



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:

- Welcome
- A Wealth of Information
- FREE Seminar - Shared Parenting - 19 June
- Property Settlement in a Short Marriage
- New Book - Coming Soon!
- Who occupies the home?
- Stay informed about Family Law

WELCOME

Welcome to all new readers of the Family Flyer.

Family and Relationship Law includes divorce, children's arrangements, child support, property settlement and spouse maintenance. In one way or another it impacts almost everyone's life.

Next month the most significant changes in Family Law in 30 years will occur.

For the last 10 years we have been keeping our clients and the community up to date in Family Law for FREE with the Family Flyer. The Flyer is produced in an email format each month and a hard copy every 3 months.

We hope you enjoy this edition.

A WEALTH OF INFORMATION

The Family Flyer provides you with a wealth of information.

Below are some recent articles:

- What is a Pre-Nuptial Agreement? - Issue 42
- Making child contact happen? - Issue 42
- How does the Court deal with Inheritances in Property Settlement? - Issue 41
- Child Support - What is income earning capacity? - Issue 41
- What is Spouse Maintenance? - Issue 39
- Shared Parenting - required factors - Issue 37
- What age is the right age to listen to a child's wishes? - Issue 36
- Grandparents contact with Grandchildren - Issue 35
- Separation - A "to do list" - Issue 31

FREE SEMINAR - SHARED PARENTING - 19 JUNE

We are holding a FREE public seminar on the new "Shared Parenting" legislation that starts on 1 July, 2006. The changes are significant, so come along and find out how it will affect you.

The Seminar will be held from 6-7.30pm Monday, 19 June, 2006 at the Mt Gravatt Bowls Club, 1873 Logan Road, Upper Mt Gravatt. Places are limited. To register telephone (07) 3221 4300 or email law@mlynch.com.au.

Further seminars will follow over the next couple of months. Visit our website for updates.

PROPERTY SETTLEMENT IN A SHORT MARRIAGE

The Court recently determined a property settlement following a short marriage.

The facts were:

- The Husband and Wife were 39 years old.
- The marriage lasted 8 months.
- There was one child of the relationship, aged 3 years.
- The parties divorced and had the property settlement Hearing 3 years after separation.

The Court determined that:

- The Husband's financial contributions (i.e initial contributions) to the total property pool were 70%.
- The Wife had the primary responsibility for the child
- The Wife's post-separation parenting contributions warranted an adjustment in her favour of 3%.



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- The Wife was a nurse and had returned to part-time employment after the birth of the child.
- The Husband was self-employed. The Husband agreed he had the capacity to return to full-time work as a mechanic and that doing so would result in a greater income however the Court was satisfied that in the long term self employment could produce greater financial rewards.
- On the "future needs" factors there should be an adjustment in the Wife's favour of 11%.

- The Father opposed this saying he had been the primary carer and that the Mother had insufficient means to care for the children.

The Court found that:

- It must be untenable for the parties to continue to live under the same roof.
- A parties registered property interest is relevant but not decisive.
- To remove a party from the house must be necessary rather than merely convenient.
- No distinction is drawn between the spouse who leaves the home and is seeking to return and where both parties are still residing in the home with one seeking to exclude the other.
- The Mother's capacity to meet the children's emotional needs was slightly better than the Father's and she had provided the substantial primary care.
- There was some evidence to suggest the Father was a risk to the children.
- The Mother was in a stronger financial position and had a support network of friends and family.

The Court Ordered:

- A final division of property 56% to the Husband and 44% to the Wife.

NEW BOOK - COMING SOON!

With the major changes to Family Law and Child Support commencing in July 2006 we are in the process of updating our flagship publication, "A Guide to Family Law - Everyday Answers".

We hope to have the publication ready for release shortly.

WHO OCCUPIES THE HOME?

The Court recently considered a Wife's Application for sole occupation of the former matrimonial home, i.e:

- The parties lived together for 6 years and had 2 children, aged 4 and 2 years.
- The Mother left the home leaving the 2 children with the Father. The Mother did not see the children until 3 weeks later.
- The Mother sought residence of the children and sole occupation of the home.
- The Mother alleged the Father violently forced her to leave the home and that he

The Mother was granted interim residence of the children and sole occupation of the home.

STAY INFORMED ABOUT FAMILY LAW

Subscribe to our email Family Flyer to receive the latest Family Law news and information direct to your inbox.

Our next E-Flyer will highlight the Child Support changes starting 1 July, 2006.

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