

# **Child Support Amendment Act 2005**

Public Act 2005 No 6  
Date of assent 24 March 2005

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

- (1) This Act is the Child Support Amendment Act 2005.
- (2) In this Act, the Child Support Act 1991 is called “the principal Act”.

**2 Commencement**

This Act comes into force on 26 April 2005.

### 3 Amendments to principal Act in Schedule

The principal Act is amended in the manner set out in the Schedule.

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## Schedule

s 3

### Amendments to principal Act

#### Section 2

In the definition of **assessment**, replace “spousal maintenance” with “domestic maintenance”.

After the definition of **Commissioner**, insert the following:

“**domestic maintenance** means any payment required to be made under this Act by any person towards the support of another person under section 58(2) or section 68(2) of this Act”.

In the definition of **financial support**, replace “spousal maintenance”, in both places that it occurs, with “domestic maintenance”.

Replace the definition of **liable spouse** with the following:

“**liable spouse or partner** means a person who is liable to pay domestic maintenance under section 58(2) or section 68(2) of this Act.”

Omit the definition of **married person**.

In the definition of **payee**, in paragraph (b), replace “spousal maintenance”, in both places that it occurs, with “domestic maintenance”.

Omit the definition of **spousal maintenance**.

#### Section 4

In paragraph (k), replace “spousal maintenance” with “domestic maintenance”.

#### Section 5

In paragraph (b), replace “a married person” with “living with another person in a marriage, civil union or de facto relationship”.

**Section 8**

In subsection (2)(b), replace “as the legal spouse of that person or in a relationship in the nature of marriage” with “in a marriage, civil union or de facto relationship”.

**Section 10**

Replace “as the legal spouse of that person or in a relationship in the nature of marriage” with “in a marriage, civil union or de facto relationship”.

**Section 25**

Replace subsection (1)(a)(iii) with the following:

“(iii) enters a marriage, civil union or de facto relationship; or”.

In subsection (1)(d)(ii), replace “as the legal spouse of that person or in a relationship in the nature of marriage” with “in a marriage, civil union or de facto relationship”.

**Section 30**

Replace subsection (2)(a) with the following:

“(a) is not living with another person in a marriage, civil union or de facto relationship; and”.

Replace subsection (3)(a) with the following:

“(a) is living with another person in a marriage, civil union or de facto relationship; and”.

In subsection (5), replace paragraph (f) of the definition of **dependent child** with the following:

“(f) who is not living with another person in a marriage, civil union or de facto relationship”.

**Section 47**

In subsection (1)(b), replace “spousal maintenance” with “domestic maintenance”.

In subsection (3), in the words before paragraph (a), replace “spousal maintenance” with “domestic maintenance”.

In subsection (3)(a), insert “or civil union partners” after “wife”.

In subsection (3)(b), replace “marriage that has been dissolved” with “marriage, civil union or de facto relationship that has ended”.

In subsection (3)(c), replace “married to” with “in a marriage or civil union with”.

### **Section 52**

Replace “spousal maintenance” with “domestic maintenance”.

### **Section 55**

In subsection (1)(b)(i), replace “spousal maintenance” with “domestic maintenance”.

### **Section 58**

In subsection (2), replace “spousal maintenance”, in each place that it occurs, with “domestic maintenance”.

### **Section 59**

Replace “spousal maintenance” with “domestic maintenance”.

### **Section 61**

In subsection (1)(a)(i),—

- (a) replace “spousal maintenance” with “domestic maintenance”;
- (b) replace “liable spouse” with “liable spouse or partner”.

In subsection (1)(b),—

- (a) replace “spousal maintenance”, in both places that it occurs, with “domestic maintenance”;
- (b) replace “liable spouse” with “liable spouse or partner”.

### **Section 62**

In subsection (1)(b), replace “spousal maintenance” with “domestic maintenance”.

**Section 64**

In subsection (1), replace “spousal maintenance”, in both places that it occurs, with “domestic maintenance”.

**Section 66**

In the heading, replace “Spousal voluntary” with “Voluntary”.

In subsection (2)(a), replace “spousal maintenance” with “domestic maintenance”.

**Section 68**

In subsection (2), replace “spousal maintenance”, in each place that it occurs, with “domestic maintenance”.

**Section 69**

In subsection (1)(a)(i), replace “spousal maintenance” with “domestic maintenance”.

In subsection (1)(b), replace “spousal maintenance”, in both places that it occurs, with “domestic maintenance”.

In subsection (2), replace “spousal maintenance” with “domestic maintenance”.

**Heading and subheading to Part 5**

In the heading, replace “SPOUSAL MAINTENANCE” with “DOMESTIC MAINTENANCE”.

In the subheading, replace “spousal maintenance” with “domestic maintenance”.

**Section 72**

In the heading, replace “spousal maintenance” with “domestic maintenance”.

In subsection (1)(c), replace “spousal maintenance” with “domestic maintenance”.

**Section 73**

In subsection (3), in paragraph (b) of the definition of **relevant minimum annual rate of financial support**, replace “spousal maintenance” with “domestic maintenance”.

**Section 77**

Replace “spousal maintenance” with “domestic maintenance”.

**Section 79**

Replace “spousal maintenance” with “domestic maintenance”.

**Section 80**

Replace “spousal maintenance” with “domestic maintenance”.

**Section 85**

Replace “spousal maintenance” with “domestic maintenance”.

**Section 86**

In subsection (2),—

- (a) in the words before paragraph (a), replace “spousal maintenance” with “domestic maintenance”;
- (b) in the words before paragraph (a), replace “liable spouse” with “liable spouse or partner”;
- (c) in paragraph (b)(ii), replace “spousal maintenance” with “domestic maintenance”.

**Section 87**

In subsection (2)(a), replace “spousal maintenance” with “domestic maintenance”.

In subsection (6)(a) and (b), replace “spousal maintenance” with “domestic maintenance”.

**Section 89**

In subsection (1), replace “spousal maintenance” with “domestic maintenance”.

**Section 91**

In subsection (2), replace “spousal maintenance” with “domestic maintenance”.

**Section 95**

In the heading, replace “child” with “financial”.

In subsection (1), replace “spousal maintenance” with “domestic maintenance”.

In subsection (4), replace “spousal maintenance” with “domestic maintenance”.

**Heading to Part 7**

In the heading, replace “SPOUSAL MAINTENANCE” with “DOMESTIC MAINTENANCE”.

**Section 99**

In subsection (4)(d), replace “married to a parent of the child” with “living with a parent of the child in a marriage, civil union or de facto relationship”.

**Section 113**

In subsection (3), replace “the rights of the spouse concerned” with “the rights of the party concerned”.

**Section 119**

In subsection (2) in the words before paragraph (a), replace “any spouse” with “spousal maintenance”.

In subsection (2)(a), replace “spouse who is the payee” with “person who is the payee”.

In subsection (2)(b), replace “spouse who is the liable person” with “person who is the liable person”.

#### **Section 124**

In subsection (4)(b), replace “marriage counselling” with “relationship counselling”.

#### **Section 136**

In subsection (1), replace “spousal maintenance” with “domestic maintenance”.

In subsection (2), replace “spousal maintenance” with “domestic maintenance”.

#### **Section 137**

In paragraph (e), replace “spousal maintenance” with “domestic maintenance”.

In paragraph (f), replace “spousal maintenance” with “domestic maintenance”.

#### **Section 145**

In the heading, replace “spouses” with “spouses or other partners”.

Replace “spousal maintenance” with “domestic maintenance”.

#### **Section 180**

In subsection (1), replace “spousal maintenance” with “domestic maintenance”.

In subsection (4), replace “spousal maintenance” with “domestic maintenance”.

#### **Section 214**

In the definition of **agreement**, replace “spousal maintenance”, in each place that it occurs, with “domestic maintenance”.



Replace the definition of **foreign child support or spousal maintenance** with the following:

“**foreign child support or domestic maintenance**, in relation to a country or territory outside New Zealand, means a payment required under the laws of the country or territory that is of the same nature as child support or domestic maintenance and is the subject of an agreement”.

Replace the definition of **New Zealand child support or spousal maintenance** with the following:

“**New Zealand child support or domestic maintenance** means child support or domestic maintenance”.

#### **Section 215**

In subsection (1), replace “spousal maintenance” with “domestic maintenance”.

#### **Section 230**

In subsection (1), insert “civil union,” after “death,”.

#### **Section 240**

In subsection (2)(a)(ii), replace “liable spouse”, in both places that it occurs, with “liable spouse or partner”.

#### **Subheading before section 267**

In the heading, omit “spousal”.

#### **Section 267**

In the heading, omit “spousal”.

#### **Section 268**

In the heading, omit “spousal”.

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**Legislative history**

10 March 2005

Divided from Relationships (Statutory References)

15 March 2005

Bill (Bill 151-2) as Bill 151-3C

Third reading

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