



# family flyer

Michael Lynch  
Family Lawyers

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## 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:

- Fixed Cost Appointment
- Separation – A To-Do-List
- Property Disputes: Can Lottery Wins be Considered?
- Tips for Child Support!
- What is a De Facto Relationship?
- Equal Time – Not Always Suitable
- Getting a Second Opinion

## FIXED COST APPOINTMENT

One thing that is clear to us from specialising in Family Law for over 18 years is that it is critical for someone to get accurate legal advice early as it minimises their costs and stress.

At Michael Lynch Family Lawyers we provide a “fixed cost” initial consultation.

For \$275.00 (including GST) the appointment is for approximately 1 ½ hours and allows you a no-obligation, detailed assessment of your legal situation by one of our experienced Family Law Solicitors.

To make an appointment contact Chris on ph: 3221 4300 or for further information visit: [www.mlfl.com.au](http://www.mlfl.com.au).

## SEPARATION – A TO-DO-LIST

Some tips to keep in mind if you have just separated:

- Keep a diary (particularly for contact arrangements for children).
- Keep a budget.
- If any Real Estate is in joint names (held as joint tenants) look at severing the joint tenancy.
- Check the terms (and appropriateness) of your Will. If you don't have a Will, get one!
- Look at revoking any Power of Attorney to your spouse.
- Identify any exposure you may have to funds being dissipated from joint accounts, joint credit cards or special payments made on a joint mortgage.

- **Before taking action**, get Specialist Family Law advice, contact us on ph: 3221 4300.

## PROPERTY DISPUTES: CAN LOTTERY WINS BE CONSIDERED?

In most cases the Court will consider lottery wins received during a marriage or period of cohabitation in the division of property.

Lottery wins received during the relationship are regarded as joint contributions, rather than the contribution of the purchaser of the ticket.

Wins received after separation are regarded as direct financial contributions by the recipient party. The other party, however, may still be found to have made an indirect contribution to the property acquired with lottery winnings, often through caring for the children or as the homemaker.

## TIPS FOR CHILD SUPPORT!

- **CSA Decisions:** Don't forget that you do have objection rights with any decision the Child Support Agency (CSA) is making, but remember it must be within 28 days of receiving your correspondence and it must be in writing.
- **Payments:** Child support can be extended to after the child turns 18 years but only if the child is in the last year of high school. The child support ceases on the last day of year 12.





## WHAT IS A DEFACTO RELATIONSHIP?

If unmarried couples fall under the definition of a de facto relationship and separation occurs, an application for property settlement can be made.

A de facto relationship under Queensland legislation can be identified by one of the following circumstances:

- 2 parties previously living together in a genuine domestic relationship for at least 2 years.
- The parties have a child less than 18 years of age.
- The party applying for a property settlement order has made significant contributions, and failure to make such an order would cause a serious injustice to the applying party.

It must be remembered that the party of a separated de facto relationship seeking a property settlement must ensure this application is filed in the Court within 2 years after the time of separation.

## EQUAL TIME – NOT ALWAYS SUITABLE

Even in cases where both parents have exceptionally good parenting skills, an order for equal shared parenting is not always in the best interests of the children.

The Court recently had to consider whether the children of good parents should spend equal time with both parents, or whether the children should live more with one of the parents.

The case involved two separated parents that were both good parents but had different

parenting styles and different proposals for their 12 year old child and 8 year old child.

The children lived with their Mother, however, every second weekend and during parts of the school holidays the children lived with their Father.

The Father wanted lengthier time with the children and sought an order for equal shared parental responsibility, in which the children lived with both parents equally. The Mother proposed the children continue to live with her and the parties share equal parental responsibility.

The Court found that both children should spend more time with their Father, however not necessarily equal time. The 12 year old child was of an age where he could spend more time with his father than the 8 year old child, as he was more involved in activities with his Father, such as soccer.

Therefore, despite the good parenting skills of the Mother and the Father, the Court ordered it was not in the best interests of the children to spend equal time with each parent.

The Court ordered that during a school term on every second week the 8 year old spends 4 nights with the Father, whereas the 12 year old spends 5 nights with the Father.

## GETTING A SECOND OPINION

Family Law is a complex and ever changing area of law.

All of the Lawyers at Michael Lynch Family Lawyers practice solely in Family and Relationship Law and are often requested to provide a second opinion on legal advice people have received elsewhere.

We are happy to assist in providing this Specialist assistance and have a fixed fee initial consultation.

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