



Inland Revenue
Te Tari Taake

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Helping you to understand child support



Child support information

Find out more information about child support at ird.govt.nz/child-support

How to get our child support forms and guides

For copies of all our forms and guides go to ird.govt.nz/forms-guides

myIR

You can manage your child support online with a myIR account.

In myIR you can:

- check your payments
- update your phone, email or address
- update your bank account details
- estimate your income, or cancel an estimate
- advise of a change in your circumstances
- manage your alert email settings
- read your notices and statements.

myIR is available 24 hours a day, seven days a week. Find out more and register at ird.govt.nz/myIR

Forgotten your user ID or password?

Request these online from the myIR login screen and we will send them to the email address we hold for you.

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What is child support?

Child support is financial support paid by parents who either do not live with their children, or who share the care of their children with another person. This usually happens when:

- a couple with children split up
- two people not living together have a child
- the children do not live with either parent.

Sometimes, children may be cared for by someone other than parents, such as grandparents, other family members, or the Oranga Tamariki—Ministry for Children. In these cases, both parents may pay child support.

Child support aims to ensure that:

- parents take financial responsibility for their children
- financial contributions from liable parents help to offset the cost of benefits that support their children.

How child support works

If a carer receives a sole parent benefit from Work and Income, they will complete a child support application as part of the benefit application process. We will assess and collect any child support payable.

Parents and carers who do not receive a benefit can make their own arrangements for child support. We do not need to be involved.

If parents and carers can agree on an amount of child support, but still want us to be involved, they can register a voluntary agreement. This means we will collect the child support and pass it on, at a rate agreed to by both parties. See page 29 for more information on voluntary agreements.

If parents and carers cannot agree, either parent can apply for a formula assessment of child support. Non-parent carers who care for a child for at least 35% of the time can also apply for a formula assessment of child support.

We collect payments from the liable parent and pass them on to:

- the receiving carer, to help with the costs of looking after the child, or
- the government, if the receiving carer is receiving a sole parent benefit.

Inland Revenue does not decide parenting arrangements, who is a parent or who has the day-to-day care of children.

For help with these matters you can contact your lawyer, community law centre, local Family Court coordinator or Citizens Advice Bureau.

Inland Revenue does not deal direct with children or pay child support direct to the children. Payments are made to the receiving carer.

Which children qualify for child support?

To qualify for child support, the child must be:

- under 18 years of age or 18 years of age and enrolled at and attending a registered school in New Zealand or an overseas school
- a New Zealand citizen or ordinarily resident in New Zealand
- not married, in a civil union or de facto relationship
- not financially independent, that is, not working full-time, or receiving a benefit or student allowance.

"Full-time" means working as an employee or being self-employed for a minimum (on average) of 30 hours a week or in employment that is considered full-time regardless of actual hours worked.

Note

A student loan does not make a child financially independent.

Working for Families Tax Credits

Child support is different from Working for Families Tax Credits.

Working for Families Tax Credits are a government-funded entitlement for families with children who meet certain qualifying criteria. For more information, read our guide **Working and raising a family - IR201** at ird.govt.nz/forms-guides

Help from Work and Income

You and your family may be able to get support from Work and Income. Go to www.workandincome.govt.nz for information on what assistance is available to you.

How we calculate child support

When a person applies for child support, we use the formula set out in the Child Support Act 1991 to work out how much child support is payable.

The formula uses both parents' taxable income but first deducts a living allowance, any dependent child allowance for children in a parent's care and any multi-group allowance where a parent is paying or receiving child support for children in other relationships. It also takes into account the care each parent provides for the children and the costs of raising them.

We work out how much child support should be paid each year and divide this into monthly amounts and advise the:

- liable parent how much they need to pay
- receiving carer how much they are entitled to receive.

How the child support formula works

There are eight steps in the child support formula. We work through these steps for each child:

1. Work out each parent's adjusted taxable income. We use the income from either the previous calendar year or from two tax years ago (1 April to 31 March).
 - a) We use the previous year's income if your income in the last calendar year (1 January to 31 December) was only from:
 - salary
 - wages
 - a benefit
 - New Zealand interest and dividends.

For example, your child support assessment for the year April 2021 - March 2022 would be based on your taxable income earned in the year January 2020 - December 2020.

- b) We use income from two tax years ago if any of your income in the previous calendar year was from overseas or included sources other than salary, wages, benefit, interest or dividends. For example:
 - rents
 - self-employment
 - overseas income, including interest and dividends.

For example, for the year April 2021 - March 2022 your assessment would be based on your income tax return filed for the year April 2019 - March 2020 adjusted by an inflation factor.

2. Calculate and deduct a living allowance, allowances for any dependent children (the dependent child allowance) and/or other children the parent pays child support for (the multi-group allowance). The result is that parent's child support income.
3. Add both parents' child support income amounts together to get a combined child support income amount.
4. Divide each parent's child support income amount by the combined child support income amount to get an income percentage for each parent.
5. Work out each parent's amount of ongoing daily care for the child, and work out the equivalent care cost percentage.
6. Subtract the care cost percentage from the income percentage for each parent. This is the "child support percentage".
 - If the result is a negative percentage, that parent is a receiving carer. If the amount of ongoing daily care is 35% or more, the person is eligible to receive child support.
 - If the result is a positive percentage, that person is a liable parent. If the amount of ongoing daily care is 65% or less, the person will be required to pay child support.
 - If the result is a nil percentage, the person is a liable parent. If the amount of ongoing daily care is under 28%, the person will be required to pay child support.
7. Use the "Child expenditure" table at ird.govt.nz/childsupport to work out the costs for each child, based on the parents' combined child support income. We update this table each year.
8. We work out the child support payable by multiplying the positive child support percentage by the cost of the child.

You can work through the child support formula for your situation using the child support liability/entitlement calculator at ird.govt.nz/childsupport

Are there exemptions from paying child support?

Temporary exemptions

There are three circumstances where you may be able to apply for a temporary exemption from making child support payments. These are when you are:

- in prison for 13 weeks in a row or more
- in hospital for 13 weeks in a row or more
- under 16 years old.

If you are in prison you must apply for the exemption before you are released. If you are in hospital you have up to three months after the day you are discharged to apply for the exemption. You have up to three months after the day you turn 16 to apply for the exemption.

There may be reasons why you do not qualify for an exemption, eg, you have income over a certain level.

If your circumstances change, eg, you leave prison or hospital, or start earning income, please let us know as soon as possible. You may no longer be eligible for the exemption.

To apply, fill in a:

- **Prisoner and hospital patient exemption application - IR105 form, or**
- **Persons under 16 years exemption application - IR105A form.**

Permanent exemptions

Victims of a sex offence can apply for a permanent exemption from child support if:

- we have accepted an application for child support naming you as a child's liable parent
- you believe the child was conceived as the result of a sex offence (as defined by sections 127-144C of the Crimes Act 1961)
- a person other than you has been:
 - convicted of the sex offence, or
 - proved to have committed the sex offence before the Youth Court
- in the opinion of Inland Revenue the child was conceived as a result of that sex offence.

Example

A boy under 16 fathers a child with a woman over 30. If the woman is convicted of committing the offence and an application for child support is accepted by us for that child, the boy can apply for an exemption because he is the victim of the offence.

Example

A girl is the victim of a sex offence resulting in the birth of a child. If the offender is convicted of committing that sex offence, and an application for child support is later accepted by us for that child against the girl (this could happen if, for example, a grandparent is caring for the child), she may also be able to apply for an exemption as she is the victim.

If you apply for the exemption and it is:

- within 28 days of you being notified of your assessment, the exemption will apply from the date we received the child support application
- after 28 days of you being notified of your assessment, the exemption will apply from the date we received the application for the exemption.

You can apply for a permanent exemption, by completing a **Victim of sex offence exemption from child support payments application - IR105B** form. You can download a copy from ird.govt.nz/forms-guides

Applying for child support

A parent or non-parent carer can apply for a formula assessment of child support by filling out one of these forms:

- If you are a parent, complete the **Application to assess child support - IR101** form.
- If you are a non-parent carer, complete the **Application to assess child support by a non-parent carer - IR954** form. If you are a non-parent carer you must apply for child support from both parents.

If the children in your care were born outside New Zealand, you will need copies of their birth certificates or other acceptable identification, eg, copies of their passports. You will also need proof of who the parents are, eg, a full birth certificate showing the parent's names. Documents should be in English or translated by an official translator.

Note

If you do not have any proof of paternity when you decide to apply for child support, you can still apply and tell us the name of the person you believe is the parent of the child. If a paternity order is made later on, we will start your child support from the day you made your original application. The liable parent will not be made liable to pay child support until we receive proof of paternity.

Applying for child support if you are on a benefit

If you are receiving a sole parent benefit, you must apply for child support. Your Work and Income case manager will discuss this with you when you apply for a benefit.

Accepting the application

We will send you and the other parent(s) a letter confirming we have accepted your application and made a formula assessment.

What happens if you do not accept my application?

If we decide we cannot accept your application, we will send you a letter telling you why. If you disagree with our decision, you have 28 days to send us a written objection.

If we do not accept your application because of some missing information, you need to send us that information as soon as possible. We will start your child support from the date we receive it.

Example

You apply for child support on 1 February but you do not include the child's birth certificate. We decline your application. You then send us the birth certificate and we receive it on 1 April. Your child support will start from 1 April.

Confirming the amount of child support

When we have worked out how much child support is payable, we will send a notice of entitlement to the receiving carer and a notice of assessment to the liable parent.

Your notice confirms:

- who you are receiving child support from, or who you are paying child support to
- the children the child support is for, and how much child support you will receive or pay.

What is the minimum child support?

The minimum amount of child support payable under a formula assessment is:

- adjusted each year in line with inflation
- required to be paid by the liable parent even if the formula works out less than that amount
- applied to the liable parent's total assessment so, if they pay child support for other children, the payment is divided between all the children.

For the current year's minimum amount, go to

ird.govt.nz/childsupport

To work out how much you might receive, use our child support liability/entitlement calculator at **ird.govt.nz/childsupport**

Information for parents

What happens to the child support payments?

We pass child support payments that we have received from the liable parent to the receiving carer(s) to help with the costs of raising your children.

However, if the receiving carer receives a sole parent benefit, the child support is passed on to the government to help pay for their benefit.

If the payment is more than the amount of the benefit the receiving carer receives, we pass the excess to them.

The receiving carer can decide to stop receiving child support payments as long as they are not receiving a sole parent benefit.

Notice of assessment or entitlement

We will use the formula in the Child Support Act 1991 to work out how much child support needs to be paid. We will send the liable parent a notice of assessment and the receiving carer a notice of entitlement. This tells you how much child support you should pay or receive and explains your rights if you want to object to the assessment.

Changes to your circumstances

Please let us know immediately about any change to your personal situation because it could affect your child support payments. See the checklist on page 15 for changes you need to tell us about.

✓	Checklist
	You start living with the person who receives the child support you pay.
	You start or stop being liable under a child support assessment made by the Department of Human Services (DHS) in Australia.
	Any child leaves your care or comes into your care (this may be a child you are paying child support for).
	Any child in your care starts work, is 18 years of age and no longer enrolled at and attending a registered school in New Zealand or an overseas school, gets married or enters into a civil union or de facto relationship.
	You start or stop caring for a child, or your amount of care changes.
	You change employment and you are paying child support from your wages.
	You start or stop receiving a benefit.
	You change your address or contact details.
	You change your citizenship status.
	Any other changes you think could affect your child support.

You can tell us about a change using your myIR account or by completing the **Change of circumstances - IR116** form. You can download a copy from ird.govt.nz/forms-guides and send it to us.

Changes to the amount of child support you pay or receive

If we send you a letter or notice to say the amount of child support has changed, it could be for one of the following reasons:

- a child has started or stopped living with either parent
- either parent's income has changed
- either parent has started or stopped paying for another child
- the liable parent has been exempted from paying child support. For more information please see page 10.

Please note that because of privacy considerations we are not allowed to tell you exactly why the amount has changed.

If you disagree with the change because you have special circumstances, or the liable parent has been granted an exemption from paying child support, you may be able to have it reviewed. For more information please read our guide **Helping you to understand child support reviews - IR175**.

How long is child support paid for?

Your child support will stop when the child:

- turns 18 years of age, or if they are 18 years of age and enrolled at and attending a registered school in New Zealand or an overseas school, at the end of the school year, or
- starts working full-time (on average 30 hours a week or more), or
- receives a benefit or student allowance, or
- starts living in a marriage, civil union or defacto relationship.

Can I cancel formula assessed child support?

If you want to cancel a formula assessment, all receiving carers of the child and any parent **who is not a receiving carer under the formula assessment** but who has at least 28% of ongoing daily care for the child under a formula assessment must agree to cancel.

You cannot cancel child support for a child if any recognised carer receives a sole parent benefit or for any child you receive unsupported child's benefit for.

Does living in Australia affect my child support?

There is a reciprocal agreement with the Department of Human Services (DHS) in Australia covering how child support is administered when one parent lives in Australia and one lives in New Zealand. This agreement means:

- receiving carers living in Australia must apply to the DHS to receive child support and New Zealand Inland Revenue will collect payments from the parent living in New Zealand if the DHS requests it
- receiving carers living in New Zealand must apply through us to receive child support and the DHS will collect payments from the liable parent in Australia if we request it.

For more information go to ird.govt.nz/childsupport

Making child support payments

When payments are due

Liable parents have 30 days from the date we send the first notice of assessment to make the first child support payment. The first payment will normally be a part-month payment, because we calculate the amount payable from the date we accept the application.

Receiving carers should receive their first payment about eight weeks after we receive the application, as long as the liable parent makes their first payment on time.

After that, child support for a particular month needs to be paid by the 20th of the following month. For example, payment for August is due on 20 September.

After that, child support is then paid to the receiving carers by the 7th of the month following the month in which the child support was due to be paid, as long as the liable parent pays on time. For example, child support for August has to be paid on 20 September and we pay this to the receiving carer by 7 October.

Deductions from employment income

Liable parents can voluntarily get their child support payments deducted from their employment income.

This option is for liable parents who are not in debt and:

- earn PAYE income
- receive ACC
- earn withholding income
- receive a student allowance.

Liable parents need to talk to us first. We will work out the right amount and tell the employer how much to deduct, and when.

If any liable parent does not pay their child support, we will still be able to make compulsory deductions from any available income source.

How to make child support payments

Go to our website at ird.govt.nz/childsupport to view information about how to make payments.

What happens if my child support is late?

Child support is due on the 20th of each month. If you get behind in your payments it is important that you pay the debt as quickly as possible. You can do this by paying the total amount in one lump sum. We cannot pass on any payments for the children until you have paid us.

We charge late payment penalties on all overdue child support payments. This means that the longer a payment remains overdue, the more penalties we will add.

Penalties are charged as follows:

- 2% of the unpaid child support or \$5 (whichever is greater) the day after the due date
- 8% of the unpaid child support seven days later.

Prior to 1 April 2021, additional penalties were charged as follows:

- 2% of the unpaid child support and penalties already charged for each of the following 12 months the outstanding amount remains overdue
- 1% of the unpaid child support and penalties already charged from then on monthly.

Example

You did not pay your monthly assessment of \$300 for May. We charged a \$6 penalty (2% of the amount due) on 21 June. You now owe \$306.

If you do not pay the total amount of \$306 before 28 June, a \$24 penalty (8% of the child support amount due) is charged.

What if I cannot pay a lump sum?

If you are not able to pay the amount owing in one lump sum, have a look at dealing with child support debt at ird.govt.nz/childsupport or contact us on 0800 221 221.

If you do not contact us about your overdue payments we will normally set up a plan and arrange for your child support to be taken direct from your wages or salary each payday.

When you make a payment agreement for your debt, we will stop adding penalties. As long as you keep paying your debt as agreed, no more penalties will be added.

With any payment agreement, you also need to pay your ongoing child support on time each month.

We will look at your debt every 26 weeks and, if you have kept up your payments, we will permanently remove some of the penalties on your debt.

If you stop paying before your debt is fully paid, we will add further penalties to the debt you have not paid.

If you do not make arrangements to pay your debt, we may deduct your child support from:

- wages/salary (up to 40% of your net income)
- ACC payments
- bank accounts (the available balance on the account)
- any other money that may be payable to you, eg, a trust account or superannuation payouts.

If you have a tax refund owing, we will use this to pay your child support debt, even if you have a payment agreement with us. We can also take legal action against you.

However, we will always try to work out a payment agreement with you before taking any legal action.

Receiving child support payments

When and how do I get paid?

When you apply for a child support assessment we will ask you for your bank account details. We will pay your child support into your nominated account by the 7th of each month.

If you are on a sole parent benefit you will only receive child support if we have collected more than your net benefit (the amount you receive before Working for Families and any allowances). If this is the case, you will receive the difference between the two amounts by the 7th of the month following the month in which the payment was received. For example, if you are entitled to receive child support of \$900 each month from the liable parent and you receive a net benefit of \$700 each month, we will pay you child support of \$200.

How can I check my payments?

You can check what you have received, and what you are entitled to receive, by:

- logging into your myIR account. You can register for this service by going to ird.govt.nz/myir (Tax agents who use their PIN for their clients' tax records, cannot use this service)
- using our 0800 self-service numbers. See page 36 for more about this service and how to get a personal identification number (PIN).

What if the liable parent does not pay?

We can only pay you the child support we receive from the liable parent. If they do not pay, we will try to recover the unpaid child support. If we cannot find out where the liable parent works or lives, we may contact you for more information.

What if I receive too much child support?

If your circumstances change in any way, you can receive too much child support. It is important you tell us as soon as possible to avoid an overpayment.

Overpaid child support normally needs to be repaid to us. We recognise that this could cause difficulties and we are open to discussing a payment agreement with you. If you are still entitled to receive ongoing payments, we will usually arrange with you to reduce those payments by an agreed amount until we recover the debt.

In some circumstances, we may write the debt off. Please call us on 0800 221 221 to discuss your situation.

Estimating your income for child support

If you believe your income will be lower than the amount you have been assessed on, you may be able to estimate your income for child support. Both liable parents and receiving carers can estimate their income for the whole child support year or at any time during the year. This is called an "election period".

Example

You make an estimate in August. The election period you are estimating for is from 1 August to 31 March, which is 243 days.

If you estimate for the whole child support year, the election period you are estimating for is from 1 April to 31 March, which is 365 days.

When can I estimate my income?

You can estimate your income if:

- your year-to-date income, if any, plus estimated taxable income has reduced by 15% or more from the original adjusted taxable income we used or will use in your child support assessment, and
- you make an estimate during the child support year, and your "annualised estimated taxable income" is less than the original adjusted taxable income used in your assessment.

"Annualised estimated taxable income" means the taxable income expected to be earned during the election period converted to an equivalent annual figure (the income you would have received if the election period had been for 12 months).

Note

If you estimate before or during April of the child support year, your estimated taxable income does not need to be annualised because your estimate is for 12 months.

If we accept your estimate of income we will not:

- use it to assess child support for any children where liability has been set by a departure order or administrative review, or
- apply it to any voluntary agreement or court-ordered child support or domestic maintenance.

When we cannot accept an estimate

We cannot accept your estimate if:

- you have estimated your income for a previous child support year, and you were required to file a tax return for that year, but have not, and the due date for filing the return has passed
- the month your child support ends has passed, eg, you cannot estimate your income after 30 June if your child support ended on 15 June
- the child support year you wish to estimate for has ended
- your adjusted taxable income, child support income or annual amount of child support payable has been set by an income amount order
- a receiving order has been made in relation to your child support debt
- you estimated within the last three months and the new estimate will change your annualised estimated taxable income by \$500 or less.

How to estimate your income

If you decide to estimate your income, you are responsible for getting it right. When you make an estimate you must tell us the amount of income you expect to earn during the election period.

If you earn overseas income, you will need to make your estimate in the currency (or currencies) you have earned or expect to earn your income in. If you live in a country where you do not have to pay tax on your income, include that income in your estimate.

If you make an estimate before the start of, or during April of the child support year, you need to tell us what you expect to earn for the period 1 April to 31 March (the election period is for 365 days).

If you are estimating any time from 1 May to 31 March of the child support year (the election period is for less than 365 days), you need to tell us:

- your year-to-date income - this is actual income you have earned from 1 April to the end of the month before the month you make your estimate
- how much you expect to earn in the election period, from the start of the month you made the estimate, until the end of the child support year (31 March).

We may ask for evidence to support your estimate. For example, a payslip, bank records or a letter from your accountant or tax agent. You will need to supply this if we ask for it.

You can make your estimate:

- through your myIR account at ird.govt.nz or
- by completing the **Estimate of income for child support assessment - IR104** form.

If your income later changes but still meets the requirements for estimating, you can make a new estimate.

What happens next?

If we accept your estimate, we will reassess your child support for the period you have estimated (the election period) using your annualised estimated taxable income.

We calculate your annualised estimated taxable income by taking your estimated taxable income and:

- dividing it by the number of days left in the child support year (the election period), and
- multiplying it by 365 to calculate the new assessment amount.

$a \div b \times 365 = \text{annualised estimated taxable income}$

$a = \text{estimated taxable income for the election period}$

$b = \text{number of days in the election period}$

$365 = \text{number of days in a year}$

The reassessment will apply from:

- the first day of the month the election period begins in, or
- 1 April if the estimate will apply to the whole child support year.

We will send you and any other parent/carer a notice showing the amended child support assessment.

Example

Your child support assessment uses an original adjusted taxable income of \$65,000. Your year-to-date income from 1 April to 30 September is \$25,000 and you estimate you will earn \$16,500 from 1 October to 31 March (election period = 182 days).

We annualise your estimated taxable income:

$$\$16,500 \div 182 \times 365 = \$33,090.65$$

We will use your annualised estimated taxable income of \$33,090.65 in your assessment from 1 October to 31 March.

What if my income changes after I have estimated?

If your income changes but still meets the requirements for you to estimate, you can make a new estimate if:

- at least three months have passed since your previous estimate, or
- your annualised estimated income will change by more than \$500.

You can change your estimate:

- through your myIR account at ird.govt.nz or
- by completing the **Estimate of income for child support assessment - IR104** form.

If you want to change your estimate you must do it before 31 March of the current child support year.

Can I cancel my estimate?

If you want to stop using your estimated income for your assessment or your income changes and does not meet the requirements for estimating, you can cancel your estimate.

Example

Your original adjusted taxable income was \$95,000. You estimated your income for the child support year and later realised that your income for the year will probably be \$85,000. This is not a 15% drop from \$95,000 so you need to cancel the estimate.

We will then work out your child support as if you had never estimated. You may have extra child support to pay as a result.

You can cancel your estimate:

- through your myIR account at ird.govt.nz
- by completing the **Cancellation of child support income estimation - IR111** form.

We must receive your cancellation before the end of the child support year (31 March).

What happens at the end of the child support year?

After the end of the child support year, we compare your actual earnings with your estimate (unless you have cancelled it), and reassess you for the period your estimate was in place (the election period). This is called the "square-up".

We will use any year-to-date income you gave us in your estimate, and subtract it from your actual taxable earnings for the full year to work out the income earned in the election period.

We will send you a square-up assessment after the end of the child support year, once you have confirmed your actual income.

If both parents have estimated, we can only do the square-up when both parents' incomes are finalised.

If you have estimated your income incorrectly

If you make an incorrect estimate of your income and have underpaid your child support, you will have 30 days to make up any shortfall in payments. If you have received too much child support, we may need to collect it back from you.

If you have paid too much, we will put the credit towards your future child support. If you have not received enough child support, we will pay you the balance when we receive it from the liable parent.

See our factsheet **Child support - estimating your income - IR151** for more information.

Information for non-parent carers

A non-parent carer is someone who provides care for a child but is not the child's parent.

For example:

- a legal guardian
- a grandparent
- another family member, or
- Oranga Tamariki—Ministry for Children.

When non-parent carers can receive child support

A non-parent carer can apply to receive child support when they care for a qualifying child at least 35% of the time (at least 128 nights over a 12-month period), and they are not living with the parent of the child in a marriage, civil union or de facto relationship. See page 12 for more information about applying.

Note

If you are receiving board and lodging payments from the Oranga Tamariki—Ministry for Children for the child in your care, you cannot receive child support for them.

How we assess child support for non-parent carers

The child support formula is based on the principle that parents should contribute to the costs of raising their children. You must apply for child support from both parents so we can assess child support correctly. If you are not receiving an unsupported child's benefit or a sole parent benefit you can choose not to receive child support from one of the liable parents. This is called a payment waiver.

When we do not assess the other parent

If you have not been able to provide information about both parents, where possible, we will identify the other parent from the information we hold and include their details in the new assessment.

We will not assess the other parent if they are deceased, unknown, or not a New Zealand citizen or ordinarily resident in New Zealand or Australia. We will contact you if we need further information about the other parent for a child support assessment.

For more information go to our website at ird.govt.nz/childsupport or read our factsheet **Child support - non-parent carers - IR1023**.

Voluntary agreements

We encourage parents and carers to negotiate their own child support agreements, if possible. If parents and carers can agree on child support, but would like us to administer it for them, they can register a voluntary agreement with us.

How a voluntary agreement can benefit you

Working out your own agreement means you can work out an amount of child support you both agree is fair, and both have to agree to any changes to the amount payable.

What if we already have a formula assessment?

Any formula assessed child support for the children named in the voluntary agreement will stop from the date we accept the voluntary agreement.

If another person is a recognised carer of the child or children they must agree to cancel the formula. This can be done by all carers of the child completing a **Cancellation of child support - IR107** form.

How to register an agreement

You will need to complete a **Registration of voluntary agreement for Child Support - IR102** form. You can complete details of the agreement on the registration form. Both parties must sign it. If you have a written agreement attach a copy to the form.

Note

Receiving carers who receive a sole parent benefit from Work and Income must contact us before registering any agreement.

Your voluntary agreement for child support must be:

- for at least \$10 a week (\$520 a year)
- in writing
- signed by the liable parent and the receiving carer, who must both be either New Zealand citizens or ordinarily resident in New Zealand

- for a qualifying child, which means they are under 18 years of age or 18 years of age and enrolled at and attending a registered school in New Zealand or an overseas school, a New Zealand citizen or ordinarily resident in New Zealand, not financially independent, and not living with another person in a marriage, civil union or de facto relationship.

What happens next?

After we register your agreement, we will work out the monthly payments and let you know how much you will pay or receive.

We will work out your payments from the later of these dates:

- the day we receive your completed form, or
- the start date you have stated in your agreement.

Note

When we have registered your voluntary agreement, only Inland Revenue can collect the payments.

Changing or ending the agreement

You can change your agreement at any time by completing a new **Registration of voluntary agreement for Child Support - IR102** form and sending it to us. Both parties must sign the form.

You can end your voluntary agreement by completing an application for formula assessment or, if you are the receiving carer, by cancelling the agreement.

The receiving carer can complete the **Cancellation of child support - IR107** form.

We will end the agreement when it expires, no longer meets the required conditions, or the child in the agreement no longer qualifies.

For more information on voluntary agreements, go to ird.govt.nz/childsupport or read our factsheet **Child support - voluntary agreements - IR157**.

Recognised care

The formula assessment recognises that a parent provides for their child if they provide ongoing daily care for at least 28% of the time (the threshold). However, a person must care for a child at least 35% of the time to be entitled to receive child support.

We generally determine care based on the number of nights a person cares for a child. The threshold of 28% is approximately two nights a week on average (103 nights a year).

If we decide that the "nights" test is not a true reflection of the amount of care, we will establish the care on the basis of the time a person is responsible for the daily care of the child.

How recognised care affects a formula assessment

If two parents share the care of their children, the formula assessment will reflect this if the amount of care is at least 28%.

If two people share the care of a child and one isn't the child's parent, we will use the formula assessment to assess both parents. The parent caring for the child will have their care recognised in the formula and may receive some child support from the liable parent. The non-parent carer will also receive their share of the child support paid by the liable parent if they provide at least 35% of the care.

If neither of the carers is the parent and they do not live together, the non-parent carers receive a portion of the child support paid by the child's parents.

For more information about recognised care and how it might apply to you, read our guide **Helping you to understand recognised care - IR156**.

If you have a disagreement with us

What if I think the assessment is wrong?

If you think we have made a mistake in the child support assessment, check below to confirm we have all the correct information.

✓	Checklist
	Do we know about your personal circumstances? (see pages 8 to 9)
	Have you told us about any changes to your circumstances that affect your child support? (see page 14)
	Has your income dropped significantly so you now need to estimate your income? (see page 22)

If you think the assessment is wrong, contact us on 0800 221 221 to see if it is a simple error which can be easily fixed.

What if I do not agree with your decision?

If you do not agree with any decision we have made, please call us so we can discuss the matter with you. If we cannot resolve it with you over the phone, you can make a formal objection. You can do this if you think the decision does not take into account any provisions of the Child Support Act 1991, eg:

- our decision to make or not to make a formula assessment
- you disagree with the amount of care we have determined, or the date we have decided that a change in circumstances happened
- our decision as to whether a particular child is or is not a dependent child of a person
- we have charged you a late payment penalty
- we have refused to accept your income estimate
- we have stopped or refused to stop child support
- we have accepted, refused to accept or refused a change to a voluntary agreement
- we have refused to refund a credit.

How do I object to a decision or an assessment?

Either write a letter explaining why you disagree with our decision or your assessment, or complete our **Notice of objection - child support - IR119** form.

We must receive your objection within 28 days of the date on our letter giving you our decision, or the date on your notice of assessment or notice of entitlement. If you cannot get your objection to us within 28 days, please contact us (see page 35).

What happens next?

We will review our decision or your assessment, and the reasons you have given in your letter or objection form and advise you of the outcome.

If you are a liable parent you have to continue paying the amount on your notice of assessment while we consider your objection and until we advise you to pay another amount.

What if I do not agree with the amount of child support I am paying or receiving?

If you disagree with the amount of child support you are paying or receiving because of special circumstances, you can apply for a child support review.

For more information read our guide **Helping you to understand child support reviews - IR175**.

How to contact us

Contacting us from within New Zealand

You can call us on 0800 221 221 between 8 am and 5 pm on weekdays. Calls to this number are free within New Zealand, including from New Zealand-based cellphones.

You can make enquiries and changes over the phone.

If you need to fill in any forms, you can get them from ird.govt.nz/childsupport or call 0800 257 773 to order them. Remember to have your IRD number handy.

Contacting us from overseas

When you are living overseas, you can contact us through your myIR account or by calling us on:

- 1800 504 042 from Australia, or
- 64 9 984 2537 from other overseas countries
between 8 am and 5 pm (New Zealand standard time) on weekdays (or you can leave a message if you call outside these times and we will call you back)
- fax on 64 7 959 7602 (from overseas only)
- or you can write to us (see page 36).

How do I make an appointment?

We can sort out most queries and issues by phone. However, if you'd like to make an appointment call us on 0800 221 221 between 8 am and 5 pm on weekdays.

Appointments are usually made on weekdays between 8 am and 4.30 pm, although appointment times vary between offices.

0800 self-service numbers

Our 0800 self-service numbers are open 7 days a week - except between 5am and 6am each day. Make sure you have your IRD number ready when you call.

For access to your account-specific information, you will need to be enrolled with voice ID or have a PIN.

Order forms, guides and returns	0800 257 773
All other services	0800 257 777

When you call, confirm what you want from the options given. If you need to talk with us, we will re-direct your call to someone who can help you.

Postal address (for all child support correspondence)

Child Support
PO Box 39010
Wellington Mail Centre
Lower Hutt 5045

If you have a complaint about our service

We are committed to providing you with a quality service. If there is a problem, we would like to know about it and have the chance to fix it.

Find out more about making a complaint at ird.govt.nz/disputes

Privacy

Meeting your child support obligations means giving us accurate information so we can assess your liabilities and entitlements under the Child Support Act 1991.

We may also exchange information about you with:

- some government agencies
- another country, if we have an information supply agreement with them, and
- Statistics New Zealand (for statistical purposes only).

You can ask for the personal information we hold about you. We will give the information to you and correct any errors, unless we have a lawful reason not to. Find our full privacy policy at ird.govt.nz/privacy

Child support terms

Below is a list of child support terms we use in this guide.

Adjusted taxable income - taxable income for the relevant tax year used to assess your child support.

Administrative review - a process that considers whether a determination can be made to depart from some or all of the provisions relating to a formula assessment if certain grounds for departure are satisfied.

Child support formula - a formula set out in the Child Support Act 1991 to calculate the amount of child support payable.

Child support group - qualifying children of a parent, who share the same other parent, and for whom they have been/are being assessed for child support.

Dependent child - a child in a parent's care who the parent does not pay or receive child support for. A dependent child must be:

- a child of whom you are the parent
- under 18 years of age or 18 years of age and enrolled at and attending a registered school in New Zealand or an overseas school
- not financially independent and in your care at least 28% of the time
- not living with another person in a marriage, civil union or de facto relationship
- not assessed for child support in New Zealand or overseas.

Dependent child allowance - an amount deducted from a parent's income to recognise the costs of their dependent children.

Estimate of income - when you want to use the income you expect to earn for the current year in the formula assessment rather than your income from a previous year.

Exemption review - a process where a receiving carer can ask for a liable parent's exemption to be looked at and possibly overturned.

Formula assessment - the calculation we use to work out a person's child support.

Liable parent - a parent of a qualifying child who is normally required to pay child support.

Living allowance - a set amount deducted from a parent's income for their own living costs to recognise that they need to financially support themselves.

Multi-group allowance - an amount deducted from a parent's income to recognise the costs of the children the parent has in other child support groups.

Multi-group cap - the purpose of the multi-group cap is to ensure liable parents do not pay more in child support than they would pay if all the children they are liable for were living together.

Non-parent carer - a person who is caring for a child they are not the parent of. They are entitled to receive child support if they care for the child for 35% or more of the time.

Not financially independent - not working more than 30 hours a week on average or receiving a benefit or student allowance.

Notice of assessment - a letter sent to the liable parent showing who they are paying child support for and how much they have to pay each year.

Notice of entitlement - a letter sent to the receiving carer showing who they receive child support for and how much they can expect to receive each year.

Objection - when you advise us in writing that you disagree with a decision or an assessment we have made.

Ordinarily resident - having a permanent place of residence in New Zealand or living in New Zealand for over 183 days in any 12 months.

Parent - for child support purposes, a person who:

- is named on the child's birth certificate as a parent, or
- has acknowledged in writing, or in a court, or before an overseas public authority that they are the parent of a child, or
- was legally married at the time the child was conceived by or born to the person, or the other party to the marriage, or has adopted the child and the adoption order hasn't been discharged, or
- is found to be a parent of the child by the Court or public authority and that finding has not been cancelled or set aside, or
- has been granted a paternity order against the person in respect of the child, or
- is the natural mother of the child, or

- the Court has declared to be a step-parent of the child, or
- a Court has appointed or declared the person as a guardian of the child because he is the child's father.

Parenting agreement/care agreement - an agreement between parents or carers that records a child's care arrangements.

Payment waiver - a non-parent carer who does not receive an unsupported child's benefit or a sole parent benefit can choose not to receive child support payments from one of the parents.

Permanent exemption - stopping child support liability for victims of sexual offences in certain circumstances. Certain conditions must be met to qualify.

Qualifying child - a child who is:

- under 18 years of age or 18 years of age and enrolled at and attending a registered school in New Zealand or an overseas school
- a New Zealand citizen or ordinarily resident in New Zealand
- not living in a marriage, civil union or de facto relationship
- not financially independent - not working more than 30 hours a week on average, or receiving a benefit or student allowance.

Receiving carer - a parent or non-parent carer of a qualifying child who is normally entitled to receive child support from a liable parent. They must have at least 35% care to receive child support.

Recognised care - the amount of care a parent provides for their child that is taken into account in the formula assessment (must be at least 28% of the time). We use this to work out the formula assessment.

Sole parent benefit - one of the following benefits from Work and Income:

- sole parent support
- supported living payment (on the grounds of sickness, injury, disability or total blindness)
- jobseeker support with children included
- an emergency benefit
- young parent payment.

Square-up - when you have estimated your income this is the process for working out how much child support should have been paid, based on the parent's actual income for the period they estimated for (the election period).

Temporary exemption - stopping child support or domestic maintenance liability while a person is a long-term prison inmate, hospital patient, or under 16 years of age. Certain conditions must be met to qualify.

Voluntary agreement - an agreement to pay child support or domestic maintenance where both parties agree on the amount to be paid. You register the agreement with us and we collect and pay the child support or domestic maintenance.

New Zealand Government