

# When can I stop paying child support in Australia?

**Date: Sunday July 13, 2025**

Child support is a legal obligation in Australia, designed to ensure that children receive financial support from their parents after separation or divorce. Child support, if using the Child Support Agency, is a formula assessed on each parent's taxable income. With the variations on what is a "taxable income" declared to the Child Support Agency, there are times when parents wonder if they can stop paying child support.

This article explains the key circumstances in which child support payments may end, including how the law treats these situations and what steps you might need to take.

## What is child support in Australia?

Child support is:

- a regular payment made by one parent (or sometimes both) to help cover the costs of raising a child after separation or divorce;
- paid to the parent who has the primary care of the child, but it can also go to a non-parent carer, such as a grandparent;
- often paid until the child reaches the age of 18, but sometimes can extend beyond that depending on circumstances.

Services Australia is responsible for administering Australia's child support scheme. It works out how much should be paid using a formula based on each parent's income, care arrangements, the time each parent spends with the child, and other factors. It is responsible for collecting payments and transferring funds to recipient parents and non-parent carers.

## When can child support payments end?

Child support doesn’t automatically stop when parents think it should. It’s regulated by law and both parties’ reportable taxable incomes. Below, we look at four primary situations where child support payments may come to an end.

## When the child turns 18

**Default rule**: Child support stops when the child turns 18.

**Exception**: if the child is still in secondary school or has special circumstances, payments can continue until the end of that school year. This requires an application for extension (called an "application for a child support assessment extension") with Services Australia.

## When the child becomes financially independent

Child support may also stop if the child is no longer financially dependent on their parents. This includes situations such as:

the child gets a full-time job and can support themselves;

the child marries or enters into a de facto relationship;

the child receives a substantial inheritance or windfall that makes them financially self-sufficient.

## If the child passes away

Child support obligations end if the child dies.

## Changes relating to the care of the child

Child support obligations may change or stop if:

the paying parent becomes the primary carer; or

there is a new court order or agreement that states a change in the child’s care.

Shared care arrangements can also impact on a parent's child support obligations.

## Can you stop paying child support by agreement?

Sometimes, parents agree privately to stop child support payments. However:

- private agreements do not override the legal obligation unless they are formalised as a binding child support agreement and accepted by Services Australia;
- even with a binding agreement, payments can only stop in line with the terms of that agreement and relevant legislation.

## How to officially end child support payment.

If one of the circumstances above applies, it's important to follow the proper process to stop paying child support:

- **Notify Services Australia**: If your child turns 18, becomes financially independent, or passes away, you should contact Services Australia's Child Support line to update your assessment.
- **Apply for a termination of assessment**: If you think you no longer need to pay child support, you may apply for a termination of the child support assessment.
- **Check for arrears in payments**: If you have unpaid/overdue child support (arrears), you may still need to pay that amount even after your obligation ends.

## Important considerations when seeking to end child support

- **School completion**: If your child is still in secondary school at 18, you may need to keep paying until they finish the school year unless you apply for a change.
- **Special circumstances**: If your child has a disability or other special needs, child support may continue by agreement or under court orders.
- **Voluntary payments**: Some parents continue to contribute financially to help their child, even if they're no longer legally obligated.

# Get help from a family lawyer

Child support laws can be complex, and every situation is different. If you're unsure about whether you can stop paying child support, or if you need help understanding your obligations, you should seek legal advice.

A family lawyer can help you understand:

- your child support rights and entitlements, as well as your legal obligations;
- how to apply for changes to your child support assessment;
- how to end your child support payments; and
- how court orders or agreements may affect your child support arrangements.

## Further reading:

- How is child support determined in Australia?
- Difference between child support and spousal maintenance
- Negotiating the costs of extra-curricular activities after separation

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*The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*