WHO CAN GET ADULT CHILD MAINTENANCE?

If you are over 18 and unable to support yourself because:

- you are completing your education
- you are a person with mental or physical disability

you may be legally entitled to receive financial assistance from your parents.

LEGAL BASIS

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

WHAT ARE “NECESSARY” EXPENSES?

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

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

Any special expenses you may have such as optical, orthodontic or medical costs will usually be considered necessary.

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

FREQUENTLY ASKED QUESTIONS

Q: I study at TAFE. Are TAFE courses recognised under the requirements for adult maintenance?
A: A range of courses can meet the requirements, including school, TAFE and university courses, apprenticeships, and courses conducted at private colleges such as business colleges.

Q: Do I need to show that I have part-time work?
A: You should be able to show that you are attempting to contribute to your own support, taking into account your course commitments, skills, and the availability of part-time work.

Q: I live with my boyfriend. Am I still eligible to receive maintenance?
A: If you are married or living in a de facto relationship, you are not able to seek an order for adult child maintenance.

Q: I receive a Disability Support Pension from Centrelink. Does this affect my chance of receiving maintenance from my parent(s)?
A: No. An entitlement to an income tested pension, allowance or benefit, such as DSP or Youth Allowance, does not prevent you making a claim for adult child maintenance.

More Questions?

Contact the Child Support Help Line: 8111 5576 or 1300 366 424.

ADULT CHILD MAINTENANCE EXAMPLES

Sally will turn 18 in three months time and is studying at university. She lives at home with her mother. Her parents separated several years ago. Sally’s average weekly expenses are $415. This figure includes her share of the food, utility bills and rent (all of which her mother pays), as well as the costs associated with her study (but not her HECS fees). Sally has 30 contact hours per week but is able to earn an average of $135 per week from her part-time job. Her parents each earn about $60,000 per year.
Sally or her mother can apply for maintenance from her father, even though Sally is not yet 18. Sally’s father may be required to contribute $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 two months ago and is completing year 13 at a secondary college. She lives at home with her father who has been paying for all of her expenses.

Sue’s mother paid child support until 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 position of her mother and father.

Sam is 19 years old and is a person with Down’s Syndrome. 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 two children of his new relationship.

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

WHAT TO DO?

You can obtain further information about adult child maintenance by calling the Child Support Help Line on 8111 5576. We can talk to you about your particular situation and your eligibility for legal assistance. Various options, including informal negotiations, family dispute resolution or a court application can be discussed.

We can also talk to you about:

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

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

WHO CAN HELP ME?

Free, confidential legal advice can be obtained by calling the Legal Services Commission - Child Support Help Line: 8111 5576 or 1300 366 424, or email childsupportunit@lsc.sa.gov.au.