

14 June 2021

[Redacted]

Dear [Redacted]

Thank you for your request made under the Official Information Act 1982 (the OIA), received on 14 May 2021. You requested the following:

Is there a legal basis for the description "Private Child Support" on IRD website?

What references can I follow to find that legal basis?

Private child support

The Child Support Act 1991 concerns the administration of "formula assessments" and "voluntary assessments", outlined in more detail below.

Inland Revenue is not involved in private agreements and they are therefore outside of the scope of the Child Support Act 1991. The definition of a 'private agreement' on the Inland Revenue website states the following:

A private agreement is when parents or non-parent carers agree on a child support amount and pay it directly to each other. People often set up automatic payments to make payments easy.

For completeness, outlined below is information and background about the formula assessments and voluntary agreements Inland Revenue administers.

Formula assessments

A formula assessment is an assessment made by the Commissioner in accordance with Parts 1 and 2 of the Child Support Act 1991.

A parent or non-parent of a qualifying child may apply to the Commissioner for a formula assessment of child support payable for that child. The Commissioner will then determine the proportion of care that each carer of the child provides, along with the income of each parent of that child. That information is then used to identify the parent or parents who are liable to pay child support, and who is entitled to receive it.

Voluntary agreement

A qualifying "voluntary agreement" is an agreement that qualifies for acceptance by the Commissioner of Inland Revenue under section 48 of the Child Support Act 1991.

A voluntary agreement qualifies for acceptance by the Commissioner when it is made by parents or non-parent carers, payment is made in weekly, fortnightly or monthly instalments, each weekly instalment is not less than \$10, the agreement is in writing and signed by both parties, and no exception applies.

If partners agree on an arrangement that satisfies the requirements above, Inland Revenue acts in a management capacity, collecting money from the liable parent and passing it on to the receiving carer.

Thank you again for writing, I trust this information is helpful.

Yours sincerely



Josh Green
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