



Care arrangements

This media backgrounder on Care Arrangements is intended to assist journalists understand service delivery options available to separated parents.

What is care?

Care is the amount of time that children spend with a parent or non-parent carer, and their responsibility for the welfare of the children.

The formula used to calculate child support payments recognises the contribution each parent makes towards the costs of the children through direct care.

For child support purposes care will generally be worked out based on the number of nights that the child is likely to be in the care of the person during a care period. It is not restricted to this however as care also reflects who has responsibility for making arrangements for, and decisions about, the child's welfare.

Care definitions are different for Family Tax Benefit purposes (administered by Centrelink).

How is the level of care determined?

Generally, a carer's percentage of care will be determined by the most recent care arrangements agreed upon by the parents (or the parent/s and a non-parent carer). This agreement might take the form of an oral agreement, written agreement, parenting plan or a court order in relation to a child's care. In some circumstances, a carer's percentage of care will be determined by the CSA based on the care each parent or non-parent carer provides.

Where a parent or non-parent carer's amount of care of a child is determined by a written or verbal agreement, parenting plan or court order, the CSA will calculate a care percentage in accordance with it, as long as the CSA is satisfied that the agreement, plan or order allows such a percentage to be determined. If more than one agreement, plan, court order or determination exists, the CSA will use the most recent.

The exception to this is where the court has made an order which expressly forbids the parties from agreeing to something different (in which case care will continue to be based on the court order).

Where no parenting plan, court order, written or oral agreement exists, or one does exist but the CSA is unable to determine a care percentage, the CSA must determine the care percentage that a parent or non-parent carer is likely to have during the relevant care period.

In making a decision about percentage of care, the CSA may take into account the amount of time during both day and night that each parent cares for the child, as well as who is responsible for making arrangements for, and decisions about, the child's welfare. The CSA will consider statements from both parents before making a decision.

The CSA will determine the care percentage that each carer is likely to have during the next 12 months. In doing this, the CSA may consider patterns of care that have been established in recent months if it is satisfied that that pattern is likely to continue.

Change in care – new agreement, plan or order

Where a new written or oral agreement, parenting plan or court order changes a parent or non-parent carer's care of a child, the CSA will calculate a care percentage in accordance with that agreement, plan or order as long as the CSA is satisfied that the agreement, plan or order allows such a percentage to be determined.



Change in care - no agreement, plan or order exists

Where the CSA is notified of a change of care and no agreement, parenting plan or court order exists, the CSA will discuss the care change with the other party to the assessment prior to making a decision regarding the care percentages.

The CSA will amend the assessment only if the change in care percentages meets certain requirements.

Relevant dependent children

To correctly calculate a formula assessment, the CSA needs to include the level of care of all of the children of a parent, whether they are part of the child support case or are relevant dependent children. A relevant dependent child is a child that a parent is caring for, but for whom they do not pay or receive child support. It is most common for a relevant dependent child to be a child from a parent's subsequent intact family.

Definitions used to describe care

There are five terms used to describe a parent's care percentage:

Below Regular care: 0% to less than 14% or 0 to 51 nights/year. This level of care will not affect the child support formula.

Regular care: From 14% to less than 35% or 52 to 127 nights/year. Regular care is recognised in the child support formula as a contribution to the costs of the child, but the customer will not receive child support.

Shared care: Between 35% and 65% or 128 to 237 nights/year.

Primary care: Between 65% and 86% or 238 to 313 nights/year.

Above Primary care: Between 86% and 100% or 314 to 365 nights/year.

How does the care percentage affect a child support assessment?

Child support is calculated to recognise shared parenting and the contribution each parent makes towards the costs of the children through direct care. A parent or non-parent carer's percentage of care is used to determine the parent's or non-parent carer's cost percentage, that is, the percentage of the cost of the child that the person is taken to be meeting directly as a result of the care they provide.

Parents with regular care, that is, 14 to 34 per cent of the time (52 to 127 nights) are acknowledged as directly meeting 24 per cent of the costs of the children, with the remainder of their share of the costs being payable as child support. They won't receive a share of Family Tax Benefit Part A or B or some other family assistance payments, but they may still be eligible to access other benefits such as rent assistance and a Health Care Card. They may also be able to receive a higher 'with child' rate of income support.

Parents with shared care are also recognised in the child support formula as contributing to the costs of the child. Their direct contribution is recognised on a sliding scale of percentages, directly related to the percentage of care they provide. A customer with shared care can either receive or be required to pay child support.

Primary care is recognised in the child support formula as a contribution to the costs of the child, with the parent acknowledged as directly meeting 76 per cent of the costs of the children. A customer will not be assessed to pay child support if they have more than 65 per cent care.

A customer with above primary care (at least 86 per cent) is recognised as directly meeting all of the costs of the child. A customer with this level of care will not be assessed to pay child support.

What if parents don't agree on care?

When a parent makes a claim about the level of care of a child, the CSA will seek to confirm the information with the other parent. If the other parent does not agree, the CSA will ask both parents to provide details of the



care arrangements for the next 12 months. CSA may use information about past care to determine the likely care arrangements in the future.

The CSA will make a decision on the basis of the information provided by parents to substantiate their claims. This information may include statements, diaries, receipts or other evidence. The CSA strongly recommends that parents keep a record of their care arrangements in a diary or calendar.

In some circumstances, the level of care a customer has will influence other CSA decisions, such as decisions about prescribed non agency payments (PNAPs). A paying parent must have less than 14% care of all of the children of the relevant administrative assessment to have PNAPs credited.

Care and Family Tax Benefit

If a parent has shared care, they may be able to share the Family Tax Benefit (FTB) with the other parent. If a parent has primary care, that is more than 65 per cent of the time (238 nights or more), they may be able to receive 100 per cent of the FTB.

When can a child support assessment be amended to reflect a change in the percentage of care?

If a parent has a new court order, agreement or parenting plan, which changes their care percentage by less than 7.1 per cent (equivalent to one night a fortnight), the CSA can adjust the child support assessment to reflect the change.

If a parent has a change of care which is less than 7.1 per cent that results in their care percentage going above or below either the 14 per cent regular care threshold or the 35 per cent shared care threshold, the CSA can adjust the child support assessment to reflect the change.

In all other cases, the CSA can only make a change to the percentage of care where the change is greater than 7.1 per cent. This means that small changes (such as a parent missing one night's care because the child was too sick to travel) do not affect the care percentage or the child support payable.

Parents should always try to tell the CSA about changes in care as soon as possible so that their child support payments are as accurate as possible. If the CSA is informed within 28 days, the child support assessment may be able to be adjusted from the date the change in care happened.

A change in a pattern of care that is greater than 1 night per fortnight can be reflected in a child support assessment if the cost percentage is affected. This means that changes in care percentage can be acknowledged even when they don't change the annual rate of child support payable. For example, if the parents have an agreement that sets the annual rate.

Non-parent carers

A person who is not the parent of a child, but has taken on the parenting role, such as a grandparent, may be an eligible carer and able to apply for a child support assessment. A non-parent carer must have at least shared care (at least 35 per cent care) to be eligible to claim child support.

If a parent or legal guardian of the child does not consent to that person caring for the child, then that person is not an eligible carer. The exception to this is where the Registrar determines that it would be unreasonable for a child to live with the parent or legal guardian. This may be because there has been extreme family breakdown, or there is serious risk to the child's physical or mental wellbeing.

Different rules may apply in some States where the child is cared for under a child welfare law of that State. Non-parent carers in this situation should contact CSA for more information.

To claim child support an eligible carer must make a claim for child support from both parents, unless they are unable to do so (such as, if one parent is deceased, not a resident of Australia or there are special circumstances).



Parents on a low income

Where a paying parent is earning a genuinely low income, they will normally be required to pay the minimum annual rate (currently \$356 per annum). However, if the parent has care of the children for 14 per cent or more of the time (52 nights or more a year), they will not be required to pay the minimum assessment. This is because the care they are providing is recognised as their contribution to the costs of the child.

More information

The Guide - http://www.csa.gov.au/guidev2/TheGuideMaster.aspx?content=2_2_0

Care Estimator – <http://www.csa.gov.au/ChildSupportFormula/CareEstimator.aspx>

Child Support/FTB Estimator - <http://www.csa.gov.au/estimator/index.aspx>

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