



ADULT CHILD MAINTENANCE



This information is general and not a substitute for legal advice. The Legal Services Commission provides free advice for most legal problems.

Contact the Child Support Unit on 8111 5576 or for country callers the Legal Helpline 1300 366 424. (www.lsc.sa.gov.au & www.lawhandbook.sa.gov.au)

WHO CAN RECEIVE ADULT CHILD MAINTENANCE

If you are over 18 years of age and are unable to support yourself because you are completing your education, you may be entitled to receive adult child maintenance from your parent(s).

LEGAL BASIS

The Family Law Act (1975) allows for maintenance to be paid for children who are over 18 years. The contribution to be made by your parent(s) will depend on your necessary expenses and income, and the financial circumstances and necessary commitments of your parent(s).

WHAT ARE “NECESSARY” EXPENSES?

Necessary expenses can include such things as your share of the food/household supplies, utility expenses, transport and accommodation costs - even if these expenses are currently paid by a parent.

Expenses associated with your course of study, such as books, internet charges, equipment, TAFE fees or other course costs, will be included. HECS fees are not considered a necessary expense because they can be deferred.

Any special expenses you may have such as optical, orthodontic or medical costs will usually be considered necessary. Other items may include clothing, personal care costs, vehicle and telephone expenses. Entertainment and social expenses may be excluded.

FREQUENTLY ASKED QUESTIONS

I study at TAFE. Are TAFE courses recognised under the requirements for adult maintenance?

A range of courses can meet the requirements, including school, TAFE and university courses, apprenticeships, and courses conducted at private colleges such as business colleges.

Do I need to show that I have part-time work?

You should be able to show that you are attempting to contribute to your own support, taking into account your course commitments, skills, and the availability of part-time work.

I live with my boyfriend. Am I still eligible to receive maintenance?

If you are married or living in a de facto relationship, you are not able to seek an order for adult child maintenance.

I receive a Disability Support Pension from Centrelink. Does this affect my chance of receiving maintenance from my parent(s)?

No. An entitlement to an income tested pension, allowance or benefit, such as DSP or Youth Allowance, does not prevent you making a claim for adult child maintenance.



ADULT CHILD MAINTENANCE



ADULT CHILD MAINTENANCE EXAMPLES

Sally will turn 18 in three months time and is studying at university. She lives at home with her mother. Her parents separated several years ago. Sally's average weekly expenses are \$325. This figure includes her share of the food, utility bills and rent (all of which her mother pays), as well as the costs associated with her study (but not her HECS fees). Sally has 30 contact hours per week but is able to earn an average of \$135 per week from her part-time job. Her parents each earn about \$50,000 per year.

Sally or her mother can apply for maintenance from her father, even though Sally is not yet 18. Sally's father may be required to contribute \$95 a week, or approximately half of the shortfall in Sally's necessary expenses. The amount of maintenance payable may be affected by other variables.

Sue turned 18 two months ago and is completing year 13 at a secondary college. She lives at home with her father who has been paying for all of her expenses. Sue's mother paid child support until her 18th birthday, but is not currently contributing to Sue's support.

Sue or her father can apply for maintenance to be paid by her mother while Sue completes her studies. The amount of maintenance payable would be determined by quantifying Sue's necessary expenses, and calculating a fair contribution to those expenses, based on the financial position of her mother and father.

Sam is 19 years old and has Down's Syndrome. Sam and his mother receive Centrelink benefits. Sam's average weekly expenses are \$390, and he works parttime in supported employment where he earns \$50 per week. Sam's father earns \$65,000. He is married and has two children of his new relationship.

Sam or his mother can seek maintenance payments from his father to help meet his living expenses. His father's financial circumstances will be taken into account, as will his duty to provide support for his current family.

WHAT TO DO?

You can obtain further information about adult child maintenance by calling the Child Support Help Line on 8111 5576.

We can talk to you about your particular situation and your eligibility for legal assistance. Various options, including informal negotiations, family dispute resolution or a court application can be discussed.

We can also talk to you about:

- who can make the application for adult child maintenance (you or another person allowed under the Family Law Act)
- efforts that can be made to resolve the matter by negotiation or mediation
- your potential rights and obligations under any court order, such as
- information you may be required to provide to the paying parent
- your duty to notify the paying parent if you cease your studies
- collection and enforcement issues.

We will, at all times, consider the relationship between you and your parent(s). Our aim is to assist you to reach an amicable solution, wherever possible.

WHO CAN HELP ME?

Free, confidential legal advice can be obtained by calling the Child Support Help Line. Telephone **8111 5576** or country callers can local call **1300 366 424**.

You can also contact the Child Support Unit via email: childsupportunit@lsc.sa.gov.au — or our Facebook site: www.facebook.com/ChildSupportUnitSA

To order copies of this free fact sheet visit www.lsc.sa.gov.au or telephone **8111 5528**