

Factsheet Seven:

Stage 2 – 1 January 2007

Improving the relationship between the courts, the Child Support Scheme and CSA

Previously, the relationship between the courts and the Child Support Scheme was seen as being too complex and discretionary. Courts had insufficient powers to manage cases coming before them, and parents' choices about taking enforcement action privately through a court were limited by their decision to have the Child Support Agency (CSA) collect payments.

From 1 January 2007, changes to the Child Support Scheme have simplified the relationship between the courts and CSA, making processes easier and more responsive to parents' needs. This has happened in four ways:

Access to court enforcement by parents

Previously, if parents receiving child support asked CSA to collect child support, they were unable to undertake their own court action to recover any outstanding debt. Even if they had other matters in court that would allow them an opportunity to recover a child support debt (such as a property settlement) CSA had to be involved. This caused some delays.

If a parent wanted to take their own action in court regarding the debt, they had to assume all responsibility for collection, including for ongoing child support.

This change allows a parent to take their own enforcement action. Parents must give notice to CSA, who will continue ongoing collection. They must also give notice to CSA of any money collected.

Powers of courts determining child support matters

From 1 January 2007, a court hearing an application for enforcement of child support initiated by a parent has the same powers as the Child Support Agency to obtain information in relation to either parent.

Greater discretion when making temporary child support arrangements and stay orders

Previously courts had limited powers to make stay orders. This meant debts and penalties could build up even when a court was examining a case.

From 1 January 2007, courts have increased powers to make temporary arrangements about child support (e.g. suspending payments) to ensure more balanced outcomes for parents and children when child support assessments are disputed.

Limiting departure orders and change of assessment decisions

In some circumstances, the ability to make a change to an assessment for a past period can provide flexibility. However, these changes can create unexpected hardship and uncertainty when they relate to assessments in the distant past.

From 1 January 2007, Change of Assessment decisions and departure orders made by a court are generally limited to the previous eighteen months, providing a balance between flexibility and certainty for parents. If a parent wants to apply for a further period, they must apply to the court which may grant leave to apply for a change of assessment for up to seven years.

More information

For more information about these changes please telephone the Family Law Courts' National Inquiry Centre on 1300 352 000.

For more information on the child support reforms, visit www.australia.gov.au/csa

If you'd like to read more information on the Taskforce and how the reforms came into being, visit the website of the Australian Government Department of Families, Community Services and Indigenous Affairs - www.facsia.gov.au

