) is not right, **go to** 'Questioning or changing child support' on page 21.

If you do not think you are the biological parent, you can get a DNA test. **Go to** 'Parentage testing' on page 9 for more details. You can also go to court and ask for an order to say you are not the parent.

Go to court

You will need to tell the court why you think that you are not the parent. Generally you must apply within 56 days of Services Australia (Child Support) telling you about the assessment. If the court agrees you may be able to make a late application. Delays can be bad for your case.



PARENTAGE TESTING

What is parentage testing?

In child support cases, parentage testing is used to identify a child's biological father. The test looks at your DNA, and the DNA of the child and the other parent. The results are put in a scientific report.

DNA testing is the most accurate testing method. The test can show that someone is highly likely to be the biological father or is not the biological father.

Which testing laboratories can be used?

For the test to be recognised by the courts, you must use an accredited laboratory for your test. The laboratory must give you a full report of your results. The Attorney-General's Department has a list of laboratories you can use. Go to www.ag.gov.au and search for 'parentage testing'.

Does the test cost money?

Yes. Call the laboratories to find out how much it costs. If more than three people need to be tested it costs more. For example, if there are two or more children.

Who has to pay?

If you have applied for a grant of legal assistance for parentage testing, you may not have to pay for testing or legal help. Ask the Child Support Legal Service about what you have to pay for and when.

You may be asked to pay for the test if these two things happen:

- you do not think you are the biological father and agree to the test
- the results confirm that you are the biological father.

How long will it take?

About one month. However, if you need court orders for the test, this may take about three to six months. If you get Centrelink payments, tell them of your court action.

How is testing done?

The laboratory will take samples, usually a mouth swab, from you, the other parent and the child or children. Appointments are made for each person to give their samples at different dates and times.

Before testing you must fill in a form about any illnesses or medical procedures you have had which may affect the test. Everything on this form must be true. You must sign the form in front of an approved witness on the same day as your testing appointment. The main carer fills in and signs the form for the child or children.

You must attach one passport-sized photograph to the form and give a second photograph to the person collecting the sample.

What if we agree to have an informal (non-accredited) DNA test?

Services Australia (Child Support) will need other documents to start or end a child support application. For example, a statutory declaration or court order.

What happens when I get the report?

Services Australia (Child Support) will need other documents to start or end a child support application. For example, a statutory declaration or court order.

Get legal advice after you get the test results to find out if you need to go to court.

The test results are 'highly likely to be the biological father'

The biological father can sign a statutory declaration confirming these results. The court will make orders based on the test results. This includes making a 'consent order' if both parents agree. Send the statutory declaration or consent orders to Services

Australia (Child Support). Services Australia (Child Support) will either start a new application or make an assessment from the date of your original application.

The test results are 'not the biological father'

The person named to pay child support may have to go to court to:

- get an order to end the child support assessment
- get any child support payments repaid.

Going to court for an order

You may need to go to court if a parent refuses to sign a statutory declaration or do DNA testing. The court can order DNA testing, but not physically force a person to do the test.

However, if you do not take a test when the court orders you to, the court can still name you as the parent.

Can the birth certificate be changed?

In some cases, you can change a birth certificate. You will need to give a certified copy of accredited DNA test results to the Registry of Births, Deaths and Marriages. Contact the Registry to find out how to do this.

Go to 'More information and where to get help' on page 30.



CHILD SUPPORT ASSESSMENTS

What is a child support assessment?

A child support assessment is when Services Australia (Child Support) works out how much you get or need to pay through the child support scheme.

How does Services Australia (Child Support) work out the assessment?

Services Australia (Child Support) will look at:

- how much money each parent makes
- if you are looking after or paying child support for other children
- how much it costs to bring up children. This includes how old the child is and how many children you have
- how much time each parent spends with the child. This is called your 'level of care'.

Services Australia (Child Support) does not normally take into account the income of other partners.

You can get an estimated calculation of child support. Search for 'online estimators' on the Services Australia website (www.servicesaustralia.gov.au).

Your assessment amount is worked out for a period of time, usually up to 15 months. The amount is calculated for a year (the annual rate) and spread out as monthly payments. This is why payments are still made when a child may be with the parent who pays child support. For example, during school holidays.

Can I claim childbirth expenses?

If you are pregnant, you are entitled to 'childbirth maintenance' from two months before the child is due to be born until three months after the child's birth. You can only apply for childbirth maintenance within 12 months of the child's birth.

These childbirth expenses include reasonable:

- out-of-pocket medical expenses to do with the pregnancy and birth
- living expenses if a medical practitioner tells the birth parent to stop work for pregnancy-related medical reasons.

If you cannot agree on childbirth maintenance, you may need to go to court. The court will take into account two things:

- the income, earning capacity, property and financial resources of both parents
- the commitments that each parent has to support themselves and other dependent persons. For example, other children.

Get legal advice about how to claim childbirth expenses. **Go to** 'More information and where to get help' on page 30.

What is a private agreement?

Parents can make their own agreements about child support. This means they do not need to ask Services Australia (Child Support) for an assessment. A private agreement can be about how much money is paid, and how it is paid. Keep any receipts of the money you give or get in case there is a disagreement.

Any agreement you make should be in writing and signed by both parents. You can register your agreement with Services Australia (Child Support).

A private agreement can be a binding agreement or a limited agreement.

A binding agreement

You and the other parent can agree to any amount of money to be paid as child support. This amount can be less than what Services Australia (Child Support) would calculate as the right amount. You and the other parent must get legal advice separately before making a binding agreement. You must use different lawyers. Binding agreements can only be ended in exceptional circumstances.

A limited agreement

You and the other parent agree to an amount that is the same or more than what Services Australia (Child Support) say is the right amount. You do not need to get legal advice, however it is still a good idea. A limited agreement can last for up to three years.

Centrelink may work out your Family Tax Benefit Part A using a different amount than the child support amount in your private agreement. There are two things you can do to make sure Centrelink does not overpay you:

- register for Services Australia (Child Support) to collect your child support payments. This is called agency collect
- ask Centrelink for your Family Tax Benefit to be paid using the 'disbursement method'.

For more information on agency collect, **go to** 'Making or getting child support payments' on page 15.

Can Services Australia (Child Support) help me get payments under a private agreement?

Services Australia (Child Support) can collect and give out some types of payments only. Depending on how the agreement is written, Services Australia (Child Support) may not be able to collect some payments. For example, medical and school costs. This means you may have to take your own legal action if the other parent does not follow the agreement.



MAKING OR GETTING CHILD SUPPORT PAYMENTS

Will child support affect my Family Tax Benefit?

Yes. Your Family Tax Benefit will be affected by:

- your parenting arrangements
- how much money you and the other parent make or receive
- your private child support agreement if you have one
- your second family or families
- any child support you get or should get even if you have not received the payments.

You may get a debt if Centrelink overpay you. To avoid Centrelink overpaying your Family Tax Benefits you can ask:

- Services Australia (Child Support) to collect your child support payments
- Centrelink to pay your Family Tax Benefit using the 'disbursement method'.

Our website has information about how child support affects Family Tax Benefit Part A. Visit www.legalaid.vic.gov.au and search for 'Family tax benefit and child support'.

How are child support payments made?

There are two options:

- payments are collected privately (private collect)
- Services Australia (Child Support) collects the payments (agency collect).

Private collect

Private collect is when one parent pays child support payments to the other parent directly.

Private collect arrangements may not be suitable if you or the other parent:

- receive Family Tax Benefit
- experience family violence
- do not lodge tax returns on time
- do not know if the other parent's financial circumstances have changed
- are assessed by Services Australia (Child Support) using a 'provisional' or 'estimated' (temporary) income.

Private collection of child support can be risky. Services Australia (Child Support) can look at late tax returns. Services Australia (Child Support) may use information from your tax return to change past assessments if they were based on an 'estimated' income. This means Services Australia (Child Support) can make changes to child support assessments from past years.

If Services Australia (Child Support) changes past assessments, Centrelink will also work out if you received the correct amount of Family Tax Benefit for those years.

If your past assessments are changed, you may end up with:

- child support arrears. This means you are owed child support
- a Centrelink debt. This means you were overpaid Family Tax Benefit A.

Under private collection, Centrelink will assume that the assessed payments are paid. They will reduce Family Tax Benefit payments even if the child support payments are not paid.

Agency collect

Services Australia (Child Support) receives child support payments from the paying parent and transfers the payments to the other parent. This can stop disputes about unpaid or backdated child support.

Agency collect is also the best way to avoid a past Centrelink Family Tax Benefit overpayment (debt). Child support payments are based on the details assessed and recorded by Services Australia (Child Support), including any changes to past assessments.

You can apply to Services Australia (Child Support) for agency collection.

Important: if you are experiencing family violence, agency collect is recommended. Agency collect limits the contact between you and the other parent.

What if the other parent will not pay?

What you can do depends on if your child support case is registered for private collect or agency collect.

Private collect

The parent that is paid child support is responsible for making sure payments are made. If the other parent does not pay, you can ask Services Australia (Child Support) to get the unpaid child support payments. Do this as soon as you can. Usually Services Australia (Child Support) can only get three months of unpaid payments. But they can get up to nine months in exceptional circumstances. For example, circumstances beyond your control that stopped you from applying earlier.

Keep receipts, bank statements and other records. These can help show:

- the amount of child support paid
- what is owing (needs to be paid)
- if the wrong amount was paid.

If you have a private collect agreement, you may not know if the other parent's financial circumstances change. The first you learn about it may be when Services Australia (Child Support) change your assessments for past years.

This can lead to unpaid child support or 'arrear's'. Arrear's means getting less payments than what you should have. If you want to get the payments you are owed, you will have to go to court.

Going to court to get unpaid child support

You can go to court to ask for a private enforcement order. This is an order to get the other parent to pay unpaid child support. There are usually court fees and legal costs that you have to pay. Legal costs include paying a lawyer for legal advice and representation.

Important: so that you do not have to go to court for unpaid child support, register for agency collect as soon as possible.

Go to 'More information and where to get help' on page 30.

Agency collect

If the paying parent does not pay, Services Australia (Child Support) can get the unpaid child support from them. Services Australia (Child Support) can:

- take money from their pay
- make them put in a tax return
- take money from their tax refund
- ban them from travelling overseas
- take them to court
- take money from their bank account
- take money from their Centrelink payments
- get someone else (a third party) to collect the money.

Contact Services Australia (Child Support) for further information. Go to Services Australia's website www.servicesaustralia.gov.au and search for 'overdue child support payments' to find out more.

Important: Services Australia (Child Support) usually cannot take legal action if you have a private collect agreement and are owed payments. Register for agency collection as soon as possible.

Can I ask the other parent to pay for school costs?

All parents have to pay public school costs. Public school costs are part of the child support assessment if the child is in the primary care of one parent. Usually if children are in shared care, it is expected that both parents would share the public school fees and expenses. This can be done by asking the school to send invoices to both parents. If both parents want the child to go to a private school you can agree who will pay the fees by:

- both signing the school enrolment form
- applying to change your child support assessment.

Go to 'Questioning or changing child support' on page 21.

Can I pay a service provider directly?

If you have less than 14 percent care of your child, you can pay 30 percent of your child support directly for:

- childcare, kindergarten or school fees
- medical or dental costs
- rent, bond, mortgage, gas, water or electricity of the other parent
- costs of car maintenance of the other parent.

This means you pay the provider, not the other parent. Other direct payments can be made if the other parent agrees. Send receipts to Services Australia (Child Support).

Do I still have to pay child support if I am on a Centrelink benefit?

Yes. Services Australia (Child Support) will take out the lowest amount of money. This is called the minimum assessment.

Do I still have to pay child support if I am in jail?

Contact Services Australia (Child Support) to ask for your payments to be reduced. Services Australia (Child Support) can lower your payments to:

- nothing if you get a basic prison allowance and have no other income. If Services Australia (Child Support) agrees, you do not have to pay child support while you are in jail
- the minimum assessment. You will still have to pay child support, but only the lowest amount.

If Services Australia (Child Support) send you a letter saying you must pay more, contact them and tell them that you are in jail. You can nominate (ask someone) to talk to Services Australia (Child Support) for you while you are in jail.

Can child support payments continue when a child is 18 or over?

You can apply to extend your child support payments if your child turns 18 while they are in full-time secondary school. You can apply to extend your payments until the last day of that school year. You must contact Services Australia (Child Support) before your child turns 18.

In some circumstances, you may have to apply for a court order to extend your payments. For example:

- if your child is continuing their study
- if your child has a disability.

Get legal advice before your child turns 18.

Go to 'More information and where to get help' on page 30.

QUESTIONING OR CHANGING CHILD SUPPORT

Can the child support amount be changed?

You have several options to get the assessed child support amount looked at again by Services Australia (Child Support). It depends on what you want to change and your situation.

What if my circumstances change?

Tell Services Australia (Child Support) right away if things change for you, your child or the other parent. You can tell Services Australia (Child Support) about some changes over the telephone. For example:

- if care arrangements for your child change
- if you have a new child
- if your financial circumstances change. For example, you change jobs.

Often Services Australia (Child Support) will only change the payments from the day of your call. Make sure you get a receipt number when you speak to them.

Do your tax return every year. Services Australia (Child Support) and the Australian Taxation Office share information. If you or the other parent put in your tax return late, your child support assessment for past years may change. You may have paid or been paid too much child support.

Applying for a change of assessment in special circumstances

If a parent or child has special circumstances, your child support assessment may not be fair. You can find the form at www.servicesaustralia.gov.au/cs1970 or search 'change of assessment in special circumstances' on the Services Australia website.

You must show that there are special circumstances and it is just, fair and proper to change the assessment.

Services Australia (Child Support) may change your assessment if you have one of the ten reasons below. Go to the Services Australia website www.servicesaustralia.gov.au for more information.

Reason 1

There are high costs to spending time or communicating with your child.

Reason 2

Your child has special needs. Special needs covers disability and a special talent or ability.

Reason 3

There are costs for your child to be cared for, educated or trained in the manner you and the other parent intend.

Reason 4

Your child has income, earning capacity, property or financial resources. Your child must earn enough money to need less from their parents.

Reason 5

You have given money, goods or property to your child, or to another person for your child's benefit. For example, as part of a property settlement.

Reason 6

There are high childcare costs.

Reason 7

You or the other parent have costly necessary expenses. For example, high medical costs.

Reason 8

The income, earning capacity, property or financial resources of you or the other parent makes the assessment unfair.

Reason 9

You have a legal duty to support another child or person. For example, under a court order.

Reason 10

You are supporting a resident child. There is a full definition of 'resident child' on the change of assessment application form.

For more information on these ten reasons:

- look at the *Application to change your assessment – special circumstances* form on the Services Australia website
- go to the Services Australia website and search for ‘changing your assessment in special circumstances’.

What happens when I apply for a change of assessment?

Services Australia (Child Support) will give the other parent a copy of your application and any supporting documents. They will not share your personal contact details. The other parent can respond. They can also make their own application. Services Australia (Child Support) will talk to both parents before deciding.

Contact Services Australia (Child Support) to see if you can get a change of assessment. You cannot ask for a change of assessment if your case has ended. **Go to** ‘More information and where to get help’ on page 30.

Can a change of assessment be backdated?

Yes. Services Australia (Child Support) can increase or decrease the assessed amount for up to 18 months from the date you applied. If you need to apply to change assessments that are older than 18 months, you must apply to court for permission.

The court must consider two things:

- any reasons for your delay in applying to change the child support assessment
- any hardship that would be caused to you and the other parent.

The court cannot change assessments that are older than seven years.

Get legal advice if you want to go to court about a change of assessment. **Go to** ‘More information and where to get help’ on page 30.

What if I do not agree with a Services Australia (Child Support) decision?

You have 28 days to tell Services Australia (Child Support) you object to the decision. Fill in the *Objecting to a child support decision* form. You can find the form on the Services Australia website. A different staff member will review the original decision. If you object to a decision after 28 days, you will need to tell Services Australia (Child Support) the reason for your delay. You cannot object to a decision to accept or refuse a case based on proof of parentage.

If your objection is not successful, you may be able to apply for a review. Get legal advice about how to do this. **Go to** 'More information and where to get help' on page 30.

I disagree with the assessment. Do I still have to pay?

If you are waiting for a decision that will affect the child support assessment, you can apply for a stay order. This is where a parent asks the court to stop some or all of the child support payments until a decision is made. A court will consider how the other parent or the child will be affected if a stay order is made.

The stay order is only temporary. Get legal advice if you are thinking about getting a stay order. Ask a lawyer about:

- how long it will be until a hearing
- legal costs. If you are not successful, the court may order you to pay the other parent's legal costs.

You may still have to pay the child support that you did not pay during the stay order. This can happen if the decision you are waiting for goes against you.

Go to 'More information and where to get help' on page 30.

Can my child support debt be reviewed or reduced?

You may get a child support debt if:

- you do not pay the full amount of your child support payments
- you put in your tax return late
- the assessment was wrong.

In some circumstances you can ask Services Australia (Child Support) for a free review.

You may be able to ask for a free review if:

- your child support income was based on a provisional (estimated) income
- there were exceptional circumstances such as ill-health that stopped you from updating your taxable income
- you updated your income as soon as you were able to do so. For example, by lodging your tax returns.

Speak to Service Australia (Child Support) about what you need to do before applying for your debt to be reviewed. For example, sending any medical evidence or if you need to lodge any old tax returns. Get legal advice if your application is refused. **Go to** 'More information and where to get help' on page 30.



FAMILY VIOLENCE AND CHILD SUPPORT

Financial or economic abuse is family violence.

Financial abuse can happen when a parent:

- avoids paying child support
- provides false income information
- misuses child support procedures and legal processes.

If you are in immediate danger and fear for your safety, call the police on 000.

Services Australia (Child Support) can investigate unpaid child support. To report child support fraud, call 131 524.

Important: if you are experiencing family violence, talk to Services Australia (Child Support) about agency collect to manage your child support payments.

Go to 'More information and where to get help' on page 30.

THE CHILD SUPPORT LEGAL SERVICE

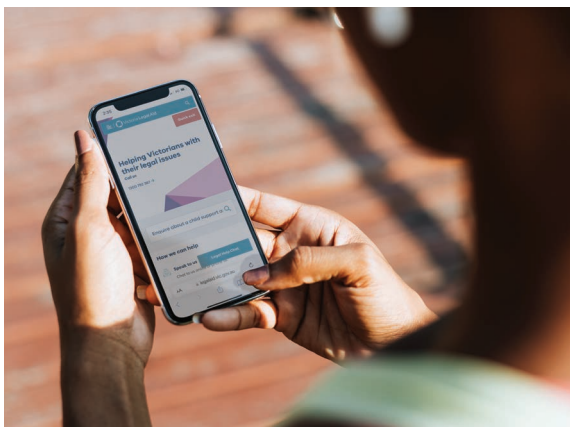
The Child Support Legal Service is part of Victoria Legal Aid. It gives legal help to people who get or pay child support. It is independent from Centrelink and Services Australia (Child Support).

Our funds are limited and demand for legal services is high. How we can help you will depend on:

- your legal problem
- if you get a Centrelink benefit
- if you meet Victoria Legal Aid's guidelines for getting a grant of legal aid.

To check eligibility for an appointment with the Child Support Legal Service fill out an enquiry form.

Go to www.legalaid.vic.gov.au and search for 'enquire about a child support appointment'. You can also call 1300 792 387.



We may be able to:

- give information and advice
- refer you to other organisations that can help
- give you a self-help kit
- contact the other parent to get a DNA test for a child support application
- organise DNA testing if you have been asked to pay child support and you do not think you are the parent
- contact Services Australia (Child Support) to get information about your case
- help you apply for or change an assessment
- help you object to decisions made by Services Australia (Child Support)
- help you ask for a review of any child support debt or arrears
- help you if you need to go to court
- help you to apply for child maintenance payments if your child is over 18
- go with you to our Family Dispute Resolution Service
- help you reach an agreement with the other parent.

You may get help from a lawyer from the Child Support Legal Service, a community legal centre or a private lawyer. **Go to** 'More information and where to get help' on page 30.



MORE INFORMATION AND **WHERE TO GET HELP**

Legal services

Victoria Legal Aid

For free information about the law and how we can help you:

- visit our website www.legalaid.vic.gov.au
- use our Legal Help Chat on the website, Monday to Friday, 8 am to 6 pm, excluding public holidays
- phone Legal Help on 1300 792 387 Monday to Friday, 8 am to 6 pm, excluding public holidays.

Victoria Legal Aid Family Dispute Resolution Service

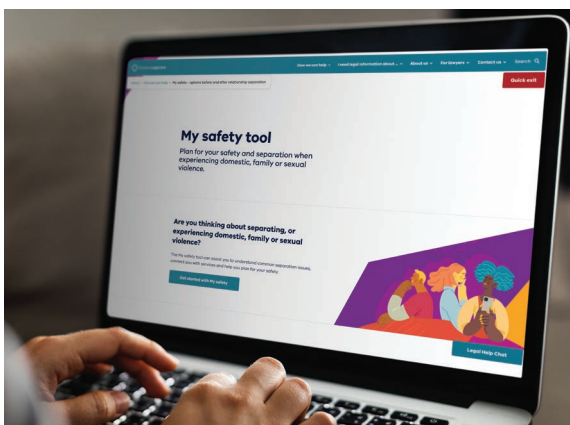
Victoria Legal Aid clients and their families may be able to use our Family Dispute Resolution Service to work out a parenting plan. You are always encouraged to try to sort out your family law dispute before, during or after you go to court.

More information is available from your lawyer or from Victoria Legal Aid on 1300 792 387.

My safety tool

For people who are thinking about separating, or experiencing domestic, family or sexual violence.

www.legalaid.vic.gov.au/my-safety



Do you need help phoning us?



Translating and Interpreting Service

Phone: 131 450

www.tisnational.gov.au



National Relay Service

TTY: phone 133 677

Speak and Listen: phone 1300 555 727

Internet Relay users: visit the National Relay Service (<https://nrschat.nrscall.gov.au/nrs/internetrelay>)

SMS relay: text 0423 677 767

Video Relay: use Skype or the National Relay Service app

Local offices

We have offices all over Victoria. For more information visit the Our offices page on our website www.legalaid.vic.gov.au/our-offices.

Djirra

Culturally safe legal advice and representation on family law matters for Aboriginal people.
Phone: 1800 105 303

www.djirra.org.au

Federation of Community Legal Centres

Find your nearest community legal centre.

www.fclc.org.au

Law Institute of Victoria

Referral to a private lawyer.

Phone: (03) 9607 9550

www.liv.asn.au/referral

Tip: the Victorian Legal Services Board + Commissioner has made a short video and easy English fact sheet listing six questions to ask about legal costs before hiring a private lawyer. Visit www.lsbc.vic.gov.au and search for 'six questions to ask about legal costs'.

Q+Law

Legal services for Victorian LGBTIQ+ communities.

Phone: (03) 9968 1002

Email: qlawadmin@fls.org.au

Victorian Aboriginal Legal Service

Culturally safe legal support for Aboriginal and Torres Strait Islander peoples in Victoria.

Phone: 1800 064 865

www.vals.org.au

Courts

Federal Circuit and Family Court of Australia

Phone: 1300 352 000

www.fcftoa.gov.au

Magistrates' Court of Victoria

Information about the Magistrates' Court and its locations in Victoria. You can find the contact details of your closest court through the 'Find a court' search bar on the website.

www.mcv.vic.gov.au

Government

Attorney-General's Department

Phone: (02) 6141 6666

www.ag.gov.au

Registry of Births, Deaths and Marriages Victoria

Phone: 1300 369 367

www.bdm.vic.gov.au

Services Australia

Services Australia (Child Support)

Phone: 13 12 72

Centrelink

Phone: 13 61 50 (Families) or 13 12 02 (multilingual line)

www.servicesaustralia.gov.au

Family and support services

Family Relationships Advice Line

A national telephone service that helps families affected by relationship or separation issues.

Phone: 1800 050 321

www.familyrelationships.gov.au

Family violence support for LGBTIQ+ communities

A list of organisations that can help LGBTIQ+ community members.

www.vic.gov.au/family-violence-support-lgbtq-communities

inTouch

Free and confidential support services for women and gender non-binary migrant and refugees in Victoria who are experiencing or have experienced family violence.

Phone: 1800 755 988

www.intouch.org.au

Kids Helpline

Free, private and confidential 24/7 phone and online counselling service for people under 25.

Phone: 1800 55 1800

www.kidshelpline.com.au

Lifeline

Provides 24/7 crisis support and suicide prevention services.

Phone: 13 11 14

www.lifeline.org.au

MensLine Australia

A telephone and online counselling service for men with emotional health or relationship concerns.

Phone 1300 789 978

www.mensline.org.au

National Debt Helpline

Community-based financial counsellors provide free, independent advice and advocacy for people experiencing financial difficulty.

Phone: 1800 007 007

www.ndh.org.au

No to Violence Men's Referral Service

A free, anonymous and confidential telephone counselling, information and referral service. For men and those concerned about their behaviour, or the safety of their family members.

Phone: 1300 766 491

www.ntv.org.au

Parentline

Confidential and anonymous counselling and support for parenting issues for parents and carers of children under 18.

Phone: 13 22 89

<https://services.dffh.vic.gov.au/parentline>

Safe Steps

Support for women and children to live free of family violence.

Phone: 1800 015 188

www.safesteps.org.au

Women's Information and Referral Exchange (WIRE)

Free support, referral and information for all Victorian women, non-binary and gender diverse people.

Phone: 1300 134 130

www.wire.org.au

1800Respect

Confidential information, counselling and support services for people impacted by sexual assault, family violence or abuse.

Phone: 1800 737 732

www.1800respect.org.au

USEFUL VICTORIA LEGAL AID RESOURCES

To order publications

We have free booklets and information about the law in English and other languages.

Visit our website (www.legalaid.vic.gov.au) to order or download.

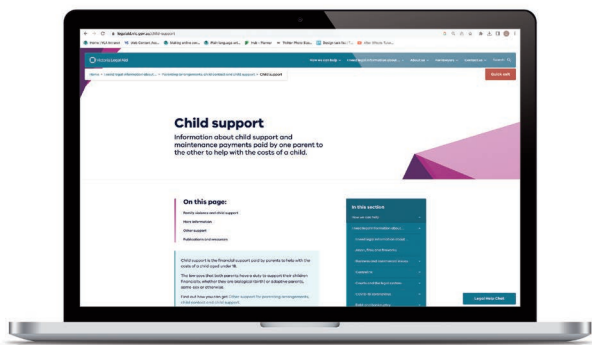
Phone (03) 9269 0234 and ask for Community Legal Education to find out more.

Our public law library

Open Monday to Friday, 9 am to 5 pm

Level 9, 570 Bourke Street

Melbourne VIC 3000



Child support and the law

Victoria Legal Aid

For free information about the law and how we can help you, please visit our website www.legalaid.vic.gov.au or call Legal Help on 1300 792 387 Monday to Friday 8 am to 6 pm.

Offices

Melbourne

Suburban offices

Broadmeadows

Dandenong

Frankston

Ringwood

Sunshine

Regional offices

Bairnsdale

Ballarat

Bendigo

Geelong

Horsham

Mildura

Morwell

Shepparton

Warrnambool



Publication orders

For more information on publications:

www.legalaid.vic.gov.au/publications

Phone: (03) 9269 0234

Email: cle@vla.vic.gov.au

