

IR175 August 2020

Helping you to understand child support reviews



Introduction

Child support is paid by parents who either don't 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, or
- the children don't live with either parent.

When a person applies for a child support assessment, we use a formula as set out in the Child Support Act 1991, to work out how much child support should be paid.

However, in certain circumstances, if you believe the assessment is unfair, you may be able to ask for a child support review.

This guide is for any person involved in a formula assessment of child support. It explains:

- options other than a review
- administrative reviews
- exemption reviews
- Commissioner reviews
- the review process.

Terms we use in this guide

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

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

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

Applicant - the person who applies for the review

Respondent(s) - the other party or parties involved in the review.

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'll send them to the email address we hold for you.

How to get our child support forms and guides

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

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Check other options

Before you apply for a review, check the following situations. There may be another way your assessment can be changed.

If you think the assessment is wrong

If you think we have made a mistake in the child support assessment you have received, contact us to check we have your correct information. If we can't resolve the matter with you over the phone, and you still believe the assessment is wrong, you can make a formal objection.

You must either write us a letter or fill in a **Notice of objection - child support - IR119** form to say why you think it's wrong.

We need to receive your objection within 28 days of the date on your notice of assessment or notice of entitlement. For more information about objections, see our website **ird.govt.nz/childsupport**

If your income has dropped (parents only)

If you believe your income for the current child support year will be lower than the amount we've used to work out your child support assessment, you may be able to estimate your income for child support. Your income needs to have dropped by 15% or more than the income used to work out your current child support assessment.

If we accept your estimate, we'll reassess your child support. We'll use your estimated income to work out your new child support payments.

For more information, go to our website **ird.govt.nz/childsupport** or read our factsheet **Child support - estimating your income - IR151**.

If you share the care of a child

If you provide care for a child or children and the care is shared with someone else, the child support you're paying can be reduced.

For the care you provide to be recognised by Inland Revenue, you must be providing at least 28% (103 nights) of ongoing daily care. For more information, see our guide **Helping you to understand recognised care - IR156**.

Exemptions from paying child support (liable parents only)

You may be able to apply for a temporary exemption from paying child support if you're:

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

You may not qualify for an exemption if, for example, your income is over a certain level. There are some restrictions about when you can apply for the exemption.

For more information, go to our website ird.govt.nz/childsupport or read our factsheets Child support - prisoners - IR154 or Child support - hospital patients - IR148.

To apply, fill in a:

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

If your circumstances have changed

It's important to tell us when your circumstances change. Some changes will affect the formula assessment of child support. If we don't have the correct information for you, as shown in your assessment, please let us know. We may be able to adjust it.

For example:

- a child starts to live with you or leaves your care
- you start living with the person you pay child support to, or receive child support from
- the amount of care you provide for your child changes
- any of your children start working full-time (30 hours or more), receiving a benefit or student allowance, or start living with a person in a marriage, civil union or de facto relationship.

Does Inland Revenue need to be involved?

Parents and carers who don't receive a sole parent benefit including; jobseeker support, supported living payment, young parent payment, emergency benefit or an unsupported child's benefit can make their own arrangements for child support. If you can come to a child support arrangement with the other parent or carer, we don't have to be involved.

What is a review?

A review is a way of looking at your formula assessment of child support to see if it can be altered to fit your particular situation. Child support reviews are free and managed by us.

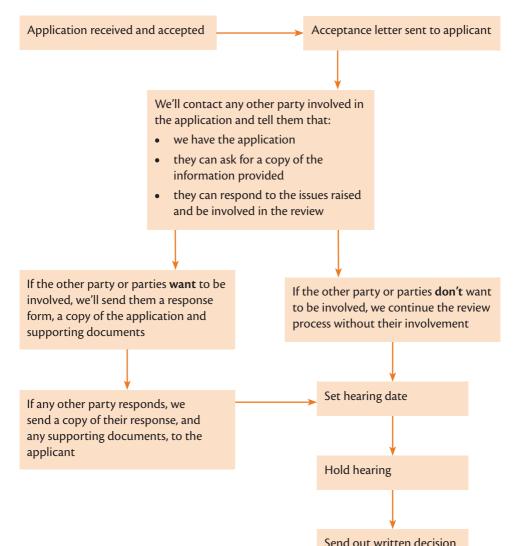
Depending on the type of review, the liable parent, receiving carer and even the Commissioner of Inland Revenue, can apply for a child support review.

There are three types of reviews:

- Administrative reviews
- Exemption reviews
- Commissioner reviews

A review is based on the Family Court departure order process. We organise them, but the actual review is done by an independent person contracted to us. This person is called the review officer. Review officers are experienced in law and are required to follow precedents set by past court cases.

Administrative reviews - how they work



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Applying for an administrative review

If you decide that none of the other options for changing the assessment cover your situation and you want to apply for an administrative review, you have to be able to show that you have grounds for review.

These grounds are set by law and are listed on pages 11-20.

As well as having to satisfy one of the 12 grounds for review, you also have to show that:

- your ability to provide financial support for the child is significantly reduced, or
- the costs of maintaining the child are significantly affected, or
- the assessed amount isn't fair to you or the other party.

In deciding whether to change the assessment, the review officer considers the following points:

- Your special circumstances this means that the facts of your case must be different or outof-the-ordinary and set it apart from other cases. The review officer doesn't consider special circumstances for Grounds 11 and 12.
- Whether a change would be fair to all parties and the child or children this means that the financial position of all parties, the needs of the child or children and any other relevant facts are considered.
- If a change would be otherwise proper this means the review officer considers the aims of the Child Support Act 1991, including the public interest.

Note

The information about administrative reviews in this guide also applies to child support years before 2016. If you are applying for an administrative review for one of these prior years, please note that only liable parents can apply under Grounds 9 and 10.

Grounds for an administrative review

This section explains each ground and gives an example of the circumstances that might apply. These aren't the only situations where the ground could apply, but they will help you to decide whether your circumstances fit.

After the explanation of the ground, there's a list of the documents and information you need to send with your application. We ask for your financial details for all grounds, but the other details required are specific to each ground.

Ground 1

You have a duty to maintain another child (or children) or person

This ground applies if the ability of either parent to support their children is significantly reduced by obligations to another child or person.

To apply under this ground you should have a duty to maintain another person or child. This usually means you have a legal or moral duty that makes you responsible for their financial support.

For example:

- a private arrangement to support another child from a previous relationship
- a court order requiring payment of domestic maintenance.

Information and documents needed:

- a copy of any agreement or court order
- proof of child support or maintenance paid, and
- your financial details.

Ground 2

It costs you extra to cover the special needs of another child (or children) or person you have a duty to maintain

This ground applies if the ability of either parent to support their children is significantly reduced by obligations to care for another child or person with special needs.

To apply under this ground you should have a duty to maintain another person or child with special needs.

In most cases this means you have a legal or moral duty that makes you responsible for their financial support.

For example:

• the person or child has high medical costs or needs special care because of a disability.

Information and documents needed:

- a copy of any court order
- medical certificate or evidence showing the person's or child's condition and specific treatment and costs
- a list of costs showing extra expenses after deducting any benefit or allowance paid or medical insurance refunds, and
- your financial details.

Ground 3

You have necessary expenses in supporting yourself

This ground applies when the ability of either parent to support their children is significantly reduced by commitments that are necessary for that parent to support themselves.

For example:

- one parent is still paying off a loan they and the other party had
- high medical costs.

Necessary commitments do not usually include voluntary payments towards superannuation, life insurance, health insurance and similar policies, or donations to churches.

Information and documents needed:

- a list of the costs necessary for your support (you should explain why the expenses are necessary and give details of any steps you've taken to reduce them)
- confirmation of your current earnings if you earn a salary or wage
- if you're in business, details of your interest in the business, your latest profit and loss statement and balance sheet
- if you have loan commitments, the loan start date, term and purpose, minimum liability and actual repayments, and
- your financial details.

Ground 4

You have necessary expenses in supporting another child (or children) or person you have a duty to maintain

This ground applies if the ability of either parent to support their children is significantly reduced by necessary commitments for that parent to support another child or person they have a duty to maintain.

To apply under this ground you should have a duty to maintain another person or child.

In most cases, this means you have a legal or moral duty that makes you responsible for their financial support and you also have necessary expenses in supporting them.

For example:

• one parent incurred debts in paying tuition fees for a child they have a duty to maintain.

Information and documents needed:

- a copy of any agreement or court order
- a list of the costs necessary to support the other child or person (explain why the expenses are necessary and give details of any steps you've taken to reduce them)
- confirmation of your current earnings if you earn a salary or wage
- if you're in business, details of your interest in the business, your latest profit and loss statement and balance sheet
- if you have loan commitments, the loan start date, term and purpose, minimum liability and actual repayments, and
- your financial details.

Ground 5

Your contact costs are more than 5% of your adjusted taxable income

This ground applies when the high costs of contact (eg, travel, reasonable and necessary accommodation, toll calls) significantly affect either person's ability to maintain the children.

To apply under this ground, the costs incurred in maintaining contact with the child must be more than 5% of the adjusted taxable income of the person incurring the costs. In determining whether there should be a change to the assessment, review officers can only take into account the costs over and above the 5% threshold.

Contact costs don't include costs of enjoying contact, (eg, food, clothing and entertainment).

Example

It costs \$2,000 for transport and reasonable accommodation to have contact with the children, and the adjusted taxable income for the person incurring the costs is \$25,000. This ground applies because the costs are more than 5% of the income (5% of \$25,000 = \$1,250).

Information and documents needed:

- confirmation of the contact arrangements (eg, a court order, agreement, a letter from a solicitor)
- a list of costs (eg, travel fares, accommodation, toll calls, legal fees for maintaining contact with the child)
- an estimate of future costs with confirmation from a travel agent (if applicable), and
- your financial details.

Working out your cost of travel

If you use a private motor vehicle to travel to and from contact visits with your child or children, the cost of this travel is calculated using the mileage rates below:

Tax year (1 April - 31 March) mileage rate (per kilometre)

2020 (after 1 August 2019) onwards	-	40 cents
2019 (1 June 2018 - 31 July 2019)	-	36 cents
2013 to 2018 (up to 31 May 2018)	_	33 cents
2012 and 2011	_	32 cents
2010 and earlier	_	28 cents

Note

When applying under this ground you need to fill in both the **Application for an** administrative review - IR470 form and the Ground 5 - High cost of contact worksheet -IR470A. Both forms are in the back of this guide.

Ground 6

It costs you extra to cover the child's (or children's) special needs

This ground applies if a child's needs are unusual and require funding beyond the normal costs of bringing up a child and the extra costs significantly affect either parent's ability to maintain the child.

You can't claim the costs of food, clothing, medical and day care that would normally be incurred.

Potential special needs can't be taken into account. This means anticipated future costs normally can't be considered.

For example:

- the child has high medical costs or needs special care because of a disability
- the child has high costs related to dental work.

Information and documents needed:

- medical certificate or evidence showing the child's condition and specific treatment and costs
- a list of costs, showing extra expenses after deducting any benefit or allowance paid, or medical insurance refunds
- an estimate of future costs, and
- your financial details.

Ground 7

It costs you extra to care for, educate or train the child (or children) in the way that was expected by either parent

This means the child is being cared for, educated or trained in a way that was expected by either parent and the extra costs significantly affect the parent's ability to maintain the child.

The expectation needn't be held by both parents, but must be reasonable in relation to the family circumstances.

Anticipated future costs can't normally be taken into account.

For example:

- high educational expenses due to the private schooling of the child
- the child is especially gifted and there are additional costs for sports, music or other activities related to the particular talent.

Information and documents needed:

- evidence of school fees, additional tuition fees or costs of the child's additional activities
- other information showing expectation of the special training or education (eg, family history, situation before separation, formal agreement), and
- your financial details.

Ground 8

The child support assessment doesn't take into account the income, earning capacity, property and financial resources of either parent or the child (or children)

You can use this ground if you feel the child support assessment is unfair because it doesn't reflect the true income, financial position or earning capacity of either parent or the child.

For example:

- one party's financial position has changed significantly
- assets which are capable of earning income aren't doing so.

Information and documents needed:

- evidence of your changed income (eg,a letter from your employer, copy of latest profit and loss account and balance sheet), and
- your financial details.

If the situation relates to the other party's or the children's circumstances:

- details of their income, assets and financial position, and
- your financial details.

Ground 9

The child support assessment doesn't take into account that you have previously made payments, transfers or property settlements for the benefit of the child (or children)

This ground applies if the child support assessment is unfair because a liable parent or receiving carer has previously made financial provisions to the child, parent or any other person, specifically for the benefit of the child.

The aim of this ground is to avoid unfair doubling up of support payments where provision has already been made, possibly as a result of an agreement or court order between the parties.

The payments, transfers or settlements need to have been made before the child support assessment was made and should be genuinely for the benefit of the child. They can't just be accounting adjustments between the parties or payments for day-to-day expenses.

For example:

- a parent has transferred property to a family trust the child is a beneficiary of, and that trust is meeting some of the child's care cost.
- the liable parent's share of the matrimonial home was left to the receiving carer for the benefit of the child.

Information and documents needed:

- confirmation or evidence of the payments, transfers or settlements made, and
- your financial details.

Ground 10

You still have a financial interest in a property that the other person is entitled to live in

This ground applies if the child support assessment is unfair because the liable parent or receiving carer is legally entitled to live in a property you have a financial interest in.

This ground recognises that a considerable amount of a person's capital may be tied up in the home over a period of time while the receiving carer and children or liable parent continue to live there.

For example:

• the liable parent has agreed to the receiving carer and child continuing to live in the home until the child turns 16.

Information and documents needed:

- a copy of any agreement or court order
- evidence that the other person is residing in the property and how long they're allowed to do this
- confirmation of your financial interest in the property, and
- your financial details.

Ground 11

The child support assessment includes extra income earned from additional work to cover costs of re-establishment after separation

You can apply under this ground for the child support year 1 April 2016 to 31 March 2017 or later child support years.

This ground applies if all of the following are met:

- you're a parent of a qualifying child
- you've separated from the child's other parent
- you've earned extra income from additional work (explained below), within the first three years after separation
- the extra income is included in the child support assessment being reviewed
- some/all of that income has been used or will be used on *actual and reasonable costs* to re-establish yourself and any child or any other person you have a duty to maintain.

A non-parent carer of a child can also apply for a review under this ground, to have the re-establishment costs of the child's parent taken into account. However, they will still need to get the relevant details and supporting information from the parent.

For example, Grandma who is a receiving carer for her granddaughter applies to have her son's re-establishment costs taken into account.

Additional work

The work must be additional in quantity and/or nature to the work done before separation. For example:

- a parent took on a second job, or worked overtime, which they hadn't done before the separation
- a self-employed parent worked longer hours, took on extra contracts, or increased production, after separation.

Reconciliations and the first three years after separation

The three-year period begins on the date the child's parents stopped living together in a marriage, civil union or de-facto relationship.

If the parents reconciled for a total of three months or less, the reconciliation period(s) may be ignored.

If the parents reconciled for more than three months, the three-year period stops the day before they reconciled. A new three year period restarts if the parents separate again.

Reasonable re-establishment costs

Re-establishment costs can include buying a house, furniture, white-ware, household appliances, paying a rental property bond and removal costs. These costs need to be *actual and reasonable* given the circumstances of your case.

Maximum extra income that can be excluded

There's a maximum amount of income from additional work that can be excluded from the assessment. It's the lesser of:

- (a) the amount that has been/will be used for re-establishment costs, or
- (b) extra income earned from additional work, or
- (c) 30% of the parent's adjusted taxable income for the relevant child support year.

Example

Dad separated on 1 May last year and has spent \$8,000 (a) on reasonable re-establishment costs.

Current child support year	
Dad's income from his main job	\$40,000
Dad's income from a second job (started after separation)	\$10,000 (b)
Dad's adjusted taxable income (used in the assessment)	\$50,000
(Based on 1 January - 31 December of the previous year)	
	× 30%
	\$15,000 (c)

Because Dad's re-establishment costs (a) are less than (b) and (c), the maximum amount his adjusted taxable income for the current child support year can be reduced by is \$8,000.

You don't have to establish that your circumstances are "special". However, the review officer will consider whether a change would be:

- fair to all parties to the assessment, and the child or children, and
- otherwise proper. (see page 10)

Supporting information and documents:

- evidence showing the *additional work* started after separation, eg a secondary employment contract
- evidence of income earned from *additional work*, eg, payslip(s) showing overtime, letter from employer showing details of the work that wasn't being done before separation
- evidence showing extra income has been/will be used for reasonable re-establishment costs eg receipts, quotes, hire purchase agreements
- dates of any reconciliation(s) after the original separation date
- your financial details.

Note

When applying under this ground you need to fill in both the **Application for an** administrative review - IR470 form and the Ground 11 - Re-establishment costs - IR470B form. You'll find both forms at the back of this guide.

Ground 12

You would like your child support liability offset against child support owed to you

You can apply under this ground starting 1 April 2016.

This ground applies if a parent of a child wants the child support they owe to the other parent offset (or reduced) by the child support that parent owes them. This includes child support that is not yet due.

To apply under this ground:

- both parents must have child support (that is still to be paid), assessed using the formula (ie can't apply to amounts that relate to a voluntary agreement, overseas court order, or Australian child support assessment)
- the child support must be assessed at more than the minimum amount.

A parent's liability cannot be offset for:

- child support owed to the Crown to recover the cost of a benefit
- a liability that has already been offset (whether or not the offsetting has cleared the entire amount of child support owed)
- a liability already assessed at the minimum amount
- any penalty portion of a debt.

For example:

• The care of a qualifying child changes from 100% with Mum, to 100% with Dad. Dad still owes child support to Mum for past periods. Mum applies to have part of her child support liability to Dad, offset against part of her entitlement still owed from Dad, for the relevant periods.

Information and documents needed

- your financial details
- how much of your entitlement or liability you want considered for offsetting under this ground.

You don't have to establish that your circumstances are "special". However, the review officer will consider whether a change would be:

- fair to all parties to the assessment, and the child or children, and
- otherwise proper (see page 10).

How to apply

Fill in an **Application for an administrative review - IR470** form, which you can find at the back of this guide, or write us a letter.

You must state the grounds for your review, the year(s) you're applying for, the child or children's name(s) that it's in relation to and the reasons why you believe the assessment should be changed.

If you don't state the year(s) you're applying for, the review will consider the current year only. Go to pages 30-33 for more information about the review process.

Financial information

When you apply for a review we'll ask you to provide details of your financial situation. It's very important that you do this, because we may not be able to make a decision to change the assessment without them.

Note

You can't apply for a child support review by filling in the IR178.

You'll find a **Child support review** - **statement of financial position** - **IR178** form in the back of this guide. It's your choice to provide this information, but the review officer can only make a review decision based on the information available to them.

Providing information is voluntary. The information you provide must be relevant to the review. You should only provide information you are comfortable with the other party or parties receiving. The review officer can't consider any information that you don't want passed on, as this would be against the rules of natural justice.

The information you send with your application will be exchanged with any other parties in the review.

Send your application, with all the supporting information (including your financial statements), to:

Child Support PO Box 39010 Wellington Mail Centre Lower Hutt 5045

Accepting your application

Before we accept your application, we'll confirm you've provided all information for the review process.

We won't accept any additional information during the process unless the review officer has requested it.

We'll accept your application if:

- it is based on one of the grounds listed on pages 11-20, and
- the grounds or facts you give are different from those used in any earlier administrative review, for the same year.

Who's invited to take part in a review?

When we work out the child support assessment we take into account the relevant details of a child's parents and recognised carers. More than two parties can be involved in an assessment, eg, Grandma, Mum, Dad.

A change in the child support formula for one party can have an impact on all the other parties, including those who have chosen not to be part of a review. If one party applies for a review we invite all the other parties to take part and let them know the reasons listed in your application. For example, if you're the Grandma and you apply against one of the liable parents, we must invite the other parent to take part. They can tell us if they want to be involved in the review.

We aim to complete the review within 10 weeks or so of receiving the application. This gives all parties time to see and respond to the information provided.

Decisions that may result

When you apply for an administrative or exemption review, you need to understand that the review isn't limited to the grounds or reasons given in the application. The decision can have the opposite effect to the change you've applied for. We call this a "contrary decision".

Example

You apply to have your liability reduced because your contact costs are high (Ground 5). The review officer finds that you do have high contact costs but notes that you've had a significant increase in income recently. Under Ground 8, they can take your increased income into account when considering the application you've made under Ground 5. The review officer can take this into consideration even though you didn't apply to have your income reviewed. The overall result may be an increase in your liability, or less of a reduction than you expected. This is a contrary decision, ie, not one that you were expecting.

If the review officer believes that a contrary decision should be made, the applicant and respondent(s) will have the chance to comment on the information that may lead to the contrary decision.

Cross-applications

The other party or parties can complete their own application for an administrative review at the same time as they respond to your original application. This is called a cross-application and you'll have the opportunity to respond to it.

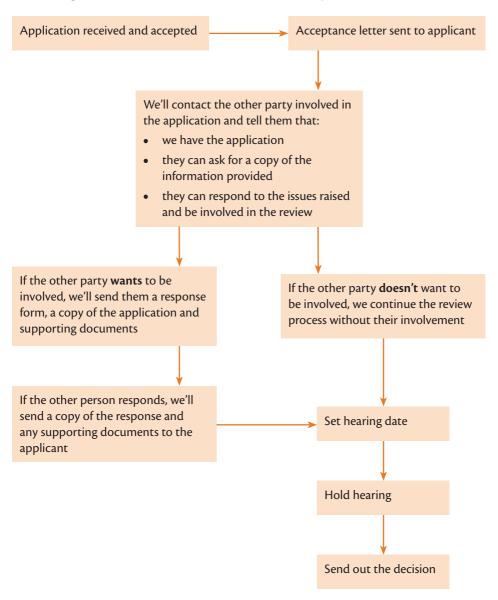
The review officer will consider all related applications at the same time, where possible. If there are time constraints, the other application(s) may need to be heard at a later date.

If we don't accept your application

If we decline your application because you don't meet the requirements, or your circumstances are too complex for the review officer to make a decision, you can apply to the Family Court for a departure order.

To find out how to do this, read our guide **Helping you to understand child support and the Family Court - IR174**.

Exemption reviews - how they work



Applying for an exemption review

If a liable parent is a prisoner, hospital patient or under 16 years of age, and meets certain other criteria, they can apply for an exemption from paying child support. If an exemption is granted the liable parent's child support liability is reduced to zero for the period covered by the exemption.

If you are a receiving carer and you disagree with an exemption given to a liable parent, you can apply for an exemption review. You have to be able to show that you have grounds for review.

There is only one ground for an exemption review:

• The child support assessment doesn't take into account the income, earning capacity, property and financial resources of the liable parent.

You can also ask for the assessment amount to be changed if you're receiving child support under a formula assessment.

The review officer can:

- confirm that the exemption is to stay in place
- overturn the exemption for all or part of the period the exemption was granted for
- overturn the exemption and change the assessment if the amount is payable under a child support formula assessment.

The review officer takes into account the following factors when considering a change to the assessment:

- Whether a change would be just and equitable this means that the financial position of all parties, the needs of the child or children and any other relevant facts are considered.
- If a change would be otherwise proper this means the review officer considers the aims of the Child Support Act 1991, including the public interest.

How to apply

Fill in an Application for an exemption review - IR472 form, or write us a letter.

To support your application, you'll need to provide:

- details of the liable parent's income, assets and financial position, and
- your financial details.

Go to pages 30-33 for more information about the review process.

The information you send with your application will be exchanged with any other parties in the review.

You can send your application, along with all the supporting information to:

Child Support PO Box 39010 Wellington Mail Centre Lower Hutt 5045

Accepting your application

Before accepting your application, we'll confirm you've provided all information for the review process. We'll also check that an exemption has been granted to the liable parent.

We'll accept your application if you're a receiving carer and:

- your application is based on the qualifying ground
- the facts you give are different from those used in any earlier exemption review for the same year.

After accepting your application, we will contact the liable parent. We'll tell them you've applied for a review and let them know the reasons listed in your application. They can then tell us if they wish to be involved in the review.

We aim to complete the review within 10 weeks or so of receiving the application. This time period allows all the parties to see and respond to each other's information.

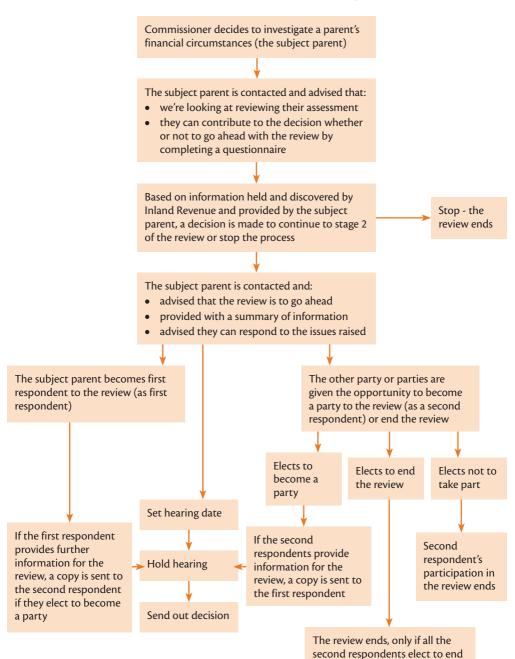
If we don't accept your application

We'll decline your application if you don't meet the requirements above or your circumstances are too complex for the review officer to make a decision.

If we do, you can appeal to the Family Court.

To find out how to do this, read our guide **Helping you to understand child support and the Family Court - IR174**.

Commissioner reviews - how they work



Commissioner reviews

Sometimes, the Commissioner of Inland Revenue may decide to review an assessment, if an investigation into a parent's financial affairs shows the assessment doesn't accurately reflect their ability to provide financial support to their children.

There is only one ground under which the Commissioner can initiate a review:

• The child support assessment doesn't take into account the income, earning capacity, property and financial resources of either parent or the child (or children).

For example:

- one parent's financial position has changed significantly
- assets which are capable of earning income aren't doing so.

Stages in a Commissioner review

There are two main stages in a Commissioner review.

Stage 1: We identify that a parent, the "subject parent" may be able to pay more child support than they're assessed for, based on their financial circumstances. We contact that parent and give them the opportunity to contribute to our decision whether or not to conduct a full review of the assessment.

We'll ask the subject parent to fill in a questionnaire to provide details that will help us decide whether or not to proceed with the review.

Stage 2: If, at the end of stage 1, we decide to hold a full review, we formally advise the subject parent that the review will go ahead. We also contact any other parties involved who can then decide if they want to take part in the review. If they do, they become a second respondent. In some cases there may be three or more respondents.

The subject parent and other parties who elect to take part in the review (the respondents) will be asked to provide details of their income, assets and financial position.

Stage 2 ends when Inland Revenue advises the subject parent and respondent(s) about any changes being made to the assessment, or if the other parent or carer(s) elects to stop the review.

Note

Any of the other parties (ie, the second and subsequent respondents) who receive a sole parent benefit can't stop the review. If there is more than one other respondent (not including the subject parent), the review can only be stopped if all respondents in that group request it.

The review officer also considers the following points.

- Your special circumstances this means that the facts of your case must be different or out of the ordinary and set it apart from other cases.
- Whether a change would be fair to all parties and the child or children this means that the financial position of all parties, the needs of the child or children and any other relevant facts are considered.
- If a change would be otherwise proper this means the review officer considers the aims of the Child Support Act 1991, including the public interest.

Any parties who elect to take part in the review will be asked to provide details of their financial situation. It's very important that you do this, because it helps the review officer make a decision that is fair to all parties.

Note

The information you send will be exchanged between the subject parent and the party (or parties) taking part in the review.

The exchange of information doesn't apply to information provided to the review officer in stage 1 or sourced from Inland Revenue records.

We aim to complete a Commissioner review within 10 weeks of the decision to initiate the review (stage 2). This gives both parties time to see and respond to each other's information.

The review hearing

Exchange of information

An important part of the review process is the exchange of information. We do this so everyone involved knows what matters the other party or parties intend to raise and can prepare for the hearing.

Providing information is voluntary. The information you provide must be relevant to the review. You should only provide information you are comfortable with the other party or parties receiving.

Review officers only consider information that has been provided and seen by both parties, with both parties having had a chance to respond. The review officer can't consider any information you don't want passed on, because this would be against the rules of natural justice.

You must send all your supporting information with your application or response. Once we have accepted your application or response to an application, no further information will be released or exchanged between the parties, unless the review officer has requested it.

If any other parties involved in the child support assessment want to be part of the review, they're entitled to have a copy of your application and any supporting information you provide, including your financial details and information about your household.

If any parties respond to your application, you're also legally allowed to receive a copy of any response and supporting information they provide.

The exchange of information doesn't apply to information provided to the review officer from Inland Revenue records.

For a Commissioner review, only information provided by a parent or carer from stage 2 is exchanged. Information is only exchanged between the subject parent and the other party (or parties) involved in the review and is not exchanged between the other parties themselves.

Note

It's unlawful to discuss or pass on information provided by any party in a review or any information contained in the review decision. The only exceptions are, for example, if you're seeking advice from your lawyer or providing information for a Family Court proceeding where the parties are the same as in the review.

Inland Revenue or the Family Court has to approve any other request to disclose information from a review.

Responding to a review

You can choose whether or not to take part in a review. Taking part means the review officer can consider your side of the story, as well as the applicant's.

Before you make this decision, it's important for you to understand how the review could affect you.

If you choose to take part in the review, we'll send you a copy of the application and any supporting information.

You can respond by either filling in the **Child support review** - **response by other party** - **IR471** at the end of this guide or send a letter. Any information you provide must be relevant to the review. You should only provide information you're comfortable for the other party to receive.

If you're responding to an administrative review or an exemption review we must receive your response within 14 days of the date:

- the copy of the application was forwarded to you, or
- notification of the application was sent.

Send your response, with any other information supporting your case, to the Inland Revenue office that advised you of the review.

About the hearing

Once we've accepted your application and contacted the other party or parties to discuss if they want to be involved, we'll organise a hearing. A hearing generally takes approximately 30 minutes.

You can choose to:

- take part in the hearing by telephone
- ask the review officer to make a decision from written information you provide
- attend the review hearing in person in Takapuna, Manukau, Hamilton, Wellington or Christchurch.

We then set a date and time for the hearing and let you know the details of where and when it will be held. The whole review and hearing process is free.

Separate hearings will be held, one for you and one for the other party or parties. You can't insist that the other party attends the same hearing as you.

Review officers can only consider an application to review the assessed amount of child support. They can't negotiate payment of arrears or consider the charging or waiving of penalties.

Attending the hearing

The hearing will be informal and not at all like a court hearing. Someone from Inland Revenue may be there if the review officer requests this.

The review officer may ask you some questions. The review officer runs the hearing, which is held at an Inland Revenue office.

The review officer doesn't make a decision at the hearing. The hearing is to discuss and clarify information already provided by the parties. Unless requested by the review officer, no further written information will be accepted at the hearing.

If your circumstances change

If your circumstances change after we've accepted your application for a review, please tell us immediately. We'll take changes of circumstances into account right up until the decision is made.

You may also ask for the application to be withdrawn at any time before it's heard.

Representatives and support people

In some cases, a representative may stand in and speak for you at the hearing. The other party or parties also have this right.

You may be allowed a representative if you can't:

- present the information yourself
- get to the review hearing and a telephone hearing is not possible.

You can also take a support person to the hearing. This person could be a relative, friend or business associate. They can help you prepare your information and attend the hearing, but they don't have an automatic right to speak.

We'll determine, after considering all the necessary factors, whether the support person can attend the hearing. Their participation is at the review officer's discretion.

A representative or support person can't be a lawyer or anyone experienced in advocacy work.

If you want a representative or support person at the hearing, you're required to get approval before the hearing date.

Paying child support during the review

A liable parent must continue to pay their normal child support assessment (unless they have an exemption) until the decision about the application is known. They may, however, apply to have the payments reduced if they are the applicant.

We only consider reductions if unusual delays in considering the case are likely. We'll consider the effect on all parties before making a decision.

You can respond to an application for reduction of child support payments at the same time you respond to the review.

If you believe there's no reason for payments to be reduced, we'll take any comments you want to make when the decision is made.

Applying to have your payments reduced

Send us a letter:

- explaining why your case is likely to be delayed
- telling us you want a reduction in your payments
- with supporting information attached, eg:
 - a statement of financial means
 - documents showing that a delay will cause you serious financial hardship.

We'll tell the other party about your request for reduced payments and they'll have a chance to respond. We then consider how the reduced payments will affect all the parties before making a decision.

Disagreeing with the decision on reduced payments

Any party affected by the decision about reducing the payments has 28 days to object to it.

If you want to object you must write to Inland Revenue at the office where that decision was made.

If we don't allow your objection, you can appeal to the Family Court.

This won't delay the review hearing.

After the review hearing

Considering the facts

After the hearing, the review officer considers all the information given by everyone involved, as well as any relevant information held by Inland Revenue (including tax information).

The review officer looks at how the child support assessment affects the child, you and the other parties involved. They must be satisfied that:

- special circumstances exist if applying under Grounds 1 to 10 (special circumstances aren't considered for Grounds 11 and 12), and
- a change in the assessment would be just and fair for the child, you and the other parties involved, and
- a change in the assessment would be appropriate in other ways.

Remember, even if you have a valid reason for a review, this alone doesn't guarantee the assessment will be changed.

The review decision

The decision is usually finalised within three weeks of the hearing and we send all parties a copy of the written decision.

The review officer must provide reasons for their decision. This is a legal requirement.

Any information given to the review officer may appear in the written decision. This could include any information given by the other party (or parties and information already held by Inland Revenue).

If you disagree with the review decision

Inland Revenue cannot amend the review decision once it has been issued to the parties involved in the review.

If you disagree with the review decision, you have the following options:

- 1. If you applied for the administrative review, you can have the same grounds considered at the review looked at again by applying to the Family Court for a departure order. You can only rely on the grounds put to the review officer in the administrative review.
- 2. If you were the respondent to the administrative review, you can appeal the decision in the Family Court. The Court will then hear the original case.
- **3.** If there's a new ground or matter not considered by the review officer, or a change of circumstances since the last review, you can apply to Inland Revenue for an administrative review.
- 4. You can lodge an appeal in the Family Court to have the exemption review reheard.
- 5. If you were a party to the Commissioner review (including any party that did not elect to be part of the review), you can appeal the decision in the Family Court. The Court will hear the original case again. If the review officer decided the matter was "too complex", and you were a party to the review (not the subject parent) you can apply to the Family Court for a departure order.

A liable parent can't apply for an exemption review. If they want a new matter, or circumstances not taken into account in the exemption review, considered, they can apply for an administrative review.

For information about how to apply for a departure order or lodge an appeal, read our guide **Helping you to understand child support and the Family Court - IR174**.

Where to get more help

For more information about child support reviews, go to **ird.govt.nz/childsupport** or call us on 0800 221 221.

- If you're overseas call us on 64 9 984 2531
- If you're in prison, call us on 0800 221 221.

For general child support enquiries, call us on 0800 221 221.

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'll 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'll re-direct your call to someone who can help you.

If you have a complaint about our service

We're committed to providing you with a quality service. If there's a problem, we'd like to know about it and have the chance to fix it.

If you disagree with how we've assessed your tax, you may need to follow a formal disputes process.

Find out more about making a complaint, and the disputes process, at ird.govt.nz/disputes

Check list - child support reviews

Before you apply for a review, have you considered the other options? (see page 6)

Note

If you're applying for a year before 2016, only **liable parents** can apply under Grounds 9 and 10.

You'll find the following review forms at the back of this guide.

- To apply for a review, use the Application for an administrative review IR470 form.
- If you're applying under Ground 5, use the Ground 5 High cost of contact worksheet IR470A as well as the IR470 form.
- If you're applying under Ground 11, use the **Ground 11 Re-establishment costs IR470B** form as well as the IR470 form.
- To respond to a review, use the Child support review response by other party IR471 form.
- If you're making a cross-application for a review of your own (see page 22) use the IR470 as well as the IR470A or IR470B.

It's your choice to fill in the **Child support review** - **statement of financial position** - **IR178** form. We encourage people to do this because the review officer can only make a decision based on the information available to them.

Send us all the information you'd like the review officer to consider before the review begins, because you won't be able to present any additional information once the review begins.

Before sending us your application or response, check that you've:

- given us a contact phone number
- answered all the questions
- signed the form(s)
- written your IRD number and name on any extra information you want the review officer to consider
- included all the information you'd like the review officer to consider
- read and understood "exchange of information" on page 30.

Send your application along with any supporting information to:

Child Support PO Box 39010 Wellington Mail Centre Lower Hutt 5045

Child support of financial po	is form and the review - statement osition - IR178 will w officer to consider nstances.	†	We will give a copy of this application and any supporting information to the other party or parties if they ask for it.	If you need help to complete this form, ca us on 0800 221 221 or +64 9 984 2531 from o	
Your name	Mr Mrs	Mi	ss 🔵 Ms		
To help us, show the name you use	First name(s)				
for child support.	Surname				
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The ground(s) for my to understand child The circumstances a	support reviews - IF re: (describe how your	r situation r	matches the ground(s) indicat	tra paper, please inclu	ude

Your postal address					
	Street address or PO Bo	X			
	Suburb, town or city			Postcode	
	Country				
Your contact details	()	()		()	
	Day	Evening		Mobile	
	Email				
	Email				
Your requirements for the heat	aring (tick as app	ropriate)			
Will you be present at the hearing ir	n Takapuna, Manuka	u, Hamilton, Wellington o	r Christchurch?	Yes	No
If "no", would you prefer your part o	f the hearing to be d	one by phone or on the ir	formation you have	Phone	Wr
provided in writing?					
Do you want to bring a support pers	son to the hearing? It	"yes", please give their n	ame and occupation	n 🕖 Yes	No No
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	First name(s)				
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Name of other party (if any)	Mr Mrs	Miss Ms (Tick one)	
	First name(s)		
	Surname		
Postal address			
FOSIAI AUGIESS			
	Street address or PO Box		
	Suburb, town or city		Postcode
	Country		
	()		
Contact details	()		
	Day	Evening	Mobile
	Email		

10 Declaration

I understand that:

• This review is not limited to the reasons/grounds in this application and the result may be different to the change requested. (See page 22 of our guide Helping you to understand child support reviews - IR175).

/ / Date

• All parties to the child support assessment will be invited to take part in the review.

To the best of my knowledge the information given is true and correct.

Signature

Please send this completed form to: Child Support, PO Box 39010, Wellington Mail Centre, Lower Hutt 5045

Privacy

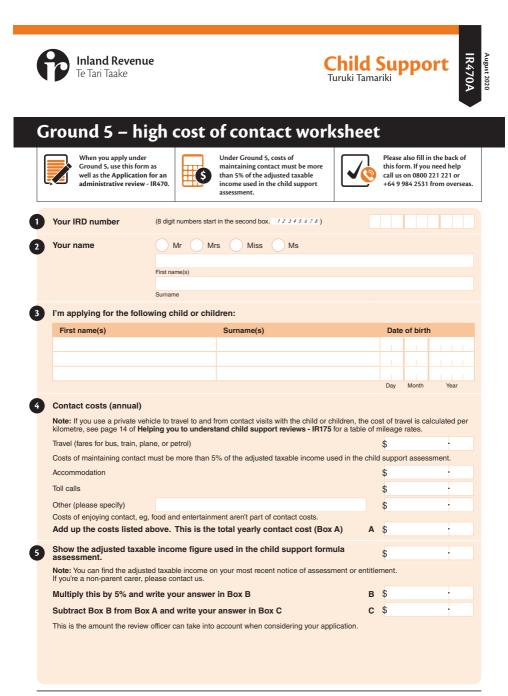
Meeting your tax obligations means giving us accurate information so we can assess your tax and entitlements under the Acts we administer. We may charge penalties if you do not.

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'll 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**







/

Please fill in the following deta	ails		
The child or children live in			
	Town or city		
	Country		
I live in			
	Town or city		
	Country		
Over the past 12 months I've had contact on these dates			
Amount paid by other party or parties towards the cost of these		\$	
contact visits.		Ψ	
Declaration			
	of the costs of enabling contact with the child/childre	an named in this applicati	on

I understand that Inland Revenue will give a copy of this form and any supporting information to the other party or parties if they ask for it.

Signature		
Signature		
		/
		/
		Date
		Date

Child Support

Child Support	
Turuki Tamariki	Ì

Ground 11 – Re-establishment costs When you apply under Ground 11, Please also fill in the back of this If you're a non-parent carer R47 use this form as well as the completing this form on behalf of form. If you need help call us on Application for an administrative a parent, you'll need the parent to 0800 221 221 or +64 9 984 2531 review - IR470 form. provide the information required from overseas. in questions 3 to 6. Your IRD number 12345678) (8 digit numbers start in the second box. Your name Mr Mrs Miss Ms First name(s) Surname Date of separation from the other parent of the child or children this review applies to. Day Month Year Was there a reconciliation at any time since the date of separation? Yes No If "yes," please provide the dates: from to Day Month Dav Month Year from to Day Month Dav Month Year Income details Show the adjusted taxable income figure used in the child support formula assessment. \$ Note: You can find the adjusted taxable income on your most recent child support notice of assessment or entitlement. How much of the above amount has been earned from additional work since the separation? \$ Please explain how the extra income was earned. Attach any supporting documents you want the review officer to consider. These could be payslips, bank statements, set of accounts or a letter from your employer or accountant. If you use extra paper, please include your name and IRD number and attach to this form.



Date			Description of the item/cost	Amount
				\$
				\$
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Use the space below to provide any other information you think the review officer needs to know about your claim.

Declaration

6

7

- · The information provided is a true account of the extra income and re-establishment costs of myself, the child or children and any person I have a duty to maintain.
- · I understand that Inland Revenue will give a copy of this form and any supporting information to the other party or parties if they ask for it.

Signature

5



/ 1 Date



Child Support Turuki Tamariki

August 2020 IR471

Child support review – response by other party Please also fill in the back of We will give a copy of your You can attach extra information you response and any supporting think will support your response. We this form. If you need help call information to the applicant and may ask you for more information to us on 0800 221 221 or any other party to the review. support your response. +64 9 984 2531 from overseas. Your involvement in the review Please use this form to comment on what the applicant has said in their application for a child support review. Your name Your comment on the application for a child support review 2



8 Your IRD number	(8 digit numbers start in th	ne second box.	12345678)					
Your name	Mr Mr	s Miss	Ms					
To help us, show the name you use for child								
support.	First name(s)							
	Surname							
Your postal address								
	Street address or PO Box							
	Suburb, town or city				P	ostcode		
	Cubarb, town of city					0310000		
	Country							
Your contact details								
	Day		Evening		Mobile			
	Email							
Your requirements for	•	k as appropr	late)		\bigcirc	res		No
Will you be present at th		na to ho dono	by phone or on the inform	ation				
you have provided in wri		ing to be done	by phone of on the inform	auon		Phone		Writing
Do you want to bring a s If yes, please give their i		-			01	Yes		No
Il yes, piease give their i	lame and occupation	I						
First name(s)	Su	Irname		Occup	ation			
. ,			ee page 32 of our guide			Yes		No
helping you to unders	and child support i	eviews - In I7	5.					
5 Declaration								
To the best of my knowle	edge the information	given is true a	nd correct.					
Signature								
				/ /				
				Date				
Please send this comp	leted form to: Child	Support, PO I	Box 39010, Wellington Ma	il Centre, I	ower H	lutt 5045	;	
Privacy								

Meeting your tax obligations means giving us accurate information so we can assess your tax and entitlements under the Acts we administer. We may charge penalties if you do not.

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'll 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 Turuki Tamariki

IR178 August 2020

Child support review - statement of financial position

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ī	IR470
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for a child support review. Completing this form is optional. It will help the review officer to consider all the circumstances of your case and determine how any change to the child support assessment would affect each party.

Inland Revenue

Te Tari Taake

This is not the application form for a child support review.	
Completing this form is optional. It will help the review	

We may give information you provide to any other party who is part of the assessment.

Please fill in as much detail as you can. If you need more space, use extra sheets of paper and attach them to this form. We may ask you for proof of the details written on this form (such as payslips or invoices).



More information and forms can be found on our website at www.ird.govt.nz/childsupport If you need help completing this form call us on 0800 221 221.

1)	Your	details

	Your IRD number	(8 digit numbers start in the second	box. 12345678)						
	Your name								
		First name(s)							
Surname									
	Your address								
		Street address or PO Box							
		Suburb, town or city		Postcode					
	Phone number(s)	() Day	() Evening	() Mobile					
		Day	Lyoning	WODIE					
2	Name and address of employer								
		Name							
		Address							
Phone number(s)		()	()	()					
		Day Evening Mobile If you have more than one employer, show the one you work the most hours for							
	Your occupation or job								

Declaration

- · To the best of my knowledge the information given is true and correct.
- I understand that the financial information in this form will be provided to the other person(s) for the purpose of this review if they are the applicant or the other party and they ask for a copy.
- I understand that even if a copy is not requested, the contents of this statement may be referred to in the review officer's decision. Signature

				/	/ Date			
There a	re penalties for de	liberately giving false	or misleadin	ng information.	Bailo			
_						 		
OF	FICE USE ONLY	Review case number		Applicant	Other party	Office]

Income

Please show your income details before tax and other deductions such as superannuation, union fees or insurance are taken out. Only give details about personal income and expenses, not company, partnership or trust details.

	Your yea	rly income Your mon	thly income Income of partner livir	
Salary or wages from regular job(s)	\$	· \$	• \$	·
Work and Income	\$	· \$	• \$	·
benefit Type	\$	· \$	- \$	·
ACC payments	\$	· \$	• \$	·
Pay for temporary, casual or part-tin	ne work \$	· \$	· \$	•
Drawings from business	\$	· \$	· \$	·
Self-employed income	\$	· \$	• \$	·
Superannuation	\$	· \$	- \$	·
Working for Families Tax Credits	\$	· \$	· \$	·
Child support or maintenance	\$	· \$	· \$	•
Rent or board	\$	· \$	- \$	•
Interest or dividends	\$	· \$	- \$	-
Other	\$	· \$	· \$	•
	Fotal income \$	· \$	• \$	•

	Name	Relationship to you (for example, son, mother, partner)	Date of birth (children only)	
Please give information about every person you				
financially support or help support.				
Include anyone you				
financially support,				
or help support, who doesn't live in the same				
house as you.				

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Expenses		Your monthly show	
How much do you pay each	month for the following?	Your monthly share	Spouse or partner's sh
Rent, board or mortgage		\$	\$ ·
House maintenance		\$ ·	\$
House and contents insurar	ice	\$	\$
Rates		\$	\$
Power and gas		\$	\$
Telephone, including mobile		\$	\$
Food and groceries		\$	\$
Cigarettes and alcohol		\$	\$
Entertainment		\$	\$
Rental of household items		\$	\$
TV rental, including Sky		\$	\$
Hire purchase (payments o the next page)	nly—show details of what you owe on	\$	\$
Bus, train, taxi fares and per	rol	\$	\$ ·
Vehicle registration and insu	Irance	\$	\$ ·
Vehicle maintenance		\$ ·	\$ ·
Clothing and footwear		\$	\$
Childcare		\$ ·	\$ ·
School expenses		\$	\$ ·
Child support or maintenand	ce payments	\$ ·	\$ ·
Access to children (travel ar	nd accommodation)	\$	\$
Animal expenses (food, vet,	registration)	\$	\$ ·
Work and Income repayment	nts	\$	\$
Medical (not claimed on ins	urance)-doctor, dentist, pharmacy, optician	\$ ·	\$ ·
Insurance (medical, life, oth	er)	\$	\$ ·
Superannuation contribution	is	\$	\$ ·
Store cards, such as Farme show details of what you	rs, or The Warehouse (payments only— owe on the next page)	\$	\$ ·
Credit card repayments (pag owe on the next page)	yments only—show details of what you	\$	\$
	ayments only-show details of what you	\$	\$ ·
Donations		\$	\$ ·
Tax		\$	\$
	Total monthly expenses	\$	\$
OFFICE USE ONLY	Total income	Total assets	
	Total expenses	Total liabilities	



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use		Ownership self joint	Value	A
			\$	· \$
m of loan	Date started / /			
er real estate (give	e details, for example, flats, land)			
			\$	• \$
m of loan	Date started / /			
			\$	• \$
m of loan	Date started / /			
tor vehicles				
ke and year			\$	• \$
n of Ioan	Date started / /			
ke and year			\$	- \$
n of Ioan	Date started / /			
niture and househ	old items			
			\$	- \$
			\$	· \$
sonal items (for ex	ample, jewellery)			
			\$	• \$
			\$	• \$
er loans or purcha	ise agreements			
pose			\$	\$
m of loan	Date started / /			
iose			\$	• \$
n of Ioan	Date started / /			
dit cards or store a	accounts			
			\$	• \$
			\$	- \$
			\$	· \$
			\$	- \$
er—include any m	oney owed to you (give details)			
			\$	- \$
			\$	- \$
			\$	- \$
vings and investme	ent accounts			
			\$	• \$
			\$	- \$
			\$	• \$
res, debentures, b	oonds, life insurance			
			\$	• \$
			\$	• \$
			\$	· \$
		Total	\$	- \$



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