

CHILD SUPPORT AND SCHOOL FEES

The CSA formula assessment is based on children attending a State school, not a private school.

How do school fees affect child support?

If parents have an agreed intention that their child should attend a private school, then the agency will look at including a proportionate amount of the school fees in a "re-assessment". The parents intention is usually evidenced by the completion and signing of a school "enrolment form".

The situation becomes more complicated however if both parents have agreed that the payment of school fees was made for the purpose of child support. In that case, the payment can be credited as a direct, or third party payment.

Where the parent receiving child support does not agree that the payment of school fees was meant to be part of the child support assessment, the paying parent is still able to have some of the payment credited as child support. This is only where the paying parent pays 70% of their normal monthly child support payment on time and in that case a maximum of 30% of the monthly payment can be credited towards the school fees. These are often referred to as "non-agency" payments.

It should be noted that only paying parents that have 14% ("regular care") or less, of the "time spent" with the children are able to claim a "non-agency payment".

If a paying parent is unable to apply for the "non- agency payment" because of a level of care higher than "regular care" of a child, that parent can apply to the CSA for a "change of assessment", if the costs of maintaining the child are significantly affected by the higher costs of education in the way that the both parents intended.

In deciding whether the parents were agreed that the child should be educated privately, the CSA will consider the type of education intended by both parents for the child, rather than any particular school intended by the parents.

The CSA will also consider the financial situation of both parents. The fact that a payer can afford to pay the fees is not in itself a reason for imposing a liability to contribute to private school fees.

If you have received a "notice of change of assessment" or payment of school fees or alternatively, you are looking for assistance for payment of school fees, we strongly recommend that you contact a Specialist Family Law firm and obtain advice.