



Child Support Agreement

When to use this form

This form contains two sections: a section for you to apply for acceptance of your agreement and a section for you to fill in the details of your agreement.

Use this form to:

- ☐ make a new child support agreement and
- ☐ lodge your child support agreement and/or
- ☐ replace an existing child support agreement and/or
- ☐ end an existing child support agreement.

Before filling out this form read the notes at pages 10 and 11.

An agreement can be made up of:

Part A or

Part B or

Part C or

Part A and Part B or

Part B and Part C

Part A payments are periodic payments of a set amount. For example, \$100 per child per month.

Part B payments are non-periodic payments including lump sum payments and payments to third parties e.g. school fees paid directly to a school or mortgage payments for the house where the child lives. They can also include non-monetary payments e.g. mowing the lawn, repairs to the car the other party drives or payment for goods that will benefit the child. You will need to specify a monetary value for goods or services.

Part C payments are calculated after modifying the formula assessment. You can choose to modify parts of your child support formula assessment. For example, you can agree to change the incomes applied to calculate the assessment.

If the agreement is signed by both parties then either party can apply (by phone or in writing) for us to accept it. The application for acceptance can be found on pages 2 and 3 of this form.

For more information about child support please go to our website humanservices.gov.au/childsupport or call **131 272** between 8.30 am and 4.45 pm Monday to Friday.

Note: call charges apply - calls from a mobile phone may be charged at a higher rate.

Filling out this form

- Print using **BLOCK LETTERS**
- Use blue or black pen
- Tick where applicable
- Sign the form
- Attach copies of supporting documentation where instructed.

Returning this form?

Please send the completed form and supporting documentation to:

Department of Human Services

GPO Box 9815

MELBOURNE VIC 3001

or

Fax: **1300 309 949**

IMPORTANT

- 1 When you make a child support agreement you are entering into a contract with the other party.
- 2 Agreements must be in writing and signed by all parties.
- 3 There are 2 types of agreements: **limited and binding**.
- 4 **A limited agreement can only be accepted** where you have a formula assessment in place. The annual rate payable under the agreement must be at least the annual rate of child support payable under the formula assessment.
- 5 **Limited agreements can be ended if:**
 - the notional amount of child support payable is varied by more than 15% in a way not covered by the agreement. A notional assessment is the child support amount that would have been payable if you did not have a child support agreement in place. The notional assessment is used to work out the amount of Family Tax Benefit (FTB) payable
 - it has been 3 or more years since you made the agreement
 - you make a new limited or binding agreement which includes a provision that terminates the existing agreement
 - there is a court order
- 6 **A binding agreement can only be accepted** if it includes a statement that each party has received independent legal advice before entering into the agreement and a certificate under section 80C of the *Child Support (Assessment) Act 1989* is completed and signed by each party's legal practitioner.

This legal certificate is available for printing on our website humanservices.gov.au/forms
- 7 **Binding agreements can be ended if:**
 - you and the other party enter into another binding agreement which includes a provision to end the existing agreement
 - you get a court order (in very limited circumstances).

You should consider what entering into a binding agreement may mean in the future. The agreement will not change even if your circumstances do.

Who is eligible to apply?

Important: If this is a limited agreement, we can only accept it if you have a formula assessment in place and the annual rate payable under the agreement is equal to, or more than, the annual rate of child support payable under the formula assessment. If you do not have a formula assessment in place ring **131 272** to register a case.

An application for us to accept your binding agreement is also an application for a Child Support Assessment if one does not already exist.

Either party to an agreement can apply for us to accept the agreement. To ensure you are eligible to apply, check that you meet all of the following eligibility rules:

NOTE: You must tick all the boxes to be eligible.

- ☐ The party who will receive the child support payments must have at least shared care of the child(ren). This means they must have at least 35% care of the children (128 days or more per year).
- ☐ The party paying the child support must be a resident of Australia (or a country with reciprocating jurisdiction) on the day the agreement is made. A list of reciprocating countries can be found at humanservices.gov.au or call **131 272**.
- ☐ The parties to the agreement must not be living together in a domestic relationship.
- ☐ The child(ren) must be under 18, unmarried, and not living in a domestic relationship.
- ☐ The children must either be Australian citizens or they must currently or usually live in Australia (or a country with reciprocating jurisdiction).

We will refuse to accept an agreement if:

- the assessment commenced with an application from an overseas authority of a reciprocating jurisdiction; and
- the overseas authority of a reciprocating jurisdiction does not support the acceptance of the agreement.

APPLICATION FOR ACCEPTANCE OF THE AGREEMENT

1 What are your personal details?

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other

Family name

First given name

Second given name(s)

Date of birth

Postal address

Postcode

Home phone

Work phone

Mobile phone

Email

2 Do you have a current child support case?

No ☐ What is your Tax File Number?

We use your tax information to calculate your child support assessment. You are not required to provide us with your Tax File Number. We will obtain this information from the Australian Tax Office if you do not provide it.

Yes ☐ What is your Child Support Reference Number?

(as shown on your Child Support Letters)

3 What are the personal details of the other party to the agreement?

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other

Family name

First given name

Second given name(s)

Date of birth

 / /

Postal address

Postcode

Home phone

Work phone

Mobile phone

Email

@

4 Are you the person who will receive child support?

No ☐ **Go to question 6**

Yes ☐ **Go to the next question**

5 Do you want us to collect the child support payments for you?

No ☐ **Go to the next question**

Yes ☐ **Please complete your bank details below**

Periodic payments must be made to a bank, building society or credit union account held in your name. A joint account is acceptable.

Bank/credit union/building society name

Branch name

Branch number (BSB)

--	--	--	--	--	--	--	--	--	--

Account number

Account name

6 Are you the person who will pay child support

No ☐ **Go to question 8**

Yes ☐ **Go to next question**

7 Would you like us to request that your employer make the payments on your behalf?

No ☐ **Go to next question**

Yes ☐ **Please complete your employer's details below**

Employer's name

Employer's address

Postcode

Employer's phone number

8 Statement

I declare that:

- The information provided in this form is complete and correct to the best of my knowledge

I understand that:

- Giving false or misleading information is a serious offence.

Your signature



Date

 / /

This is the end of your Application for Acceptance.

THE AGREEMENT

The terms of the agreement are:

Attached to this form (you can attach your agreement if it has been written and signed on a separate paper)
You do not need to fill out the rest of the form.



If your agreement is a binding agreement you must also attach the legal certificates signed by your legal practitioner. You must also include a written statement from each customer confirming you have received independent legal advice on the terms of the agreement before it was signed. Go to question 31.

OR

Set out in this form

- ☐ Part A (periodic payments)
- ☐ Part B (non-periodic payments)
- ☐ Part C (modified assessment)
- ☐ You wish to end an existing child support agreement. **Go to question 30**

9 The agreement was made on

10 What are the details of your agreement?

This child support agreement is made between:

The parent who pays child support (write full name here)

and

The receiving parent or non-parent carer (write full name here)

This agreement includes child support for the following child(ren):

Child one

Family name

First given name

Second given name(s)

Date of birth

Child two

Family name

First given name

Second given name(s)

Date of birth

Child three

Family name

First given name

Second given name(s)

Date of birth



Please attach a separate sheet if you need to list more children. Both parties must sign all additional pages.

Part A – Periodic payments

Please refer to the Agreement notes – Part A at the back of this form.

Complete Part A if your agreement includes periodic payments for a set amount.

11 What are the details of your agreement about periodic payments?

We recommend you write an amount for each child.

Child one

Family name

First given name

Agreed payment amount

Agreed payment period

- ☐ week
☐ fortnight
☐ month

Child two

Family name

First given name

Agreed payment amount

Agreed payment period

- ☐ week
☐ fortnight
☐ month

Child three

Family name

First given name

Agreed payment amount

Agreed payment period

- ☐ week
☐ fortnight
☐ month



Please attach a separate sheet if you need to list more children. Both parties must sign all additional pages.

12 Do you want these payments adjusted by an inflation rate, to keep pace with the cost of living?

- No ☐ **Go to question 15**
- Yes ☐ We will use the Consumer Price Index (CPI), unless you nominate another inflation rate below.

13 What do you want us to use?

- ☐ Weighted National Average CPI, or
- ☐ Capital City CPI (specify which capital city)

14 When do you want the payments adjusted?

- ☐ On 1 July each year
- ☐ Other (please specify)

Consumer Price Index (CPI)

The Consumer Price Index (CPI) measures quarterly changes in the price of goods and services which account for a high proportion of expenditure by metropolitan households e.g. food, transportation, clothing, health etc. The quarterly figures are produced by the Australian Bureau of Statistics.

Weighted average or capital cities

The capital city indexes measure price movements over time in each city individually. The weighted average is the average change in all capital cities.

15 Do you want the agreed periodic payments varied if the paying parent is unemployed during the term of this agreement?

- No ☐ **Go to question 18**
- Yes ☐ Go to next question

16 When do you want the payments varied?

- ☐ During all periods the paying parent is unemployed.
- ☐ When the paying parent receives an income tested pension or benefit.

We will not activate your unemployment clause unless you let us know that you are unemployed or in receipt of an income tested pension or benefit. You must also notify us when you commence employment again.

- 17** During periods of unemployment should the child support amount be reduced to the minimum rate?

Yes ☐ Go to the next question

No ☐ Other amount (please specify)

\$

each ☐ week
☐ fortnight
☐ month

- 18** When do you want your Part A agreement to start?

Start date:

/ /

- 19** When do you want your Part A agreement to end?

☐ On this date for all children

/ /

OR

☐ On the following date for each child

If you do not put an end date, the agreement will end for each child when they turn 18.

Child one

Family name

First given name

Date agreement is to end

/ /

Child two

Family name

First given name

Date agreement is to end

/ /

Child three

Family name

First given name

Date agreement is to end

/ /



Please attach a separate sheet if you need to list more children. Both parties must sign all additional pages.

Part B – Non-Periodic Payments

Please refer to the Agreement notes – Part B at the back of this form.

Complete Part B if you are agreeing to pay any of the child support as a non-periodic payment.

IMPORTANT: The receiving parent should consider Part B carefully. **We cannot enforce payments included in Part B.**

- 20** What are the details of your agreement about non-periodic payments?

[illegible]

\$

Total Value



Please attach a separate sheet if you need more space.
Both parties must sign all additional pages.

21 Children covered under this section of the agreement

Child one

Family name

First given name

Child two

Family name

First given name

Child three

Family name

First given name



Please attach a separate sheet if you need to list more children. Both parties must sign all additional pages.

22 Is your agreement for Part A (Periodic payments) and Part B (non-periodic payments)

no ☐ *go next question*

yes ☐ go question 24

23 Do you want your non periodic payments to reduce your child support assessment?

No ☐ *Go to next question*

Yes ☐ reduce by

\$ per year

OR

%

24 Do you want your non-periodic payments to reduce your amounts payable under Part A?

If you do not have Part A payments, go to next question.

No ☐ *Go to next question*

Yes ☐ reduce by

\$ per year

OR

%

25 When do you want your Part B agreement to start?

Start date:

26 When do you want your Part B agreement to end?

☐ On this date for all children

OR

☐ On the following date for each child

If you do not put an end date, the agreement will end for each child when they turn 18.

Child one

Family name

First given name

Date agreement is to end

Child two

Family name

First given name

Date agreement is to end

Child three

Family name

First given name

Date agreement is to end



Please attach a separate sheet if you need to list more children. Both parties must sign all additional pages.

Part C – Modifying the Child Support Formula Assessment

Please refer to the Agreement notes – Part C at the back of this form.

Complete Part C if you are agreeing to modify the components of the child support formula assessment.

27 How do you want to modify your child support assessment?



Please attach a separate sheet if you need to provide more information.

28 When will your Part C agreement start?

Start date:

/	/
---	---

29 When will your Part C agreement end?

☐ On this date for all children

/	/
---	---

OR

☐ On the following date for each child

If you do not put an end date, the agreement will end for each child when they turn 18.

Child one

Family name

--

First given name

--

Date agreement is to end

/	/
---	---

Child two

Family name

--

First given name

--

Date agreement is to end

/	/
---	---

Child three

Family name

--

First given name

--

Date agreement is to end

/	/
---	---



Please attach a separate sheet if you need to list more children. Both parties must sign all additional pages.

Part D - Ending an existing agreement

Complete part D if you are:

- ending the existing agreement and not putting a new agreement in place OR
- making a new agreement that ends the previous agreement.

30 Do you have an existing agreement that you are agreeing to end?

If the existing agreement is a binding agreement you need to include a statement that you received independent legal advice and a certificate from your legal practitioner stating that they provided legal advice.

No ☐ **Go to question 32**

Yes ☐ **Go to next question**

31 When do you want your agreement to end?

☐ On this date for all children

/	/
---	---

OR

☐ On the following date for each child

Child one

Family name

--

First given name

--

Date agreement is to end

/	/
---	---

Child two

Family name

First given name

Date agreement is to end

Child three

Family name

First given name

Date agreement is to end



Please attach a separate sheet if you need to list more children. Both parties must sign all additional pages.

32 Signing your agreement



IMPORTANT: Both parents must sign here.

I understand that this agreement is a contract. I agree to the terms set out in this agreement.

Signature of the receiving parent or non-parent carer

Date

Signature of the paying parent

Date

33 For binding agreements only



Important: If your agreement is a binding agreement, both parents must sign here.

Before I signed this agreement, I was provided with independent legal advice from a legal practitioner as to the following matters:

- the effect of the agreement on my rights; and
- the advantages and disadvantages to me of making the agreement (at the time that the advice was provided).

I have attached a certificate from my legal practitioner.

Signature of the receiving parent or non-parent carer

Date

Signature of the paying parent

Date



Attach the legal certificates signed by your legal practitioner.

Agreement notes

An agreement is a contract. If you are considering signing an agreement, it is important that you understand what you are signing. If you are unsure about anything, you should get independent legal advice. You can learn more about agreements at humanservices.gov.au, or call us on **131 272**.

What if the receiving parent receives Family Tax Benefit (FTB)?

A parent must have at least 35 per cent care of a child to be eligible to receive FTB for that child. To ensure we can assess the entitlement to the FTB Part A, for the person receiving child support, we must calculate a notional assessment when a child support agreement has been accepted. This is the amount of child support that would have been paid without an agreement in place. The FTB Part A entitlement will be assessed using this notional amount.

An agreement must be in writing and signed by both parents.

You can write your agreement on the child support agreement form, or on separate paper. Once an agreement is signed by both parties it cannot be varied. Any changes you have made to the wording prior to both parties signing the agreement must be initialled by both parties.

A binding agreement must provide evidence that both parties to the agreement have obtained independent legal advice and the lawyers' certification must be attached.

To have your agreement accepted and registered, you can apply either orally, or in writing (on this form or on separate paper).

The child support assessment will be based on your agreement until the agreement ends.

If your agreement ends before your child/ren turn 18 and you do not make a new agreement, the assessment will be based on the child support formula. We will send you a new assessment notice when your agreement ends.

If you do not receive a notice please call us. If you want your child support assessment to end when your agreement ends you will need to clearly state that in your agreement.

Note One:

Deciding on the length of your agreement

A binding agreement cannot be varied and can only be terminated in certain circumstances. For this reason, we suggest that when deciding on the length of your agreement, you should consider how your needs could change in the future.

Lump sum payments that act as a credit balance do not require an end date as the agreement will end when the ongoing child support liability has used up the lump sum credit. The full ongoing liability will be payable at this point.

Note Two:

You can apply for an extension of your child support until the last day of the school year if your child turns 18 and is still attending secondary school. If you want to apply for an agreement to be extended you need to:

- apply before the child turns 18;
- apply in writing; and
- agree with the other parent to extend the agreement.

Both parents must sign an application to extend the agreement unless the agreement clearly indicates that it is intended to continue beyond a child's 18th birthday.

Note Three:

After you apply to have your agreement registered with us, we will contact you to confirm whether it has been accepted. After an agreement is accepted, we will send each of the parties a summary of the agreement. If the receiving parent has elected for us to collect periodic payments, we will also send information regarding the collection details.

The receiving parent can, at any time, ask us to collect periodic payments. If the agreement includes payments that are not periodic payments, the receiving parent can approach a court to have these payments enforced. We cannot collect payments unless they are periodic payments, either specified under Part A, or calculated under Part C.

Part A: Periodic Payments

You can complete Part A if you and the other parent have agreed on set periodic payments that will be paid to the receiving parent, either directly or through us. You do not have to complete Part A if you have agreed that child support should be paid in a different form (see Part B and Part C). You can also choose to combine Part A and Part B.

We suggest you write an amount for each child. This allows for flexibility if circumstances change. Consider the example below.

Example: Emily and Lewis sign a Part A agreement that Emily will pay a total of \$180 per week for the children, Sean and David. David turns 18 and the agreement is still active. Emily must continue to pay \$180 per week for Sean alone, because the agreement did not include specified amounts for each child.

Part B: Non-Periodic Payments

Part B includes payments in a form other than periodic payments. It can include payments to a third-party. It also lets you have a formula assessment that includes some non-periodic payments.

Example: Leah and Matthew have an existing child support assessment of \$4000 per annum. They sign a Part B agreement that Matthew will pay \$2000 per annum for their daughter's school fees. These payments are to represent half the assessed child support payments for the period of the agreement.

If parents want to credit non-periodic payments against their child support assessment (or amount payable under a Part A agreement) they must:

- state the annual value that is to be credited (\$2000 in the example above), or
- the percentage of the annual rate that is to be credited (50 per cent in the example above).

If one of these options is not specified in the agreement, the paying parent will be required to pay the non-periodic payments as well as the child support assessment (or amount payable under a Part A agreement)



IMPORTANT: We cannot enforce payments that are to be paid to a third party.

An agreement can include lump sum payments. You can agree that a lump sum payment will replace or reduce your child support payments for a specified period.

Example: Rebecca and Chris agree that the transfer of Chris' motor vehicle to Rebecca is to reduce the child support assessment. They have agreed that the motor vehicle is worth \$20 000 and that the child support assessment will be reduced by 100 per cent for 3 years.

You can also make an agreement which includes a lump sum payment that acts as a credit balance to meet future child support liabilities. These agreements can only be made with independent legal advice and cannot be made on this form.

Please visit our website at humanservices.gov.au or contact your solicitor, for further information.

Part C: Modifying the Child Support Formula Assessment

If you already have a child support assessment, you can agree to modify the assessment using Part C. If you want to modify the assessment by simply agreeing to a set amount each period, you should complete Part A instead.

These are the ways you can modify the assessment:

- Agree to vary the annual rate of child support payable by a parent, for example by increasing the annual rate payable under the assessment by \$1000
- Agree to vary a parent's or non-parent carer's cost percentage for a child
- Agree to vary a parent's child support income
- Agree to vary the parents' combined child support income (you also need to specify each parent's income percentage)
- Agree to vary a parent's child support percentage
- Agree to vary a parent's adjusted taxable income
- Agree to vary a parent's relevant dependent child amount or multi-case allowance
- Agree to vary a parent's self-support amount
- Agree to vary the costs of the children.

Information about the child support formula is available at humanservices.gov.au

Privacy and your personal information

Your personal information is protected by law, including the *Privacy Act 1988*, and is collected for a Social Security, Family Assistance, Medicare, Child Support and CRS purpose, depending on the service or payment concerned. This information may be required by law or collected voluntarily when you apply for services or payments.

Your information is used for the assessment and administration of payments and services and may also be used within Human Services, or disclosed to other parties or agencies, where you have provided consent or it is required or authorised by law.

You can get more information about privacy by going to our website humanservices.gov.au/privacy or requesting a copy of the full privacy policy at one of our Service Centres.

What if I have a complaint?

Step One:

Contact us and speak to a Customer Service Officer who will try to solve the problem.

Step Two:

If you are not satisfied with the outcome, ask to speak to their manager.

Step Three:

If you are still not satisfied, call the Complaints Service on **132 919** and speak to a Complaints Officer.

If you feel that we have been unable to successfully resolve your complaint, you can escalate your concerns by contacting the Commonwealth Ombudsman.

How can I report suspected fraud?

If you have information about someone who is misusing government services, please phone the Australian Government Services Tip-off Line on **131 524**.

The tip-off line allows you to confidentially report fraud against the Department of Human Services.

Help in other languages

English

If you do not speak English and need help from us, call the Translating and Interpreting Service (TIS) on **131 450**.

Arabic

إذا لم تكن تتحدث الإنجليزية و تحتاج إلى مساعدة متًا. اتصل بخدمة الترجمة الخطية والشفهية (TIS) على الرقم **131 450**.

Chinese

您如果不說英語，但需要我們的協助，請致電翻譯及傳譯服務處(TIS)，電話**131 450**。

Croatian

Ako ne govorite engleski i trebate našu pomoć, nazovite Službu prevoditelja i tumača (TIS) na **131 450**.

Farsi

اگر انگلیسی حرف نمی‌زنید و به کمک ما احتیاج دارید، به سرویس ترجمه کتبی و شفاهی (TIS) شماره **131 450** تلفن کنید.

Greek

Αν δεν μιλάτε Αγγλικά και χρειάζεστε τη βοήθειά μας, τηλεφωνήστε στη Μεταφραστική και Τηλεφωνική Υπηρεσία (TIS) στο **131 450**.

Indonesian

Jika Anda tidak berbahasa Inggris dan memerlukan bantuan kami, silakan menelepon Layanan Jasa Penerjemahan dan Juru Bahasa (TIS) pada nomor **131 450**.

Italian

Se non parlate l'inglese e avete bisogno della nostra assistenza, chiamate il Servizio traduzioni e interpreti (TIS) al numero **131 450**.

Khmer

បើលោកអ្នកមិននិយាយអង់គ្លេស ហើយត្រូវការជំនួយពីយើងខ្ញុំ សូមទូរស័ព្ទទៅសេវាកម្មប្រកាស (TIS) តាមលេខ **131 450** ។

Korean

영어를 못 하지만 도움이 필요하신 분은 통번역 서비스(TIS), **131 450**번으로 연락하십시오.

Macedonian

Ako ne zboruvate англиски јазик и ви е потребна помош од нас, телефонирајте во Службата за писмено и усмено преведување (TIS) на **131 450**.

Maltese

Jekk int ma titkellimx bl-Ingliż u għandek bżonn l-għajjnuna tagħna, ċempel is-Servizz tat-Traduzzjoni u Interpretar (TIS) fuq **131 450**.

Polish

Jeżeli nie mówisz po angielsku, a potrzebujesz naszej pomocy, zadzwoń do Biura Tłumaczy (TIS) pod numer **131 450**.

Portuguese

Se não fala inglês e necessita da nossa ajuda, telefone para o Serviço de Tradutores e Intérpretes (TIS) através do **131 450**.

Russian

Если вы не говорите по-английски и нуждаетесь в нашей помощи, звоните в службу устного и письменного перевода (TIS) по телефону **131 450**.

Serbian

Ako ne govorite engleski, a potrebna vam je naša pomoć, pozovite Službu prevodilaca i tumača (TIS) na **131 450**.

Spanish

Si no habla inglés y necesita ayuda, llame al Servicio de Traducción e Interpretación (TIS) al teléfono **131 450**.

Turkish

Eğer İngilizce konuşmıyorsanız ve bizden yardım istiyorsanız, **131 450** numaralı telefondan Yazılı ve Sözlü Tercümanlık Servisi'ni (TIS) arayınız.

Vietnamese

Nếu không biết nói tiếng Anh và cần chúng tôi giúp đỡ, xin gọi cho Dịch vụ Thông Phiên dịch (TIS) qua số **131 450**.