



# Options if you are owed child support and the other party is not paying

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Child support is intended to ensure that children receive the financial support they need from both parents after separation. But what happens when the other parent stops paying or refuses to pay altogether?

Unfortunately, unpaid child support is a common issue in Australia. If you are owed child support, you are not alone, and you do have options. This article outlines what steps you can take under Australian law to recover overdue child support and how the system works to support you.

## Understanding how child support is assessed

In Australia, [child support](#) is typically managed by Services Australia under the *Child Support (Assessment) Act 1989*. Payments can be in the following ways:

- Private agreements between parents;
- Administrative assessments made by Services Australia; or
- Court-ordered payments, in some cases.

If you have a formal assessment through Services Australia and the other parent stops paying, there are enforcement mechanisms available. If your arrangement is informal, you may need to convert it to a formal assessment first.

## Three-step process to recover unpaid child support

## Step 1: Check your child support arrangement

Before taking action, confirm the type of child support arrangement you have in place.

### Administrative assessment

- Services Australia offers administrative assessments, which are calculated using a specific formula to determine which parent pays child support and how much. Broadly, the formula is based on each party's income and how many overnights a child or children spend with each parent.
- If you have an administrative assessment, you can request collection and enforcement of overdue child support from Services Australia if payments from the other parent stop.

### Private agreement

- Private agreements may be limited in enforcement options if they are not registered with Services Australia and can be either binding or limited, depending on the terms.
- If you have this type of arrangement, you may need to apply for an administrative assessment through Services Australia to begin the process of enforcing payments.

### Court orders

This is the least common type of arrangement; however, you may be able to enforce payment of overdue child support by seeking a court order, but this may still require the assistance of Services Australia for collection.

## Step 2: Contact Services Australia

If you already have an administrative assessment and payments are not being made, you can ask Services Australia to collect the unpaid amount on your behalf.

### Services Australia can:

- collect payments directly from the paying parent;
- garnish wages or tax refunds;
- place restrictions on overseas travel by way of a Departure Prohibition Order until the overdue amount is paid or they agree to a suitable payment arrangement;
- enforce bank account deductions; and
- take legal action, however, this option is only available if the above collection methods don't work.

## Step 3: Seek legal advice for enforcement options

If the Services Australia pathway is not resolving the issue, or if your arrangement was outside of their system, you may need to take legal action.

### Keeping records will help your case

It's important to document all missed or partial payments, particularly if:

- you were relying on an informal agreement;
- the paying parent made irregular or cash payments;
- you are planning to take legal action later.

It is also important to keep records of:

- communication with the paying parent;
- bank transfers or lack thereof; and
- any agreements, emails, or texts discussing payments.

## When you may need court involvement

Situations where you may need to consider going to court include:

- your assessment or agreement is not being honoured by the paying parent;
- the paying parent is deliberately hiding income or assets; or
- you need urgent financial support (e.g. for school fees or rent).

In these cases, a lawyer can help you apply for enforcement orders or penalties for non-compliance. Legal advice is crucial at this stage to ensure you're pursuing the right course of action, especially if the situation is complex.

[FREE ADVICE FROM A FAMILY LAWYER: 03 9006 8907](tel:0390068907)

## What if the other parent is overseas?

Services Australia has arrangements for child support with a number of countries, which they refer to as reciprocating jurisdictions.

If the paying parent lives overseas, Services Australia may still be able to help, depending on whether the country in question is a reciprocating jurisdiction. However, if the relevant country is in a non-reciprocating jurisdiction, Services Australia will be more limited in what they can do.

You should contact Services Australia to discuss your options depending on your individual circumstances, and keep in mind that enforcement in foreign countries can take time and may have limitations.

## Get advice from a family lawyer

Raising children is expensive, and unpaid child support can place unnecessary stress on your household. The law is on your side, and there are clear steps you can take to seek what is owed.

If you're unsure where to start or need help dealing with a non-paying parent, we recommend that you obtain specialised legal advice from Emera Family Law. We can offer tailored advice during our no-obligation initial appointment.

### Further reading

- [A guide to child support assessments](#)
- [Limited vs Binding Child Support Agreements: what's the difference?](#)

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*This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*