

Child Support Agency: Change of Assessment in Special Circumstances

Application for Change of Assessment in Special Circumstances is lodged with the Child with the Child Support Agency. The Respondent receives a copy and can lodge response documents.



The Senior Case Officer will read all of the material and may have a telephone conference with either or both parties to obtain further information or discuss the issues. The rules of evidence do not apply.



The Senior Case Officer will then make a decision and provide a copy to both parties. The SCO must undertake a three step process . Step 1: Identify the relevant ground (or reason).
Step 2: Determine the justice and equity of the proposed change.
Step 3: Determine whether the proposed change is otherwise proper.



The 'reason' for the Change (Step 1) must fall within the list contained in the application. If the circumstances are not within one of those contained on the list, the Senior Case Officer must dismiss the application.

The reasons include (a) High costs involved in caring for a child or spending time with a child (b) educating the child in a manner the parents expect (c) the assessment not properly reflecting the income earning capacity or financial resources of a parent.

The full list is available at csa.gov.au (To page 2)

(Continued from Page 1) If a reason is established then the Senior Case Officer must consider the justice & equity of the proposed change.



The Factors in determining Justice & Equity

- The nature of the duty of a parent to maintain a child; and
- The proper needs of the child;
- The income, earning capacity, property and financial resources of the child; and each parent ;
- The earning capacity of each parent;
- The commitments necessary for each parent to support themselves or any other person or child;
- Direct and indirect costs met by the carer entitled to child support,
- Hardship to the child, either of the parents, or any other child a parent has a duty to maintain.



The Senior Case Office must then go on to determine whether the change is "otherwise proper" taking into account whether either of the parents or the child are entitled to an income tested pension or benefit and if so the rate of that benefit.



If either parent is dissatisfied with the decision, they can object to the decision using the CSA process. Any objection must be lodged within 28 days of the date the decision was made.