



When does child support cease?

Child Support is generally payable in respect to all children until they reach 18 years of age or until they complete their secondary schooling if they are turning 18 years during the year, they complete school. However, child maintenance may cease in some circumstances before the child turns 18 and may also continue to be payable in certain circumstances for children over the age of 18 years.

About Child Support

Child Support is designed to help cover the expenses involved with raising children, such as food, clothing, medical costs, house and school costs. There are no existing regulations specifying what child support payments can and cannot be used for, but parents receiving child support are expected to use it for their children and not as personal financial support for themselves.

Parents can choose to “self-regulate” Child Support by entering into a Child Support Agreement under which they agree on the amount that will be paid and whether this will be by direct cash payments or by non-cash items such as school fees, school uniforms, specific extra-curricular activities, insurance or medical expenses.

If parents can't agree, Child Support is managed by the Department of Human Services (DHS), which carries out a child support assessment to determine how much should be paid and who should pay child support to whom. This is based on both parents' incomes and how often in a year they look after the child. If a person has more than one child, their child support payments may also be different for each child.

Changes that can lead to Child Support Ceasing

The obligation of a parent to pay Child Support can end in three main circumstances when there are changes relating to either:

1. the child;
2. the care of the child; or to
3. the parents of the child

1. Changes relating to the Child

Child Support obligations will generally cease if:

- the child turns 18, unless they're still in secondary education;
- the child marries or starts living in a marriage like relationship;



- someone else adopts the child;
- the child dies; or
- the child is no longer an Australian resident or citizen and the person entitled to get child support is not a resident of a reciprocating jurisdiction.

2. Changes relating to Care of the Child

A parent's obligation will also end if:

- DHS is notified of a care change more than 26 weeks after it occurs, and a parent or non-parent carer stops having 35% care or more and the other parent starts having 35% care or more; or
- both parents have less than 35% care of the child and there is no non-parent carer entitled to receive child support.

3. Changes relating to the Parents of the Child

Parental Child Support obligations will end if:

- DHS accepts an application by the parent receiving the payment to end the Child Support;
- DHS accepts an application to end the payment and the payment commenced under a Child Support Agreement;
- DHS accepts a binding Child Support Agreement that ends the assessment;
- one of the parents dies and there is no non-parent carer entitled to receive Child Support;
- the parents have been reconciled for 6 months or more; or
- both parents stop being residents of Australia.

What if the Child leaves School and starts Work?

If a child leaves school before 18 years and starts working, that in itself is not a justification for Child Support ceasing. However, the fact that the child is working may be grounds for the paying parent to apply to the DHS for a change of assessment on the grounds that "the assessment is unjust and inequitable because of the income, earning capacity, property and financial resources of the child".

Obligations to Support a Child after they turn 18

While Child Support is generally payable until a child turns 18 or until they complete secondary schooling, other financial support can be payable after the obligation to pay Child Support ceases.

Child Maintenance is financial support for dependent children over 18 years of age and is payable if a child over 18 is studying (such as at a university or an apprenticeship), has a physical or mental disability or suffers from a serious illness. It's generally only payable where the child has a genuine "financial need" and an inability to otherwise support themselves financially. Importantly, an application for Child Maintenance must be made before the child in question turns 18 and it can be brought by the parent of the child or the child themselves.



If you want more information or assistance in relation to Child Support payments and how they may work for your unique circumstances, please contact our Family Law specialists, [Oliver Hagen](#) or [Ken Gray](#) on 02 4731 5899 or email familylaw@batemanbattersby.com.au.