



FAMILY LAW

APPLYING FOR A CHANGE TO A CHILD SUPPORT ASSESSMENT

The Child Support Agency (known as CSA) administers the child support scheme in Australia. CSA issues regular assessments for child support, based on such things as both parents' income, the amount of care each parent has of each child and the age of each child. Sometimes however, the assessment may not be accurate or fair for a variety of reasons.

If a parent believes the assessment does not accurately reflect certain special circumstances, then it may be that the parent can apply to CSA for a change of that assessment. To make an application, the circumstances must fall within one of a number of defined reasons. These reasons are set out below:

1. The costs of maintaining a child are significantly affected by the high costs of a parent spending time with, or communicating with, the child. For example, the child may live in the south of WA and the parent in the north. The cost of transportation will be high.
2. The costs of maintaining a child are significantly affected by high costs associated with the child's special needs. The child may have learning difficulties for example and require a tutor, care aide or specific health therapies.
3. The costs of maintaining a child are significantly affected by high costs of caring for, educating or training the child in the way both parents intended. For example, both parents may have agreed prior to separation that the child will attend a private school.
4. The child support assessment is unfair because of the child's income, earning capacity, property or financial resources. By way of example, the child may be 17 years of age and earning an income that enables him or her to be fully self-supporting.

5. The child support assessment is unfair because the paying parent has paid or transferred money, goods or property to the child, the receiving parent, or a third party for the benefit of the child.
6. The costs of maintaining a child are significantly affected by the parent or non-parent carer's high child care costs for the child (and the child is under 12 years).
7. The parent's necessary expenses significantly affect their capacity to support the child.
8. The child support assessment is unfair because of the income, earning capacity, property or financial resources of one or both parents.
9. The parent's capacity to support the child is significantly affected by:
 - their legal duty to maintain another child or person;
 - their necessary expenses in supporting another child or person they have a legal duty to maintain; and
 - their high costs of enabling them to spend time with, or communicate with, another child or person they have a legal duty to maintain.
10. The parent's responsibility to maintain a resident child significantly reduces their capacity to support the child support child.

Parents making an application to change the child support assessment should be aware that:

1. the change of assessment process can take up to three months to complete;
2. the other parent will receive a copy of the application and has a right of reply; and
3. CSA may make a decision that alters the assessment but not necessarily as the applicant parent had anticipated.

This information constitutes general information only. If you require detailed advice on Applying to Change a Child Support Assessment, or any other family law issue, please contact Natalie Dimmock at Murfett Legal Pty Ltd on (08) 9388 3100 or natalie@murfett.com.au.