



How we can help

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

We can also talk to you about:

- who can make an application for adult child maintenance under the Family Law Act
- how you might be able to resolve the matter through negotiation or mediation
- your potential rights and obligations under any court order, such as:
 - information you may be required to provide to the other parent
 - your duty to notify the other parent if circumstances change
- collection and enforcement issues.

We will, at all times, consider the relationship between the adult child and their parents. Our aim is to assist you to reach an amicable solution wherever possible.

For further information and advice about adult child maintenance, call the **Legal Services Commission** on **8111 5576** or email childsupportunit@lsc.sa.gov.au.

Legal Helpline 1300 366 424
Child Support Advice 8111 5576

Legal Services Commission Offices

- Adelaide Office
159 Gawler Place
Adelaide 5000
Telephone 8111 5555
- Elizabeth Office
Suite 2 Windsor Building
1 Windsor Square
(off Playford Boulevard)
Elizabeth Shopping Centre
Elizabeth 5112
Telephone 8111 5400
- Noarlunga Office
Noarlunga House
Ramsay Place
Noarlunga Centre 5168
Telephone 8111 5340
- Port Adelaide Office
263 St Vincent Street
Port Adelaide 5015
Telephone 8111 5460
- Port Augusta Office
34 Flinders Terrace
Port Augusta SA 5700
Telephone 8686 2200
- Whyalla Office
17A Forsyth Street
Whyalla 5600
Telephone 8620 8500

Do you need help calling us?

- Translating and Interpreting Service 131 450
- National Relay Service TTY users phone 133 677
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- National Relay Service SMS Relay 0423 677 767
- National Relay Service Internet Relay users visit nrschat.nrscall.gov.au

Visit us online at lsc.sa.gov.au

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

Legal Help for all South Australians

Legal Reference Guide

Adult child maintenance



What is adult child maintenance?

Under Australian law, the child support scheme ensures that separated parents provide a proper level of financial support for their children. In some circumstances, parents have a legal duty to continue to provide financial support after their child turns 18. This is known as **adult child maintenance**.

Adult child maintenance may be necessary if an adult child who is 18 years or older needs financial support because:

- they are **completing their education**
- or
- they have a **disability**.

An application can be made when the child is 17 years of age, to commence when or after the child turns 18.

Legal Basis

The Family Law Act 1975 (Cth) governs the payment of adult child maintenance. Parental contribution will depend on the adult child's **necessary expenses** and income, and the financial circumstances and necessary commitments of the parents.

What are “necessary” expenses?

Necessary expenses include the costs associated with food, household supplies, utilities, transportation and accommodation, even if these expenses are currently paid by a parent.

Expenses associated with the child's course of study, such as books, internet, equipment, TAFE fees and other course costs, are included. Course fees which attract HECS-HELP assistance are not considered to be a necessary expense because payment can be deferred.

Any special expenses of the child, such as optical, orthodontic or medical costs, will usually be considered necessary.

Other expenses may include the costs of clothing, personal care, a vehicle and a telephone. Entertainment and social expenses may be excluded.

Frequently asked questions

Q: My child studies at TAFE. Are TAFE courses recognised under the requirements for adult maintenance?

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

Q: Does my child need to show that they work part-time?

A: Your child should be able to demonstrate that they are attempting to contribute to their own support, taking into account their course commitments, skills, and the availability of part-time work.

Q: My child lives with their boyfriend. Are they still eligible for maintenance?

A: If the adult child is married or living in a de facto relationship, they are not eligible for adult child maintenance.

Q: My child receives a Disability Support Pension from Centrelink. Does this affect their eligibility for adult child maintenance?

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

More Questions?

Call the Legal Services Commission for legal advice:

Legal Helpline **1300 366 424**

Child support and maintenance advice and appointments **8111 5576**

Examples

Sally will turn 18 years old in 3 months and is studying at university. She lives at home with her mother. Her parents separated several years ago. Sally's average weekly expenses are \$415. This figure includes her share of the food, utilities and rent (all of which her mother pays), as well as the costs associated with her study (but not her HECS-HELP fees). Sally has 30 contact hours per week but is able to earn an average of \$135 per week from her part-time job. Her parents each earn about \$60,000 per year.

Sally or her mother can apply for maintenance from Sally's father, even though Sally is not yet 18. Sally's father may be required to contribute \$140 a week, or approximately half of the shortfall in Sally's necessary expenses. The amount of maintenance payable may be affected by other variables.

Sue turned 19 years old 2 months ago and is completing year 13 at a secondary college. She lives at home with her father who has been paying for all of her expenses.

Sue's mother paid child support until the end of the school year in which she turned 18, but is not currently contributing to Sue's support.

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

Sam is 19 years old and has cognitive disability. Sam and his mother receive Centrelink benefits. Sam's average weekly expenses are \$490, and he works part-time in supported employment where he earns \$50 per week. Sam's father earns \$65,000. He is married and has 2 children from a new relationship.

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