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LawTalk Blog



Can I use documents disclosed during my property settlement for child support assessment?

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In today's blog, we're using a scenario example to investigate if information from documents disclosed in one particular Family Law dispute can then be used in another Family Law dispute. In our scenario, we're looking at using property settlement details disclosed during the process, for child support assessment.

Scenario

Sophie and Blake had been married for seven years and have two children together, Liam and Miley.

After separation Sophie and Blake finalised their property settlement amicably and entered into a binding financial agreement. During the process of finalising their agreement both parties made full disclosure of their financial situation.

During the disclosure process Blake provided Sophie with copies of his payslips, tax returns and documentation which showed that Blake receives annual distributions from a family trust and income from investment properties.

Shortly after finalising their property settlement Sophie made a claim for child support.

Sophie was surprised when she received the assessment of child support payable by Blake.

The child support assessment stated that Blake had a taxable income of \$75,000.

Sophie knew that Blake's actual income was much higher than his taxable income.

Can Sophie use the documents Blake provided to her during property settlement for child support purposes?

Sophie cannot use any documents provided by Blake in the property settlement for child support purposes. The documents which are exchanged between the parties to a Family Law dispute are solely to be used for the purpose of attempting to resolve that specific matter. They are not to be disclosed to third parties.

Are there consequences for disclosing or sharing such information?

If someone is found to have used documentation they obtained as disclosure in a Family Law matter they may be found to be in contempt of court.

If such a finding is made by the court, penalties such as a fine can be imposed or they could be required to enter into a good behaviour bond with a set amount of security.

What options does Sophie have to challenge Blake's asserted taxable income?

If Sophie wants to challenge the assessment of Blake's taxable income she should contact the [Department of Human Services](#) to discuss her options.

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.