

A Caseworker's Guide to Processing Cases with Australia

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Table of Contents

Overview: Processing Cases With Australia	1
Part A: Outgoing Child Support Cases From The U.S. To Australia	4
Part B: Incoming Child Support Cases From Australia To The U.S.	12
Part C: Federal-Level Reciprocity Agreement Between The U.S. And Australia.....	19

Overview: Processing Cases with Australia

This guide provides contact and policy information and describes basic requirements for forms and procedures to use in cases between Australia and U.S. jurisdictions. It has been revised to reflect changes to the Australian child support program since the U.S. – Australia bilateral agreement was signed in 2002.

The United States declared Australia as a foreign reciprocating country pursuant to section 459A of the Social Security Act. Australia's procedures conform substantially to the mandatory elements set forth in subsection 459A(b)(1) of the Act. The text of the agreement between the U.S. and Australia may be found in Part C of this guide or on the U.S. Office of Child Support Enforcement (OCSE) website at https://www.acf.hhs.gov/sites/default/files/documents/ocse/australia_reciprocating_agreement.pdf.

The U.S. has ratified the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (the 2007 Hague Convention). It entered into force in the U.S. on January 1, 2017.

Australia has not yet ratified the 2007 Hague Convention. Australia has been assessing the changes that will need to be made to Australian laws to comply with the Convention. In the meantime, cases between the U.S. and Australia continue to be dealt with according to the bilateral agreement.

Australia's Child Support Structure

Australia has a federal system of government. Power is distributed between the Federal Government, which is known as the Commonwealth of Australia, and eight states and territories. In Australia, child support is the sole responsibility of the Federal Government.

The Child Support Registrar is authorized by Australia's Parliament to make decisions on child support cases under the Child Support (Assessment) Act 1989 and the Child Support (Registration and Collection) Act 1988. The Registrar is Australia's designated "Central Authority" under the bilateral agreement. The Registrar's functions are carried out by the Child Support Program (CSP), within Services Australia (the agency).¹ The agency's staff determines the noncustodial parent's child support obligation based on Australia's child support assessment system. In Australia, a child support obligation is established administratively and set out in an assessment. See Part B of this guide for more information about Australia's assessment system. The agency also enforces the

¹ While the Registrar is Australia's designated "Central Authority" under the bilateral agreement and in legislative references, Services Australia (the agency) carries out the functions of the Central Authority. Throughout this document, the "agency" is used to indicate the government agency responsible for processing international child support cases. In a few circumstances, the terms, "Registrar" and "Central Authority" are used interchangeably with the "agency."

assessment, ensuring that child support payments are made on a timely and regular basis.

In Australia, most international cases are handled by case managers specializing in international maintenance cases. The international teams are responsible for the majority of cases where one of the parents lives outside Australia. This includes both cases where a child support administrative assessment is made in Australia and then transmitted outside Australia seeking recognition and enforcement, and cases where an order is made overseas and sent to Australia for recognition and enforcement.

Contact Information and Secure Email System

Contact information for Australia is listed below. OCSE maintains contact information on the OCSE [international webpage](#).

Web site: <https://www.servicesaustralia.gov.au/individuals/child-support>

Address:

Child Support
PO Box 9815
Melbourne VIC 3001
Australia

Preferred Phone: 00 61 131 272 (international call charges apply; toll-free within Australia)

Alternate Phone: 00 61 3 6216 0864 (international call charges apply)

Office hours: Monday - Friday (8:30am – 4:45pm Australian Eastern Standard Time)

Email: childsupportoverseas@servicesaustralia.gov.au

Please note, while Australia will receive general correspondence at the above email, sensitive data should be sent via the Australian secure messaging service. Therefore, child support agencies, called IV-D agencies in the U.S., must register for the secure messaging service to transmit and receive case-specific information. Australia will send all case-related information via their secure server. For more information on Australia's secure email system and registration instructions, see [DCL-13-17](#).

U.S. Intergovernmental Reference Guide and Intergovernmental Forms

Australian caseworkers can find useful information for working cases with U.S. state child support (IV-D) agencies in the OCSE [Intergovernmental Reference Guide](#) (IRG). The IRG provides information on state IV-D programs; state contact information, including for each state's central registry; and state laws.

This caseworker's guide specifies the forms to use when processing case actions between the U.S. and Australia, including several U.S. intergovernmental child support forms. The complete list of approved U.S. intergovernmental forms is available on the [OCSE website](#).

Australia's "Child Support Guide" and Australia's Child Support Forms

Australia's "[Child Support Guide](#)" is an online guide to the administration of the Australian child support program. It includes several forms that may be used in specific case processing actions described in this caseworker's guide.

The complete list of Australia child support forms is available on the agency's [website](#).

General Tips for Working Cases with Australia

When corresponding with Australia:

- Please send only one copy of any document.
- Specify U.S. dollars in all correspondence (for example, \$200 USD) to prevent confusion over whether an amount is in Australian or U.S. dollars.
- Spell out dates in full (for example, 4 March 2014) since Australia and the U.S. express numeric dates differently.
- Australia and the U.S. have different financial years. When providing an income amount for a financial year, please provide the relevant dates.

Part A: Outgoing Child Support Cases from the U.S. to Australia

The IV-D agency should send all cases to Australia at the address in the introductory section of this caseworker's guide.

As in other intergovernmental cases, the IV-D agency must send the appropriate forms to Australia for the action requested. This caseworker's guide lists the appropriate forms in Chart A, Forms from the U.S. to Australia. Send one copy of each document listed in the chart, certified if required. There is no need for the U.S. IV-D agency to convert the U.S. order to Australian dollars as that will be done by the agency on the date of registration. However, be sure to indicate the amounts in U.S. dollars (USD) on all forms.

1. Locate Requests

To send a locate request to Australia, the U.S. caseworker should use the Child Support Enforcement Transmittal #1 and the Child Support Locate Request, as noted in Chart A.

When a U.S. caseworker sends a locate-only request, Australia's legislation does not allow the agency to provide location or financial information to U.S. caseworkers. Rather, Australian authorities will advise the IV-D agency whether a noncustodial parent is currently in Australia. If the IV-D agency has reasonable grounds for believing that the respondent is in Australia, it should transmit a full case to Australia rather than a locate-only request.

2. Registration and Enforcement of a U.S. Order

As noted in Chart A, to request Australia to register and enforce an existing U.S. support order, the U.S. caseworker should send the Child Support Enforcement Transmittal #1, one certified copy of the U.S. support order, and a statement of arrears if applicable.

Send all requests for recognition and enforcement of a U.S. support order to the agency at the address noted in the introductory section. The support order must meet Australian due process standards. The order must have a seal/stamp of the court. The order or the accompanying documentation must confirm there was notice of the hearing and specify whether the obligor participated in the hearing. If the order was entered by default, the order (or an accompanying original or certified document) must show that notice of the commencement of the proceeding and notice of the hearing were properly served on the respondent in accordance with the law of the issuing U.S. state.

Within 90 days of receipt, the agency will determine if the U.S. support order can be registered.

The process for registration in Australia includes the following steps:

- Determination if the application has been properly made (according to the requirements and forms specified in Chart A).

- Determination that the noncustodial parent is a resident of Australia. At least one parent needs to be a resident of Australia for a case to be accepted. Therefore, the agency must make a residency decision before recognition and enforcement of a U.S. order. The agency will consider evidence from a range of sources when making this decision, including information from the parents, tax office, and travel records. If the agency deems that the noncustodial parent is *not* a resident of Australia, the case will be refused and returned to the IV-D agency. Detailed information on the residency determination is provided in part [6.1 of Australia's Child Support Guide](#).
- Scrutiny of the clauses of the order to determine what components are registrable for administrative enforcement by the agency. These are:
 - Periodic child maintenance,
 - Periodic spousal maintenance, and
 - The arrears amounts relating to periodic child and/or spousal support.

Any other nonperiodic maintenance components, including lump sum amounts of maintenance, can be noted in the child support register but only enforced through the courts in Australia.

- Interest on arrears is not able to be registered or enforced under current Australian law. Australia is considering ratification of the 2007 Hague Convention. As part of this process, it will be reviewing the legislation and regulations in regard to the ability to collect interest on arrears.

After these preliminary steps are taken, the agency will confirm that the U.S. support order qualifies as a "Registrable Overseas Maintenance Liability" under Australian law (see [part 3 of Australia's Child Support Guide](#)). The start date of the ongoing periodic support amount is the date the order was received by the Registrar.

The periodic support amount and arrears are registered on the day the full details are entered and finalized in the child support register. The agency converts the U.S. support order into Australian dollars using the exchange rate as of the day the liability is registered. Subsequent fluctuations in the exchange rate are *not* reflected in the record. Australian legislation does not allow this.

The effect of administrative registration is that the amounts due under the order become a debt due to the Commonwealth of Australia, as converted into Australian dollars, and all administrative and judicial enforcement powers are able to be exercised by the agency.

Once the U.S. maintenance liability is administratively recognized, it has the same effect and is enforced in the same manner as an Australian support assessment. The ongoing periodic amount and arrears are payable to the agency, which is responsible for enforcing collection of those amounts.

As part of the registration, the agency's first step will be to encourage voluntary payment. During the initial contact with the obligor, the agency discusses payment

options, seeking a commitment to making ongoing payments and negotiating a plan to pay arrearages. See [part 5.2 of Australia's Child Support Guide](#).

If voluntary compliance cannot be established, the agency will use its administrative enforcement mechanisms, including employer withholding, third party collection, tax refund intercept, and collection from government benefits. Departure prohibition orders (which prevent a debtor from leaving Australia) are an administrative enforcement option that will be used in some circumstances. The agency uses litigation through the court system as a last resort.

3. Reconciling Accounts

Australia is unable to update the monthly collection amount or arrears balance to reflect fluctuation of conversion rates. Once the ongoing liability in the case has ended and the arrears in Australia have been collected, there may still be outstanding arrears in the U.S. These amounts cannot be enforced by the agency. The agency may advise the obligor that there is still an outstanding amount in the U.S. and that the obligor should contact the relevant U.S. authority to discuss options.

If the ongoing liability has ended and the arrears are finalized in the U.S. but Australia still has arrears outstanding, the custodial parent can make an application through the U.S. IV-D agency to Services Australia to have the remaining arrears discharged.

4. Collecting Support and Arrearages

Under Article 2 of the U.S. – Australia agreement, the countries agree to reciprocate in the collection of a valid maintenance obligation and arrears. The agency can collect periodic maintenance liabilities that are due under a U.S. support order and any periodic amounts of arrears that have accrued. If there are periodic amounts of arrears due at the time the order is sent to Australia for enforcement, U.S. IV-D agencies should include the statement of arrears showing the monthly amount due and amount unpaid. The transmittal should include a clear statement that the arrears are a result of a recurring obligation that was not met.

The agency can recognize and administratively enforce a nonperiodic amount, such as a lump sum maintenance amount, only if clearly noted that it is the arrears that accumulated due to nonpayment of the periodic support obligation. A request to collect a lump sum liability with no such statement will be noted administratively and can only be enforced judicially and will not be collected by the agency. Once noted administratively, the liability is a debt due to the obligee and is recoverable by taking action through an Australian Court with jurisdiction under the *Family Law Act 1975*. If requested by the obligee, the agency will send the case to the Australian Attorney General's Department for action, and the Attorney-General's Department will make a decision about whether to pursue enforcement action through the court. Sending cases to court will significantly delay collection of the debt.

Australia is considering ratification of the 2007 Hague Convention. As part of this process, it will be reviewing the legislation and regulations in regard to collecting nonperiodic lump sum maintenance.

The laws of some U.S. states provide for annual automatic adjustments of the U.S. order amount. U.S. officials need to notify the agency of the legislative basis of the change, the date the new amount takes effect, and the revised periodic amount payable when the U.S. support amount has been adjusted.

5. Payments and Disbursement

Australia will send payments by cheque/check in U.S. currency to the State Disbursement Unit (SDU) in the initiating state. The amount is based on the exchange rate on the day the check is issued. Given currency fluctuations, it is likely the U.S. and Australia payment records will not match. Australia will use its payment record to determine when all support has been collected and may close the case.

6. Medical Support

Only periodic payments can be registered and enforced under Australia's administrative system. If medical support is expressed as a periodic amount (for example, \$100/month to cover medical expenses of the child), then it can be registered and collected administratively.

If the medical support is expressed as a lump sum or as a percentage of a future cost, then the medical support provision can only be recorded, but cannot be enforced administratively, as described above under "Collecting Support and Arrearages."

7. Components of Child Support

To facilitate the registration and enforcement of an order for periodic payments under Australia's administrative system, the U.S. IV-D agency should identify each component of the order in its application and provide a total payment amount to be collected. For example, the U.S. order may require an obligor to pay an amount each month for current support, arrears, medical support and/or health insurance, and child care.

To avoid confusion, each of these obligations should be listed separately and then a total given, as illustrated below:

Obligation	Total \$ Per Month (USD)
Current support	350
Arrears of periodic support	50
Medical support	100
Child care	300
Total child support:	800

8. Spousal Support

If the parent owing child support under a U.S. order has also been ordered to pay spousal support to the parent receiving child support, the U.S. IV-D agency will enforce the spousal support order in conjunction with enforcing the child support order.

Australia will enforce spousal support under these circumstances if the application to Australia clearly states the separate request for enforcement of spousal support including the periodic amount due and the total arrears that have accumulated. The U.S. IV-D agency should include a certified copy of the spousal support order with the request for enforcement of child support if the spousal support order is separate from the child support order.

9. Appeals

Parents, whether in the U.S. or Australia, have the right to object to decisions made by the agency. If requested, the agency will assist the IV-D agency in advising parents how to undertake the appeals process. Australia's law allows for parents to ask the agency to formally reconsider particular decisions made under either the Child Support (Assessment) Act 1989 or the Child Support (Registration and Collection) Act 1988. This is an internal review process through the agency. Parents residing in the U.S. have 90 days from receipt of a decision to lodge a written objection with the agency.

If parents are still not satisfied once they have gone through the internal objections process, they may apply to the Administrative Appeals Tribunal. This is an external administrative tribunal that reviews decisions (cost-free for parents). If the parents are still not satisfied after the tribunal process, a parent may appeal the decision in court on a question of law. See [part 4 of Australia's Child Support Guide](#).

10. Parentage and Support Establishment

The IV-D agency should forward all requests for Australia to establish parentage or a child support obligation (referred to as a "liability" in Australia) to the agency.

As noted in Chart A, to send a request to establish parentage and a new support order to Australia, the U.S. caseworker should use the Child Support Enforcement Transmittal #1; the Australian Application for Child Support Assessment form, which also requires the marriage certificate, birth certificates, divorce decree, or other evidence; and supporting evidence for the applicant's last year's taxable income.

Australia's preference is for the IV-D agency to seek establishment by applying for an administrative assessment rather than seek establishment of parentage as a first application.

To establish an administrative assessment, the agency must first determine that the respondent is a resident of Australia. In addition to residence, key eligibility requirements for an assessment include:

- The agency must be satisfied the respondent is the legal parent of the child for whom support is sought. There is a range of situations that will satisfy the agency of parentage. Generally, neither court proceedings nor DNA testing are required. See [part 2.1.3 of Australia's Child Support Guide](#).
- The child must be under 18 years of age.

Accordingly, when asking Australia to establish a support obligation, it is important to detail the basis of the IV-D agency's determination that the respondent is the child's legal father under U.S. law. This can be done, for example, by providing a copy of the child's birth certificate or a voluntary paternity acknowledgment or divorce decree. However, the application for assessment should be sent even if there is no evidence of parentage, as that is the best way to commence the process.

If the agency determines that it can make an administrative assessment, the case will proceed. For a detailed description of the assessment process, see Part B of this guide and [part 2 of Australia's Child Support Guide](#).

If the agency is unable to accept an application for an administrative assessment, the agency will notify and advise the U.S. IV-D agency of other options, including taking an administrative appeal of the agency's declination or referring the case for assistance in establishing parentage. (See part B.2 for more about Australia's administrative assessment system.)

11. Parentage Establishment Only

Under Article 5 of the U.S. – Australia Agreement, requests for assistance to establish parentage in relation to a person who resides in Australia can be forwarded to the agency and services (including genetic testing) will be provided cost-free to the U.S. petitioner. If a U.S. IV-D agency requires assistance to establish parentage (either in Australia or in the U.S. state), the IV-D agency should transmit a request to the agency, which will forward the application to Australia's Attorney General's Department for action. The Attorney General's Department will assess the level of assistance to be provided on a case-by-case basis. If the parentage issue needs to go to court in Australia and requires DNA evidence, the Australian courts require DNA tests to satisfy Australia's evidence requirements.

Once a case is referred to the Attorney General's Department, it will coordinate directly with the U.S. IV-D agency and the noncustodial parent in Australia. This entire process can be lengthy.

12. Adjustments of the Assessment

The agency adjusts administrative assessments every 12 to 15 months. The adjustment is based on the most recent taxable income of both parents when available, or provisional income, where required. An assessment can also be varied at any time if there is a demonstrated significant change in income or a change in custodial care.

(See Part B.10 of this guide for details on Australia's administrative assessment procedures.)

Australia will request all available financial information for the custodial parent to update the assessment, including the most recent financial year income information.

13. Modification of a U.S. Order in Australia

U.S. orders cannot be modified administratively by the agency. However, under Australian legislation (Regulation 36 of the *Family Law Act 1975*), either parent may apply for an overseas order that is registered with the agency to be modified by an Australian court. If the Australian court makes an order modifying the U.S. order, the modified order will be registered by the agency. In these circumstances, the agency will advise the requesting U.S. IV-D agency of the change to the liability in Australia. Australia understands that the modified order is unlikely to be recognized in the U.S.; however, it will be the registered and enforceable liability in Australia.

Australia is considering ratification of the 2007 Hague Convention. As part of this process, it will be reviewing the legislation and regulations in regard to the ability to modify overseas orders under the Australian Family Law Act and Regulations.

14. Notice of Hearing or Right to Appeal

Australia should send any notice of hearing or right to appeal to the U.S. IV-D agency at the contact address the agency provides, not directly to the petitioner. The IV-D agency will notify the U.S. party.

15. Forms from the U.S. to Australia

Chart A, Forms from the U.S. to Australia, summarizes the forms that must be sent to Australia to process various case actions. Australia requests that U.S. caseworkers send only *one copy* of the order being registered. All U.S. forms are available on the [OCSE website](#).

Chart A - Forms from the U.S. to Australia

If the person in the U.S. wants to ...	Then complete these forms and documents:
<ul style="list-style-type: none"> Establish a new (initial) support assessment/order in Australia, including the establishment of parentage 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #1 – Initial Request Child Support Agency Confidential Information Form Australian International Application for child support assessment form (CS1665) https://www.servicesaustralia.gov.au/individuals/forms/cs1665 General Testimony Declaration in Support of Parentage Marriage certificate, birth certificates, divorce decree, or other evidence requested by the application for child support assessment form Supporting evidence for the applicant's last year's taxable income
<ul style="list-style-type: none"> Enforce an existing Australian assessment in Australia 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #1 – Initial Request Child Support Agency Confidential Information Form Australian Request to Change Payment Collection Method form (CS1979) https://www.servicesaustralia.gov.au/individuals/forms/cs1979 1 Copy of the Australian assessment
<ul style="list-style-type: none"> Register and enforce an existing U.S. order in Australia 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #1 – Initial Request Child Support Agency Confidential Information Form 1 certified copy of the U.S. order Statement of arrearages where applicable
<ul style="list-style-type: none"> Request modification of an existing Australian assessment through the agency (There are a number of options to have a change in circumstances taken into account. Please refer to the complete list of forms or contact the agency to discuss options.) 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #1 – Initial Request Child Support Agency Confidential Information Form 1 Copy of the Australian assessment Where appropriate: Application to Change your Assessment – Special Circumstances form (best to contact the agency prior to completion to check if this is the best option): https://www.servicesaustralia.gov.au/individuals/forms/cs1970
<ul style="list-style-type: none"> Locate a person or provide information about a person in Australia (limited under the U.S.-Australian Agreement to proceedings for maintenance, determination of parentage, and recovery of maintenance) 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #1 – Initial Request Child Support Agency Confidential Information Form Child Support Locate Request
<ul style="list-style-type: none"> Request status, assistance, or information (for example, requesting income information for a modification or service of process) 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #2 – Subsequent Actions (if the case has already been referred to Australia)

Part B: Incoming Child Support Cases from Australia to the U.S.

1. General Approach

Where the custodial parent and child reside in Australia and the obligor resides in Australia or in a country with which Australia has an international agreement, such as the U.S., Australia requests the obligor to cooperate by making direct voluntary payments to Australia without involving a U.S. IV-D agency. If this approach is unsuccessful, Australia then sends a case to the U.S. state to request child support services.

2. Background on Australia's Assessment System

As Australia's administrative assessment system differs from child support programs in most U.S. states, the following description may be useful to U.S. caseworkers.

Under Australian law, a child support obligation is established by an administrative assessment made by the agency. In most cases, Australian courts do not have the authority to establish a support order; that power has been given to the agency.² An administrative assessment creates a legally enforceable obligation, with the same force and effect as a court order.

Where the custodial parent and child reside in Australia and the obligor resides in Australia or in a country with which Australia has a maintenance agreement, such as the U.S., Australian law permits the agency to accept an application for administrative assessment from the custodial parent if it is satisfied that both parents are the legal parents of the child for whom support is sought *and* the child is under 18 years of age. The Registrar can be satisfied that a person is a parent in nine fact situations that are akin to presumptions of parentage under U.S. law. See [part 2.1.3 of Australia's Child Support Guide](#).

The assessment of an annual amount of child support due is made according to a formula that considers: the income of both parents, the percentage of care of the child and the percentage of the costs met by this care, and the costs of the child. See [part 2.4 of Australia's Child Support Guide](#).

Obtaining accurate income information from an obligor residing outside of Australia is a significant challenge for the agency. Income information may be provided by the noncustodial parent or the relevant state authority.

The agency will request taxable income details in writing from a parent residing outside of Australia. Parents have 28 days from the date of receipt of this notice to respond. If there is no response to the notice, and the agency cannot obtain taxable income details for the parent through any other means, the agency is required to generate a provisional

² There are a few maintenance liabilities determined by the court, such as spousal maintenance.

income to use in the assessment, which may not correspond to the parent's actual income.

A provisional income can be replaced by actual taxable income details if they are received outside the 28-day timeframe in some circumstances. However, a lower taxable income provided outside the timeframe will not necessarily replace a higher provisional income.

The agency will accept the taxable income amount determined by the relevant tax authority for a given tax year. Where this is not available, the agency will consider other evidence of income. In either event, supporting documentation is required.³ The agency cannot use joint taxable income details unless the individual taxable income details can be worked out from the information included in the supporting documentation.

Once the assessment is set, the agency sends notice of the child support assessment to the noncustodial parent, whether the noncustodial parent is living in Australia or abroad.

Either parent may object to the assessment if they believe that the agency has made a mistake of fact or applied the law incorrectly. For more information, see [part 4.1 of Australia's Child Support Guide](#).

After making the assessment, the agency will generally also contact the noncustodial parent by telephone or in writing and explain the options for voluntary payment, even where the obligor resides abroad. If the noncustodial parent agrees to voluntary payment, payments are made to the Australian authority. If the noncustodial parent does not agree or fails to follow through with payment, the agency will send the assessment for recognition and enforcement to the U.S. state where the obligor resides.

3. Locate Requests

If the state in which the support obligor is living is unknown, Australia may send a request to the U.S. Central Authority, which is the federal Office of Child Support Enforcement (OCSE). OCSE will use the Federal Parent Locator Service (FPLS) to try to locate the state in which the support obligor resides. If the FPLS locates the noncustodial parent, OCSE will return only the state of residence to the Central Authority of Australia. No other personally identifiable information will be provided. Australia may then apply directly to the appropriate state for child support services.

³ Some examples of evidence that could be provided are a tax assessment issued by the relevant taxation authority in the U.S.; a group certificate or other documentation from an employer; a statement from a relevant government department showing payments made; or documentation from an accountant or tax agent.

4. Documents from Australia

Documents from Australia are likely to be signed under penalty of perjury and will not be notarized. The agency will certify official records it holds, such as payment records, with a "Department Stamp." Declarations, forms, and other documents, such as the registration statement, will be signed under penalty of perjury.

5. Registration and Enforcement of an Australian Assessment

Australia will send a request for registration and enforcement of the child support administrative assessment to the state in which the obligor resides. Australia should send the request to the state central registry (U.S. state contact details are on the OCSE IRG at <https://extranet.acf.hhs.gov/irg/welcome.html>⁴). Generally, Australia will provide a conversion of the order from Australian dollars to U.S. dollars. In the rare case where this conversion is not provided, the U.S. IV-D agency or tribunal may convert the order to U.S. dollars for registration pursuant to the Uniform Interstate Family Support Act or UIFSA.

The child support administrative assessment made by the agency creates a legally enforceable obligation with the same force and effect as a court order. Pursuant to the bilateral agreement between the U.S. and Australia (Article 7), the U.S. state will proceed to register the administrative assessment in accordance with UIFSA. The registering tribunal will file the order as a foreign judgment and provide notice to the non-registering party. The U.S. has agreed to recognize and enforce an Australian assessment as long as the decision meets the U.S. due process standards and the assessment is not successfully contested on grounds set forth in section 607 of UIFSA. If there is no contest or the contesting party does not establish a valid defense, the U.S. tribunal will confirm the registered order.

Should a respondent in the U.S. contest registration of an Australian assessment based on due process or other grounds, the U.S. registering tribunal (not the caseworker or IV-D agency) will determine whether the due process requirements of the U.S. Constitution have been met. If the U.S. tribunal refuses to confirm the registration, the IV-D agency should, if appropriate under state law and the facts in the case, request the establishment of a new U.S. support order, retroactive for the period permitted under state law.

Once the Australian assessment is registered, the state IV-D agency should send notification to the agency.

6. Hearing Notification

If there is a hearing in the U.S. on a case, Australia requests that the notice of the hearing be sent through the agency, not directly to the petitioner. The agency's

⁴ To find U.S. state contact details, from the IRG welcome page, 1.) select the state or territory and click GO, 2) select the "Contact" tab, 3) select "Central Registry Contact" and click View.

caseworker will notify the Australian party. Please allow sufficient time for the hearing notification to reach the agency and be sent to the petitioner.

7. Medical Support

The Australian assessment factors in the general cost of raising a child including normal medical expenses. If a child has high or unusual medical expenses, these can be included as an increase in the assessed amount decided through a change of assessment modification process. See Part B.10 Modification of an Australian Assessment. Therefore, there is no separate component for medical support.

8. Disbursement

The U.S. state disbursement unit or SDU should forward all payments to Australia. Payment options are:

Mailpay	Wire payments/Electronic Funds Transfer
<ul style="list-style-type: none"> Mail a cheque/check or bank draft made payable to "Services Australia - Child Support" to: Child Support GPO Box 9815 Melbourne VIC 3001 Australia The obligor's name and 16-digit customer reference number must be included on the cheque/check. Australia pays the cost of converting overseas currency into Australian dollars. Please allow up to 25 working days for the funds to clear. 	<ul style="list-style-type: none"> Wire payments are a way of transferring individual payments from an overseas bank to the agency's Australian bank account. It is a safe and convenient way of making payments; a record of each payment appears on the IV-D agency's account. Bulk payments combining payments for two or more obligors should not go in the same wire payment. The SDU should include the obligor's name or the 16-digit customer reference number on the wire payment form to enable the agency to identify the obligor. If this information cannot be provided on the wire payment form, the SDU should email the payment details to the agency via the secure messaging service at childsupportoverseas@servicesaustralia.gov.au so the payment can be matched with the obligor. Individual payments should be transferred to: Bank: Reserve Bank of Australia Address: 20-22 London Circuit Canberra ACT Australia 2600 BSB number: 092009 Account number: 116755 Account name: CSA Official Receipts Account SWIFT Code RSBKAU2S

The agency converts the U.S. dollar payments from the SDU to Australian dollars using the exchange rate on the day the payment is banked. All payments received by the agency are then sent to the custodial parent normally through electronic disbursement to the custodial parent's bank account.

9. Small Payment Amounts

If possible, IV-D agencies should not send checks for amounts less than \$15 Australian dollars. Australian officials report that the Reserve Bank of Australia will not cash checks for such small amounts. In individual cases, the custodial parent may request that small payments be held and forwarded as a combined payment. As noted in PIQ-04-01, a IV-D agency may obtain permission from the Australian custodial parent to send payments using an alternative disbursement timeframe, that is, bi-weekly, monthly, or bi-monthly. The IV-D agency needs to document the custodial parent's consent in its records (see [OCSE PIQ-04-01](#)).

10. Modification of an Australian Assessment

The agency adjusts Australian child support assessments when either parent files a tax return in Australia or when 15 months have passed. The child support assessment is recalculated using both parents' taxable income for the last relevant year. The creation of a new child support period is an automatic process; the agency sends letters to both parties notifying them of the decision and the new assessment. The timing of the letters is such that the majority of parents will receive the letters prior to the start of the new child support period. This enables parents to check the information being used in the assessment and provide any new information. Where the parent's income is not available, the agency uses a provisional income. However, this information is provided in the letter, allowing parents to respond by providing their income details. Where new information (including income information) is provided that affects the assessment, the agency will make a new decision using this information, and the child support period will commence as originally notified.

Some parents, especially those overseas, may receive their new assessment letter after the new child support period commences. In some cases, the agency does not have address details for the parent and will not be able to send letters. In these cases, once the agency makes contact with the parent and receives new information pertaining to the assessment, a decision is made under Australian legislation as to whether the assessment can be recalculated for a past period. For further information, see [part 2.4.4 of Australia's Child Support Guide](#).

An Australian assessment can also be modified in relation to income when either party makes an application for a change of assessment. This process is an administrative process where either party can apply under any one of 10 reasons. See [part 2.5 of Australia's Child Support Guide](#).

One of the bases for modification is that the child support assessment is unfair because of the income, earning capacity, property, or financial resources of one or both parents.

Where such an application is made, both parties are given the opportunity to provide information, which is then considered by a senior case officer within the agency. Usually a change of assessment decision can retrospectively change the liability back a maximum of 18 months (not prior to the start date of the case). In some cases, a court may grant leave to retrospectively change the liability back to a period of up to seven years.

If requested, the U.S. IV-D agency should provide relevant financial information as appropriate when the agency receives a change of assessment application. If prevented from providing this information for any reason, the IV-D agency should notify the respondent to provide this information directly to the agency in order to have an accurate assessment made.

11. Forms from Australia to the U.S.

Chart B, Forms from Australia to the U.S., summarizes the forms that Australia will send to the U.S. to process various case actions. All U.S. forms are available on the [OCSE website](#):

To protect personally identifiable information, OCSE removed most of the sensitive information from the U.S. child support forms and moved it to two new forms: the Child Support Agency Confidential Information Form and the Personal Information Form for UIFSA § 311. The first form is for sharing information only between IV-D agencies. The second form is filed with the tribunal and provides the minimal data that UIFSA requires in a proceeding to establish a support order, to determine parentage of a child, or to register and modify a support order of a foreign country.

Chart B - Forms from Australia to the U.S.

If the person in Australia wants to ...	Then complete these forms and documents:
<ul style="list-style-type: none"> Establish a new (initial) support order in the U.S. including the establishment of parentage 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #1 – Initial Request Child Support Agency Confidential Information Form Personal Information Form for UIFSA § 311 Uniform Support Petition General Testimony, with supporting documentation/evidence including verification that no other enforceable support order exists Declaration in Support of Establishing Parentage (where applicable) Child Support Locate Request (if applicable)
<ul style="list-style-type: none"> Register and enforce an existing Australian order in the U.S. 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #1 – Initial Request Child Support Agency Confidential Information Form Letter of Transmittal Requesting Registration 2 copies of the Assessment Notice - including a certified copy, as well as any modifications of the assessment (Note to U.S. caseworkers – Australian Assessment Notices are considered final and enforceable.) Child Support Locate Request (if applicable) Sworn statement of arrearages
<ul style="list-style-type: none"> Request modification of an existing U.S. order 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #1 – Initial Request Child Support Agency Confidential Information Form Personal Information Form for UIFSA § 311 Letter of Transmittal Requesting Registration 2 copies of the existing order - including a certified copy, as well as any modification of the order Uniform Support Petition General Testimony (only sections applicable to reason for modification and recalculation of support), with supporting documentation/evidence Child Support Locate Request (if applicable)
<ul style="list-style-type: none"> Locate a person in the U.S. 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #1 – Initial Request Child Support Agency Confidential Information Form Child Support Locate Request
<ul style="list-style-type: none"> Request status, assistance, or information (for example, requesting income information for a modification or service of process) 	<ul style="list-style-type: none"> Child Support Enforcement Transmittal #2 – Subsequent Actions (if the case has already been referred to the U.S.)

Part C: Federal-Level Reciprocity Agreement between the U.S. and Australia

Agreement between the Government of the United States of America and the Government Australia for the Enforcement of Maintenance (Support) Obligations

The Government of the United States of America

and

The Government of Australia (hereinafter referred to as the Parties),

Resolved to establish a uniform and effective framework for the enforcement of maintenance obligations and the recognition of maintenance decisions, and

In accordance with procedures for the conclusion of reciprocal enforcement of maintenance agreements provided for by the law of Australia and authorized by the United States Congress in section 459A of the Social Security Act, Title 42, United States Code, section 659A,

Have agreed as follows:

Article 1

Objective

1. Subject to the provisions of this Agreement, the Parties hereby seek to provide for:
 - a. the recovery of maintenance or the reimbursement of maintenance to which a maintenance creditor or a public body having provided benefits for a maintenance creditor in one Party (hereinafter referred to as the claimant) is entitled from a maintenance debtor who is subject to the jurisdiction of the other Party (hereinafter referred to as the respondent), and
 - b. the recognition and enforcement of maintenance orders, reimbursement orders and settlements (hereinafter referred to as maintenance decisions) made or recognized in either Party.

Article 2

Scope

1. This Agreement shall apply to maintenance obligations arising from a marriage or parentage, including a maintenance obligation towards a child born out of wedlock. However, a maintenance obligation towards a spouse or former spouse where there are no minor children will be enforced in the United States under this Agreement only in those states and other jurisdictions of the United States that elect to do so.

2. This Agreement applies to the collection of payment arrears on a valid maintenance obligation and any applicable interest on arrears and to the modification or other official change in amounts due under an existing maintenance decision.

3. The remedies provided for in this Agreement are not exclusive and do not affect the availability of any other remedies for the enforcement of a valid maintenance obligation under the law of either Party nor do they preclude the Parties from entering into international agreements addressing these issues.

Article 3

Central Authorities

1. The Parties shall each designate a body as Central Authority which shall facilitate compliance with the provisions of this agreement.

2. The Central Authority for Australia shall be the Child Support Registrar.

3. The Central Authority for the United States of America shall be the Office of Child Support Enforcement in the Department of Health and Human Services, as authorized by Title IV-D of the Social Security Act.

4. The parties may designate additional public bodies to carry out any of the provisions of this agreement in co-ordination with the Central Authority.

5. Any changes in the designation of the Central Authority or other public bodies by one Party shall be communicated promptly to the Central Authority of the other Party.

6. Communications shall be addressed by the Central Authority or other public body of one Party directly to the Central Authority or other responsible public body of the other Party as designated by that Party.

Article 4

Applications and Transmission of Documents and Judicial Assistance

1. An application for the recovery or reimbursement of maintenance from a respondent in one of the parties (hereinafter the Requested Party) shall be made by the Central Authority or other designated public body of the other Party (hereinafter the Requesting Party), in accordance with the applicable procedures of the Requesting Party.

2. The application shall be made on a standard form to be agreed upon by the Central Authorities of both Parties, and shall be accompanied by all relevant documents.

3. The Central Authority or other designated public body of the Requesting Party shall transmit the documents referred to in paragraphs 2 and 5 of this Article to the Central Authority or other designated public body of the Requested Party.

4. Before transmitting the documents to the Requested Party, the Central Authority or other designated public body of the Requesting Party shall satisfy itself that they comply with the law of the Requesting party and the requirements of this Agreement.
5. When the application is based on, or the documents include, a decision issued by a competent court or agency establishing parentage or for the payment of maintenance:
 - a. the Central Authority of the Requesting Party shall transmit a copy of the decision certified or verified in accordance with the requirements of the Requested Party;
 - b. the decision shall be accompanied by a statement of finality or, if not final, a statement of enforceability and by evidence that the respondent has appeared in the proceedings or has been given notice and an opportunity to appear;
 - c. the Central Authority or other designated body of the Requesting Party shall notify the Central Authority or other designated body of the Requested Party of any subsequent change by operation of law in the amount required to be enforced under the decision.
6. In carrying out their tasks under this Agreement, the Parties shall provide each other assistance and information within the limits of their respective laws, and consistent with any treaties related to judicial assistance in force between the Parties.
7. All documents transmitted under this Agreement shall be exempt from legalization.

Article 5

Functions of the Central Authority of the Requested Party

The Central Authority or other designated public body of the Requested Party shall take on behalf of the claimant all appropriate steps for the recovery or reimbursement of maintenance, including the institution and prosecution of proceedings for maintenance, the determination of parentage where necessary, the execution of any judicial or administrative decision and the collection and distribution of payments collected.

Article 6

Cost of Services

All procedures described in this Agreement, including services of the Central Authority, and necessary legal and administrative assistance, shall be provided by the Requested Party without cost to the claimant. The costs of testing blood or tissue for parentage determinations shall be borne by the Party in which the proceeding takes place. A Party may assess costs in any proceeding against the respondent appearing in that Party's jurisdiction.

Article 7

Recognition and Enforcement of Maintenance Decisions

1. Enforceable decisions for family maintenance issued by the courts or other authorized agencies of one Party shall be recognized and enforced in the courts or other authorized agencies of the Party to the extent that the facts in the case support jurisdiction, recognition and enforcement under the applicable law and procedures of the latter party.
2. In proceedings before a judicial or administrative authority of one Party to establish or enforce maintenance obligations, the authority:
 - a. Shall recognize a determination of parentage made in the territory of the other Party if the determination is a finding by a judicial authority, an entry in a public register of births or an instrument of acknowledgement by the parent which is registered with a public authority; and
 - b. may recognize a determination of parentage made in the territory of the other Party which is not of a kind referred to in paragraph 2a above.
3. A determination recognized in accordance with article 7.2 shall be recognized to the extent that the facts in the case support jurisdiction and recognition under the applicable laws and procedures of the Party in which proceedings to establish or enforce maintenance obligations occur.
4. Where an authority declines to recognize a determination of parentage referred to in paragraph 7.2(b) above, the Central Authority or other designated public body of the Requested Party shall take all appropriate steps in accordance with Article 5 to institute and prosecute proceedings in territory of the Requested Party on behalf of the claimant for the determination of parentage.
5. Orders entered or decisions made after the failure of the respondent to appear in the proceedings shall be considered as decisions under paragraph 1 and 2 above if it is demonstrated that notice had been given and the opportunity to be heard had been afforded in a way to satisfy the standards of the Requested Party.

Article 8

Applicable Law

1. All actions and proceedings under this Agreement by either Party shall be carried out pursuant to the law including choice of law provisions and procedures of that Party.
2. The physical presence of the child or custodial parent shall not be required in proceedings under this Agreement within the jurisdiction of the Requested Party.

Article 9

Geographical Applicability

1. For Australia this Agreement shall apply to Australia including Norfolk Island, the territory of Christmas and the territory of Cocos (Keeling) Islands.
2. For the United States of America, this Agreement shall apply to the fifty states, American Samoa, the District of Columbia, Guam, Puerto Rico, the United States Virgin Islands, and any other jurisdiction of the United States participating in Title IV-D of the Social Security Act.

Article 10

Entry into Force

1. This Agreement shall enter into force on the later of the dates on which each Party notifies the other Party in writing through the diplomatic channel that the legal requirements for the entry into force have been fulfilled.
2. This Agreement shall apply to any outstanding maintenance decision, or determination described in Article 7, or payment accrued under such decision, regardless of the date of that decision.

Article 11

Termination

1. Either Party may terminate this Agreement by notification in writing addressed to the other Party through diplomatic channels.
2. The termination shall take effect following the receipt of the notification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Canberra, in duplicate this twelfth day of December 2002

FOR THE GOVERNMENT OF
THE UNITED STATES OF
AMERICA

/s/

FOR THE GOVERNMENT
AUSTRALIA

/s/