

Can I stop my child support payments?

If you're a paying parent who is currently in prison you may be able to stop or reduce your child support payments.

If you have a formula assessment

You may qualify to stop paying child support if you're in prison for at least 13 weeks, and:

- you receive no income while you're in prison, or
- your income is only from investments and is less than \$14.05 a week on average.

If you have a voluntary agreement or court order

You may qualify to stop paying child support if you're in prison for at least 13 weeks, and:

- you receive no income while you're in prison, or
- your income is only from investments and averages \$10 a week or less.

What if I'm receiving a prison allowance?

If you get a prison allowance you can still apply to stop your child support payments.

What if I'm being paid on a "release-to-work" programme?

If you're being paid under a release to work programme, you can't apply to stop your payments. If you've stopped paying, you'll need to start paying child support again if you go on the release to work programme. If you stop being paid under a release-to-work programme you may be eligible for an exemption for the part of the year or years you're not working.

How do I apply to stop my payments?

To apply to have your payments stopped, you need to:

- fill in an *Prisoner and hospital patient exemption – application (IR 105)* form
- ask your unit manager to sign and stamp the form—they will then send it to us.

Note

- You need to complete the application form before you're released from prison.
- If you're unable to apply, another person can do so on your behalf.
- If you don't qualify for an exemption during the first child support year you're in prison you may qualify for the following year or years. If you think you may qualify for the following years, let us know. Please see the notes above on how to qualify for an exemption.
- A payee can apply for your exemption to be overturned. For more information please read our booklets *Helping you to understand Child Support reviews (IR 175)* and *Child Support reviews – helping you to respond (IR 173)*.

What if I don't qualify to stop my payments?

If you don't qualify to have your payments stopped, we may still be able to reduce your payments.

How do I qualify to have my payments reduced?

If your income for the current year ending 31 March is less than the income we used to work out your child support payments, you may be able to reduce your payments. Your income needs to be at least 15% less to qualify.

For example, if we originally used an income of \$20,000 per annum to work out your payments and the income you expect to get for the whole year has fallen by at least \$3,000 (15%), we can reduce your payments.

How do I apply to reduce my payments?

To apply to reduce your payments, you need to either:

- fill in an *Estimate of income for child support assessment (IR 104)* form, or
- send us a letter telling us how much you expect to earn for the current year (including what you earned before you went into prison).

You'll need to provide evidence of your estimation. This can be a payslip, a letter from Work and Income or, if you were self-employed, a letter from your accountant.

We will work out your new payments and tell you the new rate.

What if I already owe child support?

You're still liable for any child support you owe before your payments are stopped or reduced.

What happens to penalties on my account while I'm in prison?

We can talk to you about penalties while you are in prison. You need to call Child Support and ask to speak to a prison liaison officer who may also be able to visit you while you are in prison.

What do I need to do when I'm released from prison?

You need to contact us as soon as possible after you leave prison. We need to know:

- when you were released
- your new address and living arrangements
- if you're receiving a benefit or, if you're working, your employer's name.

We will then make sure you pay the right amount of child support.

For more help

If you need any more help, please call us on **0800 221 221** between 8 am and 6 pm on weekdays.

To get further copies of this factsheet or any of our forms:

- call INFOexpress on **0800 257 773** any day between 6 am and 12 midnight. Make sure you have your IRD number and the number or name of the factsheet or form handy.
- visit our website www.ird.govt.nz/childsupport/