



# family flyer



## Family Law - A Snapshot

### 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:

- More FREE Seminar dates - "A Guide to Family Law"
- A Wealth of Information
- Frequently Asked Questions
- Beware - Impact of new legislation on Relocation Applications
- Unpaid Child Support
- What does shared parental responsibility mean?
- Filing Deadline in Family Court
- Assistance

### MORE FREE SEMINAR DATES - "A GUIDE TO FAMILY LAW"

Due to the overwhelming response to the last FREE Family Law Seminar we have made arrangements for 2 further Seminars.

One Seminar will be held from 6.30pm - 7.45pm, Tuesday, 19 September, 2006 at Riverglenn Conference Centre, 70 Kate Street, Indooroopilly. The second Seminar will be held from 6.30pm - 7.45pm, Wednesday, 20 September, 2006 at the Redlands Community Cultural Centre, 2 Middle Street, Cleveland.

The Seminar is entitled "A Guide to Family Law - Everyday Answers" and will be presented by Accredited Family Law Specialist, Michael Lynch. The Seminar includes up-to-date information on the new Shared Parenting legislation and the changes to Child Support (that commenced on 1 July, 2006).

Places are limited. For further information please visit our website at [www.michaelylchfamilylawyers.com.au](http://www.michaelylchfamilylawyers.com.au). Feel free to tell anyone you know who may be interested.

To register telephone Michelle on (07) 3221 4300 or email [law@mlynch.com.au](mailto:law@mlynch.com.au).

### A WEALTH OF INFORMATION

The Flyer is produced in an email format each month and a hard copy every 3 months and provides you with a wealth of information.

Below are some of the recent articles:

- Family Law - A Snapshot - Issue 46
- Special Edition - Shared Parenting - Changes in Family Law - Issue 44
- What is a Pre-Nuptial Agreement? - Issue 42
- What is Spouse Maintenance? - Issue 39

- 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

For any of these Articles and more, visit our website. Join NOW for this FREE email service.

### FREQUENTLY ASKED QUESTIONS

Every Family Law matter is different however some questions are common, here are just some:

**Q:** How long after separation can I apply for a divorce?

**A:** 12 months.

**Q:** Can I have a property settlement before my divorce is finalised?

**A:** Yes. You can begin proceedings after separation and if both parties agree, the Court can make Consent Orders to formalise your agreement.

**Q:** Can I apply for a Parenting Order before my divorce is finalised?

**A:** Yes, you can apply to the Court for both Interim and Final Parenting Orders following separation and if you both agree, the Court can make Orders to formalise the situation.

**Q:** What range of property settlement am I entitled to?

**A:** Each case is different and is determined on its own facts. The Court will determine the property division based on contributions made during the marriage. The Family Law Act takes into account initial contributions as well as contributions by the homemaker and breadwinner.





**Q:** Are there alternatives to going to Court?

**A:** Yes. There are various primary dispute resolution processes available, including Mediation, Conferences and community based Counselling.

### **BEWARE - IMPACT OF NEW LEGISLATION ON RELOCATION APPLICATIONS**

With Australian society becoming more mobile, Relocation Applications by primary carer parents continue to increase in number.

The new "Shared Parenting" legislation which commenced on 1 July, 2006 seriously impacts upon the ease with which Relocation Applications have historically proceeded.

The new legislation requires that a "primary consideration" that the Court must make is "the benefit to the child of having a meaningful relationship with both parents". This will make Relocation Applications significantly harder to achieve.

Anyone considering a Relocation Application should obtain Specialist Family Law advice.

### **UNPAID CHILD SUPPORT**

The Child Support Agency's "late payment penalty incentive" (LPPI) program expires in December.

The Child Support Agency's program allows parents who have Child Support arrears to commit to pay off their outstanding liability and in so doing have their late-payment penalties cancelled.

The Child Support Agency has a number of different methods to collect overdue Child Support, including direct deductions from wages and interception of tax refunds. If parents refuse to pay, legal action may be enforced.

### **WHAT DOES SHARED PARENTAL RESPONSIBILITY MEAN?**

The change to the Family Law Act that commenced on 1 July, 2006 provides that there is a presumption that both parents will share parental responsibility. The only exception to that is if there is family violence.

Under a Court Order that provides shared parental responsibility between the two parents it requires that major long term decisions regarding the child be made jointly by the parents. The parents are specifically required to:

- Consult the other parent in relation to the decision; and
- To make a genuine effort to come to a joint decision.

The legislation defines "major long term issues" in relation to the child as including the child's:

- Education;
- Religious and cultural upbringing;
- Health; and
- Name.

### **FILING DEADLINE IN FAMILY COURT**

The Family Court has set a deadline of the 10th November, 2006 for the filing of Applications for Parenting Orders relating to the summer (Christmas) school holiday period.

### **ASSISTANCE**

If you need assistance with a Family or Relationship Law matter call us on (07) 3221 4300 or visit us at [www.michaelynychfamilylawyers.com.au](http://www.michaelynychfamilylawyers.com.au).

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