



family flyer



Introduction

The Family Flyer is a free community service by Michael Lynch Family Lawyers. The publication is designed to be informative and topical and to assist you in understanding the ever-changing field of Family Law.

This edition includes:

- A Wealth of Information
- Free - Newsletter
- When are you Separated?
- The Book - A Guide to Family Law
- Seminar Series
- Document your Property Settlement
- Grandparents contact with Grandchildren
- Property Settlement - Time Limits
- Quick and Concise Information

A WEALTH OF INFORMATION

Welcome to all new readers of the Family Flyer.

The Flyer is produced in an email format each month and in a hard copy every 2 months. It provides a wealth of information about Family and Relationship Law from Family Law Specialists. Below are some of our recent articles:

- Determining a Property Settlement - Breadwinner v Homemaker - Issue 34
- Changes in Family Law - Issue 34
- What is a Child Representative? - Issue 33
- Binding Financial Agreements - What are they? - Issue 33
- Separation - A "to do" List - Issue 31
- A Guide to Defacto Property Settlements - Issue 19
- Recent Relocation Case - Issue 30
- Contact for Grandparents - Issue 29
- Property Settlements in Defacto Relationships - Issue 28
- Considering a Child's Wishes - Issue 25

To see any of these articles and more visit us at www.michaelynchfamilylawyers.com.au.

FREE - NEWSLETTER

JOIN NOW to receive the Family Flyer FREE, by email each month. Ensure you don't miss any further issues.

Call us on (07) 3221 4300 or visit our website and register your email details online.

WHEN ARE YOU SEPARATED?

For a Divorce Application to be filed a couple must be separated for 12 months. No time limit applies before the filing of any other Family Court Application, provided the parties have separated.

So what constitutes Separation?

Separation is usually a physical separation (e.g. one of the parties leaving the matrimonial home).

Separation can also occur "under the one roof", (i.e. parties living separate lives however still living in the one house).

If a Divorce Application is filed claiming a date of separation "under the one roof" then the Application must be supported with the filing of an Affidavit from a third person verifying the breakdown in the marital relationship.

For Family Law purposes there is no certification or other documentary evidence required to confirm a date of separation.

Separation requires a communicated intention to separate by one party to the other and a fundamental breakdown in the marital relationship (i.e. sexual, social, domestic and financial).

THE BOOK - A GUIDE TO FAMILY LAW

The "Guide to Family Law - Everyday Answers" is our easy-to-read Family Law information book.

Over 50 pages in user-friendly language explaining the issues that people going through a separation need to know. It also contains recommended reading lists, useful contact numbers and frequently asked questions and its FREE.





For a FREE copy of the Guide telephone us on (07) 3221 4300 or view the Guide on our website.

SEMINAR SERIES

We present FREE Family Law seminars on a number of topics.

If you are a business, organisation or community group and feel there would be benefit to your organisation in us presenting one of our FREE seminars, or you would like to discuss designing specific content to suit your audience, please contact us.

Our seminars are usually for 1 hour and include a presentation, powerpoint and handout material. Topics include:

- "6 Things you must do when Separating";
- "A Guide to Family Law - Everyday Answers"; and
- "Estate Planning Strategies for Changes in Personal Relationships".

DOCUMENT YOUR PROPERTY SETTLEMENT

Documenting a final Property Settlement is essential. In a marriage that can be done either by Consent Order or Binding Financial Agreement.

In a Defacto Relationship that can be done by a Recognised Separation Agreement.

The Family Court recently considered a matter where the Husband alleged that an informal agreement had been reached between he and his Wife and that it was binding.

The Court determined that the informal agreement was not binding and did not oust the Court's jurisdiction.

If you have reached an agreement on how to divide property you need to get Specialist legal advice on how that agreement should be documented.

GRANDPARENTS CONTACT WITH GRANDCHILDREN

Grandparents are entitled to pursue Court Orders for Residence or Contact of their grandchildren.

The determination of such Applications is made by the Court considering the "best interests" of the child as the "paramount concern". The welfare considerations take into account a number of factors including, inter-family relations, household dynamics and the child's wishes.

PROPERTY SETTLEMENT - TIME LIMITS

The *Family Law Act* provides that if a Property Settlement has not occurred between a married couple within 12 months of the date of divorce then an Application to the Court must be made otherwise the time to bring a Court Application runs out.

In Queensland, the law provides that if couples in a defacto relationship have not finalised their Property Settlement within 2 years of the date of separation then an Application must be filed otherwise time for Court intervention runs out.

QUICK AND CONCISE INFORMATION

Do you need to know anything about Family and Relationship Law? Visit our website.

Our website is regularly updated and we continue to receive positive feedback regarding its user-friendly content.

Visit us at www.michaelynychfamilylawyers.com.au.

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Approved Law Society Mediator

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