



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:

- Seminar Series: Not to be Missed!
- Divorce Drop
- Tougher Action for Overseas Travelers
- When Can a Parent Relocate?
- Sole Parental Responsibility

SEMINAR SERIES: NOT TO BE MISSED!

Don't miss the opportunity to get a practical understanding of Family Law – but hurry, with 4 seminars already presented there are only 4 more left to attend! Seminar topics to be presented include “A Guide to Family Law – Everyday Answers” and “7 Secrets to Protecting Your Assets and Surviving Separation.” Each seminar provides an easy-to-understand guide in 1 hour for only \$20! The next 2 seminars to attend are:

- “7 Secrets to Protecting Your Assets and Surviving Separation” –
Monday, 13 October, 6.30 – 7.30pm at The Kedron and Wavell Services Club, 275 Hamilton Rd, Cherside.
- “A Guide to Family Law – Everyday Answers” –
Monday, 20 October, 6-7pm at Aspley Australian Football and Sporting Club, 50 Graham Rd, Carseldine.

DIVORCE DROP

The “Financial Review” newspaper recently interviewed our Principal, Michael Lynch, in an article reporting that divorce rates have experienced the largest decrease in 20 years! According to the Australian Bureau of Statistics, divorce rates have experienced a 6% decrease from 2006.

Did You Know?

- 48,000 divorces were granted in Australia during 2007.
- 1/3 of divorces involved joint applicants.

- 11% more Wives applied for divorces than Husbands.
- The age of couples divorcing slightly increased since 1997, to 41.3 years for females and to 44.2 years for males.

TOUGHER ACTION FOR OVERSEAS TRAVELLERS

The Child Support Agency (CSA) along with the Immigration Department has agreed to strengthen the Departure Prohibition Order program in order to identify parents that are travelling overseas and avoiding paying their child support payments.

The program will provide tougher action by allowing the CSA to issue travel bans on parents who frequently forget to make their payments.

The CSA has now 1,100 travel ban orders in place, this is an increase of 176 bans since the last financial year.

The travel orders hope to ensure parents meet their obligations before travelling overseas.

WHEN CAN A PARENT RELOCATE?

The Court has no set formula to decide whether a parent should be allowed to relocate with their children.

The Court recently had to decide whether a Mother should be allowed to relocate with her children from Sydney to an area near Cairns.

Facts:

- The Mother and Father were together for 8 years and had 2 children, aged 6 years





and 8 years.

- The children lived with the Mother and spent alternate weekends and half of the school holidays, with their Father.
- The Mothers reasons for wanting to move included the high cost of Sydney living.
- She also felt lonely without a support network. The extended family and friends of the Mother lived close to Cairns and while the Father was training for the Federal Police, the Mother and the children lived in Cairns with the Mother’s parents.
- The Mother had a weekly income of \$881 and expenses of \$734 each week, not including counselling fees and the cost of extra-curricular activities for the children.

Court Order:

- The Mother’s proposal was in the best interests of the children. The Mother was permitted to relocate as this would relieve her of financial stress and put her closer to family.
- The parents share the cost of airfares.
- The children communicate with the Father by email.
- The Mother place a photograph of the children with their Father in a prominent place in the new residence

SOLE PARENTAL RESPONSIBILITY

When the Courts make an Order for parental responsibility, they must be mindful of the ‘primary consideration’ that children have a ‘meaningful relationship’ with both parents. The Order must also be in the best interests of the child.

In some situations it is not always suitable that parental responsibility is shared by both parents.

The Court recently decided it was in the best interests of the children that the Father have sole parental responsibility.

Facts:

- The Mother and Father had 3 children, aged 5, 3 and 2 years.
- The Mother had a significant drug problem and therefore was unable to adequately care for the children.
- A proposal was made that the Father should have sole parental responsibility and the children spend time with the Mother at any time and under conditions nominated by the Father.
- This proposal included that the Mother must submit to drug testing twice in the week before spending time with the children and both tests must show no drug usage.
- In the past the Mother had undertaken drug testing with positive results and was not allowed to see the children.

Court Order:

- The Father was to have sole parental responsibility. The Mother could spend time with the children under the Father’s conditions as long as the Mother demonstrated she was not drug affected.

Contact details
 Michael Lynch Family Lawyers
Principal
 Michael Lynch*
Senior Associates
 Helen Bryden*
Associates
 Kirstie Colls
 Elizabeth Millar
Solicitors
 Amelia Gaffy
 Leanne Schmetzer

*Queensland Law Society Accredited Family Law Specialists

Telephone: 07 3221 4300
Facsimile: 07 3221 9454
Email: law@mlynch.com.au
Web: www.michaellynchfamilylawyers.com.au
Address: Level 6
 193 North Quay
 Brisbane QLD 4000
Post: PO Box 12027
 George St, Brisbane Qld 4003



Copyright 2008

This document contains general comments only and should not be relied upon as specific legal advice. Readers should contact this Office for a detailed information or advice on any topic in this document. Changes to the law occur regularly, no responsibility for any loss or damage caused to any person acting in reliance on this document shall be accepted by the Principal of this Office. No part of this document may be included on any document, circular or statement without our written approval.