



family flyer

Michael Lynch
Family Lawyers

Issue #77

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:

- Child Support: Count Down!
- Paying Legal Costs
- Seminar Series – Coming Soon!
- Distracted Jurors
- Property Settlements: Considering “Earning Capacities”
- Child Support Debt
- Free Book!

CHILD SUPPORT: COUNT DOWN!

The biggest changes to Child Support in 20 years are almost here! The new changes will start on 1st July. The (3) fundamental changes to the system will be, that:

- Both parents’ incomes will now be considered in the same way.
- A specific children’s cost scale will now be applied; and
- The levels of care that a parent has with a child will change how the Child Support Assessment is calculated.

For further details, see Flyer Issue 71 on our website at www.mlfl.com.au or call us on 3221 4300.

PAYING LEGAL COSTS

The legal costs associated with resolving a Family Law matter can often place a strain on a person’s finances.

If you are in such a situation, there are organisations that can help by providing loans specifically designed for meeting legal costs (and other personal costs).

Some of these lenders are national companies listed on the Australian Stock Exchange with a long history specialising in such funding. Not only are they familiar with the legal process (especially Family Law) but also with liaising with solicitors. The added benefit of these loans is that they can be obtained quite quickly (and therefore not delay legal steps) and repayment can be deferred until final settlement is obtained.

We have no commercial or other affiliation with any of these organisations. If you have a Family Law matter and feel prevented from addressing it

because of possible legal costs, please call us on 3221 4300.

SEMINAR SERIES – COMING SOON!

We are currently finalising plans for our next public seminar series.

The new series will be our largest yet, with 8 seminars being presented at different locations across Brisbane over the next 5 months.

Look out for more details in future issues of the Family Flyer or bookmark our “seminar series” webpage at www.mlfl.com.au.

DISTRACTED JURORS

The jury in a lengthy Supreme Court drug trial has been discharged after the judge found that some of them had been playing the puzzle game Sudoku.

The drug trial, that had already cost over a million dollars, had been running for four months and still had an estimated 2 months to go, involved two men facing possible life sentences.

After a concern was raised with the Judge by a defence team lawyer that some of the jurors were not paying attention and seemed to be writing vertically, rather than horizontally, five of the jurors admitted they were playing Sudoku during half of the trial.

No action could be taken against the jurors for their puzzle playing, however the trial was aborted and a new jury was expected to be empanelled.



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PROPERTY SETTLEMENT - CONSIDERING “EARNING CAPACITIES”

In determining a property settlement the Court recently considered the “future needs” of a Wife, in light of her lower income earning capacity.

Facts:

- The Husband and Wife were married for 9 years.
- The Wife worked 2 jobs and earned \$52,000 per year.
- The Wife had poor health and suffered from a tremor.
- The Husband had one job and earned \$94,000 per year.
- The matrimonial property totalled \$1.5 million (including \$340,000 in superannuation).
- The Wife said that the “non-financial” and “financial considerations” towards acquiring the matrimonial property was equal.
- The Husband said that the “contributions” were equal, except for the superannuation and that he should receive 70% of that.
- The Wife proposed that there should be a 10% adjustment in her favour due to her poor health, however, the Husband proposed a 5% adjustment.

Court’s Findings:

- The Wife’s tremor would limit her (future) employment prospects.
- There was a significant earning disparity between the Wife and Husband.
- The Wife and Husband will retain their own superannuation without a split.

Court Order:

- An adjustment of 10% was made in favour of the Wife based upon her “future needs”.
- The Wife received 60% of the non-superannuation assets, the Husband received 40%.
- The Wife received 40% of the superannuation assets, the Husband received 60%.

CHILD SUPPORT DEBT

Recent Child Support Agency data shows that Queensland parents owe nearly \$200 million in child support payments which is one fifth of the national total.

One in three parents in Queensland were reported to only pay \$10 per week to their ex-partners, while only 29% paid more than \$100 per week.

In total, parents living in Australia were reported to owe \$770 million in child support and this was not including the millions owed by parents that had moved overseas.

The Child Support Agency says it will continue to push parents with outstanding debts to meet their obligations.

FREE BOOK!

If you or your organisation would like copies of our FREE BOOK, “A Guide to Family Law – Everyday Answers” please call Amie on phone 3221 4300.

Over 50,000 copies of the book have been distributed over the last 10 years and it continues to be a much sought after resource for anyone going through separation.

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