



Child support agreement

Purpose of this form

- To make a new child support agreement
- To lodge a child support agreement with the Child Support Agency (CSA)
- To replace an existing child support agreement
- To end an existing child support agreement.

This form is made up of two applications which include the application for acceptance and the agreement application.


Purpose of a child support agreement

To learn more about agreements and whether you are eligible to apply, you should read the Agreement notes at the back of this form before completing this form.

A child support agreement is an option that allows parents to register their own agreement about the amount of child support to be paid. It can include one or a combination of the following. It cannot, however, combine periodic payments (Part A) and payments calculated after modifying the formula assessment (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. For example, school fees paid directly to a school; or mortgage payments for the house where the child lives.
- **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. See further information at the back of this form.

If both parties to the agreement have signed a written agreement, either party can apply (orally or in writing) for CSA to accept it. This is called an application for acceptance and can be found on pages 2 and 3 of this form.

 If you would like help or further information to complete this form please call CSA on **131 272***

 This form is available online at **www.csa.gov.au**

Tick where applicable. Please write clearly in BLOCK LETTERS.

IMPORTANT

1. A child support agreement is a contract between parents, or between parent(s) and a non-parent carer.
2. There are 2 types: limited and binding. Both types of agreements must be in writing and signed by all parties to the agreement.
3. Terminating an agreement is only possible when another agreement replaces it or a provision to end is included in the agreement.
4. Once in place **limited agreements** can be terminated by either parent if the notional amount of child support payable (what would have been payable if the agreement had not been made) is varied by more than 15% in a way not contemplated in the agreement, or, if the agreement was made 3 or more years earlier.
5. To enter into a **binding agreement** each party to the agreement must have received legal advice beforehand. Please note that your binding agreement must contain a certificate under Section 80C of the *Child Support (Assessment) Act 1989* completed and signed by each parent's legal practitioner. This certificate is available online at **www.csa.gov.au**
6. Once in place **binding agreements** can only be ended by making another binding agreement or by a court order (in very limited circumstances).

Please consider the long term implications of entering into an agreement as future needs may change but the agreement will not.

Note also that the Family Tax Benefit Part A of the parent who receives child support will usually be calculated on the basis of the notional amount of child support (ie the amount payable on the CSA formula assessment), not the amount payable under the agreement.

Who is eligible to apply?

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

- The person who will receive the child support payments (the receiving parent or non-parent carer) must have at least shared care of the child(ren). This means they must care for the child(ren) for at least 35 per cent of the time.
- The person paying the child support (the paying parent) 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 on www.csa.gov.au or call **131 272***.
- The child(ren) must be under 18, unmarried, and not living in a de facto relationship.
- The child(ren) must be Australian citizens or currently or usually living in Australia (or a country with reciprocating jurisdiction).
- The receiving parent and/or non-parent carer, and the paying parent must not be living together in a domestic relationship.

You must tick all the boxes to be eligible.

APPLICATION FOR ACCEPTANCE

1 What are your personal details?

Title Mr Mrs Miss Ms Other

Family name

First given name

Other given names

Date of birth

Postal address

Home phone

Work phone

Mobile phone

Email

2 Do you have a current child support case?

No What is your Tax File Number?

 - -

CSA uses your tax information to calculate your child support assessment. You are not breaking the law if you do not give us your Tax File Number. CSA 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 CSA letters)

3 Are you the person who will pay the child support?

No Yes

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

Title Mr Mrs Miss Ms Other

Family name

First given name

Other given names

Date of birth

Postal address

Home phone

Work phone

Mobile phone

Email

5 Are you the person who will receive the child support?

No please read the following note then **go to 7.**

Yes Go to next question.

Important: If you have a limited agreement, your agreement can only be accepted where you have a CSA generated formula assessment in place and the annual rate payable under the agreement must be at least the annual rate of child support payable under the administrative assessment.

6 Do you want CSA to collect the child support payments for you?

No **Go to 7.**

Yes Please complete the bank details below.

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

7 Statement

I declare that:

- the information provided in this form is complete and correct.

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 send this form to CSA if you have decided **to write and sign your agreement on separate paper** and you have completed the form up to this point.

If your agreement is a binding agreement you must also attach the legal certificate signed by your legal practitioner which relates to the agreement.

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 26.**

8 What are the details of your agreement?

The child support agreement is made between:

The paying parent (write full name here)

and

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

and includes child support for the following child(ren)

Child one:

Family name

First given name

Other given names

Date of birth

Child two:

Family name

First given name

Other given names

Date of birth

Child three:

Family name

First given name

Other given names

Date of birth



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

The agreement was made on

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, paid to the receiving parent either directly or through CSA.

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

CSA recommends you write an amount for each child. Please see Agreement notes at the back of this form.

Child one:

Family name

First given name

Other given names

Date of birth

Agreed payment amount

Agreed payment period

 week fortnight month

Child two:

Family name

First given name

Other given names

Date of birth

Agreed payment amount

Agreed payment period

 week fortnight month

Child three:

Family name

First given name

Other given names

Date of birth

Agreed payment amount

Agreed payment period

 week fortnight month 

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

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

No

Go to 13.

Yes

CSA will use the Consumer Price Index (CPI), unless you nominate another inflation rate below.

11 What do you want CSA to use?

Weighted National Average CPI or

Capital City CPI (specify which capital city)

12 When do you want the payments adjusted?

On 1 July each year

Other (please specify)

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

(Please see Agreement notes at the back of this form)

No

Go to 15.

Yes

When?

When the paying parent receives an income tested pension or benefit. Please see Agreement Notes – Part A.

During all periods the paying parent is unemployed.

18 Children covered under this section of the agreement

Child one:

Family name

First given name

Other given names

Date of birth

Child two:

Family name

First given name

Other given names

Date of birth

Child three:

Family name

First given name

Other given names

Date of birth



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

19 Do you want the child support in question 17 (non-periodic payments) to reduce your child support assessment?

If you do not already have a child support assessment, go to the next question.

No Go to next question.

Yes by

\$ per year

OR %

20 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 by

\$ per year

OR %

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

Start date:

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

On this date for all children

OR

On the following date for each child

Child one:

Family name

First given name

Other given names

Date agreement is to end

Child two:

Family name

First given name

Other given names

Date agreement is to end

Child three:

Family name

First given name

Other given names

Date agreement is to end



Please attach a separate sheet if you need to list additional 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. For example, you might agree to change the cost of children to reflect your child’s special needs. The Agreement notes – Part C detail the different ways you can modify your assessment.

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

24 When will your Part C agreement start?

Start date:

25 When will your Part C agreement end?



On this date for all children

OR



On the following date for each child

Child one:

Family name

First given name

Other given names

Date agreement is to end

Child two:

Family name

First given name

Other given names

Date agreement is to end

Child three:

Family name

First given name

Other given names

Date agreement is to end



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

Ending an existing agreement

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

Binding agreements can only be ended by a subsequent binding agreement with independent legal advice.

No **Go to next question.**

Yes Please list which children you are ending the agreement for and the date you wish to end the agreement for each child.

/ / On this date for all children

OR

/ / On the following date for each child

Child one:

Family name

First given name

Other given names

Date agreement is to end

Child two:

Family name

First given name

Other given names

Date agreement is to end


Child three:

Family name

First given name

Other given names

Date agreement is to end

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

27 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

28 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 adviser.

Signature of the **receiving** parent or non-parent carer

Date

Signature of the **paying** parent

Date

Agreement notes

How do agreements work?

A child support agreement is an agreement between two parents and/or non-parent carers, about how much child support should be paid. It can include regular payments of a set amount paid to the receiving parent (periodic payments); and/or non-periodic payments, such as school fees paid to a school or a lump sum payment that acts as a credit balance, which is drawn on to meet future child support liabilities; and/or a modified child support assessment. Each of these three options is explained in detail in the Part A, Part B, and Part C notes below.

An agreement is a contract. If you are considering signing an agreement, it is important that you understand it. If you are unsure about anything, you should seek further information or legal advice. You can learn more about agreements on our website www.csa.gov.au, or ask for more information when you phone 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 Centrelink is able to assess the entitlement to the FTB Part A, for the person receiving child support, CSA 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 on the basis of this notional amount.

How do I apply to have an agreement accepted?

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. If you make any changes to the wording of your agreement, each parent must initial each change. A Binding agreement must provide evidence of both parties to the agreement having sought and gained 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). Please phone **131 272*** for more information.

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 CSA. Parents do not have to complete Part A if they have agreed that child support should be paid in a different form (see Part B and Part C). Parents can also choose to combine Part A and Part B.

Example: Emily and Lewis sign a Part A agreement that Emily will pay \$90 per week for Sean and \$90 per week for David.

CSA suggests 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. Sean and David are included in the agreement. 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.

Note One: Unemployment clauses

Income tested pensions and benefits include Veterans' Affairs pension, ABSTUDY, Newstart Allowance, Disability Support Pension, Parenting Payment, Austudy Payment, Sickness Allowance and Youth Allowance. CSA will need to be able to confirm that you are receiving a pension or benefit before reducing the periodic liability.

Please note that you will need to notify CSA if the paying parent becomes unemployed. CSA will not necessarily know to activate your unemployment clause, unless you notify us.

Note Two: Consumer Price Index (CPI)

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

Note Three: Weighted average or capital cities

The capital city indexes measure price movements over time in each city individually. They do not measure differences in retail price levels between cities. The weighted average is the average change in all capital cities. The quarterly figures are produced by the Australian Bureau of Statistics.

Part B: Non-Periodic Payments

Part B includes payments in a form other than periodic payments. It can include lump sum payments, or payments to a third-party. It also allows parents to 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 non-periodic payments in addition to the child support assessment (or amount payable under a Part A agreement).

Important: CSA cannot enforce payments that are to be paid to a third party.

Note: Lump sum payments; there are different ways you can make a lump sum payment. You can include a lump sum in your Part B agreement.

You can say that your lump sum reduces your child support assessment by a specified amount or percentage, 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 www.csa.gov.au or contact your solicitor, for further information.

Example: Tahlia and Craig make a property settlement and agree that Tahlia's share of the property is transferred to Craig. They agree that \$100 000 of the value of the transfer is for child support. They agree that this is to satisfy 75 per cent of all future child support liabilities until the credit is exhausted.

Before CSA will accept this agreement, both parents must have sought independent legal advice.

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.

Note One: Deciding on the length of your agreement

A child support agreement is a binding contract. It cannot be varied and can only be terminated in certain circumstances. For this reason, CSA suggests 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: Over 18 extension

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

- Apply *before* the child turns 18; and
- Apply in writing; and
- Agree with the other parent to extend the agreement.

Both parents must sign an application to extend the agreement.

Note Three: Ending an existing assessment

If you had a child support assessment immediately prior to your agreement, another assessment will be mailed to you when your agreement ends. If you did not have a pre-existing assessment, you can phone CSA to apply for one. To end a child support assessment, the receiving parent will need to contact CSA on **131 272*** and request that it be terminated.

Note Four: Recording your agreement

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

The receiving parent can, at any time, ask CSA 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. CSA cannot collect payments unless they are periodic payments, either specified under Part A, or calculated under Part C.

Additional information

Where do I send this form?

Please send this form to the address shown on your CSA letters, or to your nearest CSA office:

NSW/ACT:	GPO Box 9815	Sydney	2001
WA:	GPO Box 9815	Perth	6848
Vic/Tas:	GPO Box 9815	Melbourne	3001
SA/NT:	GPO Box 9815	Adelaide	5001
Qld:	GPO Box 9815	Brisbane	4001
International cases:	GPO Box 480	Hobart	7001

Where can I find more information?

If you need more information, or you would like help to complete this form, please phone us on **131 272***. You can also read more about CSA and your options in our fact sheets available on the CSA website at www.csa.gov.au

What about customer privacy?

The information requested by CSA is needed for child support purposes and is required by child support law. We don't pass your personal information on to the other parent, unless this is required by law or necessary to make a decision that would affect the other parent. Some information may be passed to Centrelink, the Australian Taxation Office, the Family Assistance Office or the Social Security Appeals Tribunal. CSA may provide your contact details to people contracted by us to deliver services to separated parents, or to carry out research to help improve our services. You are not obliged to participate in any programs or research.

Our guidelines on privacy are in accordance with the *Privacy Act 1988*. For more information about how we treat your personal information, see the Guide on the CSA's website at www.csa.gov.au For more information about the Privacy Act and privacy generally, see the Privacy Commissioner's website at www.privacy.gov.au

What if I have a complaint?

Step One: Contact CSA and speak to your 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 CSA's Complaints Service on **132 919*** and speak to a complaints officer.

If you feel that CSA has 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 Centrelink, Medicare, the Pharmaceutical Benefits Scheme, or Child Support Agency.

***Call charges apply.**

Are you online?

Sign up to CSAonline: www.csa.gov.au