



What is the difference between child support and adult child maintenance?

Date: Sunday February 18, 2024

When parents separate, their [parental responsibility](#) does not cease. A parent still needs to financially provide for their child's food, clothes, school fees and other expenses, regardless of who the child lives with or spends the most time with. To ensure the financial well-being of children of the relationship, child support or adult child maintenance may have to be paid by one parent to the other.

In this blog, we look at the difference between child support and adult child maintenance and how they are calculated.

Child support vs adult child maintenance

In a nutshell, child support is paid from one parent to another for children who are under 18 years old, while adult child maintenance is paid for children over 18.

Child support is more common once parents have separated, as there are limited circumstances where adult child maintenance will be granted. However, both are important in making sure that the child is reasonably taken care of.

How to seek child support after separation

Child support is the most common form of financial support one parent provides to another after separation. It is an ongoing payment, typically to the parent the child lives with or spends the most time with, by the other.

Any need for child support arises from a parental duty to take care of or 'maintain' any child of the relationship, regardless of the relationship status between the parents. The obligation for a parent to pay child support ends once their child turns 18.

Child support can be arranged in two ways:

1. Through an assessment by the Child Support Agency; or
2. Through a private agreement between the separated parents.

Child Support Agency assessment

If parties are unable to agree on arrangements for financial support, the amount of child support one parent pays to another can be determined by a child support assessment made after an application to the Services Australia Child Support Agency.

The assessment considers the percentage of care each parent needs to provide to the child. The assessment will look at factors such as:

- each parent's income;
- the day-to-day costs of caring for the child;
- the ages of the children;
- the number of children child support payments need to cover; and
- whether a parent cares for or pays child support for other children.

These considerations determine who pays child support, the amount payable and how often the payments are made.

Private child support agreement between the parents

Where the parties can come to agreement, a private agreement can be made rather than applying for an assessment through Services Australia. These agreements are called Binding Child Support Agreements, and the parties involved can decide on any arrangement between themselves.

Before drafting and signing a Binding Child Support Agreement, each party needs to discuss their situation and the proposed arrangements with a lawyer to ensure the agreement is in their best interests. Once agreement is finalised, Consent Orders can be obtained from the Court.

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How to seek adult child maintenance

Adult child maintenance can be put in place with an application for Court orders where there is a need for ongoing financial support of a child once they turn 18.

There are two situations where the Court may make a child maintenance order:

1. If the child is starting or currently enrolled in tertiary education, such as university; or
2. The child has a mental illness or physical disability.

Both of these circumstances may mean the child continues to be financially dependent on the parent they live with, and so both parents will need to provide financial support.

The Court considers several factors to decide if a parent should pay child maintenance. Some factors may include:

- if the child is, in fact financially dependent on their parents;
- if maintenance payments will help the child to finish their tertiary education;
- the financial capacity of the child to provide for themselves; and
- the financial capacity of the parents to continue providing for both themselves and the child.

Get help from a family lawyer

Parenting arrangements and arranging child support or adult child maintenance after separation can be a difficult and challenging process. If you need assistance with child support arrangements, our family lawyers are able to assist you in matters of separation, child support and parenting agreements.

Contacting Smith Family Law

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- [Differences between a Binding Child Support Agreement and a Limited Child Support Agreement](#)
- [Does child support cover extra-curricular activities?](#)

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