



# family flyer



Issue #84

## 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:

- Public Seminar Series
- Solicitor Appointment
- New System for Dispute Resolution Practitioners
- Same-sex Child Support
- Property Settlements: Warning – Time Limits!
- How Long Should Spousal Maintenance be Paid?

## PUBLIC SEMINAR SERIES

Don't miss your chance to get an easy-to-understand insight into Family Law! Each seminar provides a wealth of information in 1 hour for only \$20. Two more seminars are on this month:

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

## SOLICITOR APPOINTMENT

We are pleased to announce the recent appointment of Amelia Gaffy as a solicitor at our firm.

Amelia is a welcome addition to our professional team and reinforces our position as one of the largest Specialist Family Law Firms in Queensland.

## NEW SYSTEM FOR DISPUTE RESOLUTION PRACTITIONERS

A new accreditation system for family dispute resolution practitioners will ensure that practitioners have the correct skills by 2009 to assist separating families in avoiding litigation.

Dispute resolution practitioners from 1 July 2009 will need to have completed the following competency units:

- Responding to domestic and family violence in family work.

- Creating a supportive environment for the safety of vulnerable parties in dispute resolution.
- Functioning in a Family Law environment.

They must also meet the following criteria i.e:

- Have appropriate qualifications (i.e a higher education award in law, psychology, social work, conflict management, mediation or dispute resolution or a relevant vocational graduate diploma).
- Not be prohibited from working with children.
- Complied with the laws for employment of persons working with children.
- Have access to a suitable complaints mechanism.
- Be suitable to perform the functions and duties of a family dispute resolution practitioner, and
- Not be disqualified from accreditation.

Training and assessment will be provided by registered training organisations and higher education providers to guarantee practitioners have the required skills.

## SAME-SEX CHILD SUPPORT

The Federal Government has announced that changes are to be made to ensure children with separated same-sex parents can have access to child support in the same way children of separated opposite-sex couples have access.



## PROPERTY SETTLEMENTS: WARNING – TIME LIMITS!

Property settlements can be made by married couples and defacto couples. However, it must be remembered there are strict time limits for when any Court Application must be made.

**Married:** couples must ensure a property settlement application is made within 12 months of their divorce being finalised.

**Defacto:** couples must file a court application within 2 years of separation. If this is not completed within the time required, permission will need to be obtained from the court to apply for an order to divide property.

For assistance with property settlements or advice, please contact us on 3221 4300.

## HOW LONG SHOULD SPOUSAL MAINTENANCE BE PAID?

How long a spouse should pay maintenance to another spouse really depends on the circumstances of the case. This only applies to married couples, as defacto couples cannot pursue spouse maintenance.

The Court recently had to decide the appropriate duration of spouse maintenance payments from a Husband to a Wife.

### Facts:

- The Husband and Wife were both aged 37 and had lived together for 17 years.
- There were 4 children of the marriage, aged 6, 8, 10 and 12.
- The Husband submitted that any spousal maintenance order which

continued after the 6 year old child attended High School was too long, as the Wife could obtain employment during school hours.

- The Wife had a minimal income, receiving Family Assistance payments and a small income from her and the children folding and delivering pamphlets.
- For the 2006/07 financial year the Husband earned \$270, 400.
- Monthly child support of \$2, 677.17 was paid by the Husband.
- The Husband had contact with the children every 3<sup>rd</sup> week.

### Court Found:

- The Husband's child support was assessed on an income of half the Husband's gross income.
- The Wife lacked the skills to re-enter the workforce and would need to obtain further education.
- The Wife was the main carer for the 4 children.
- The Husband had the earning capacity to pay child support and spousal maintenance.

### Court Ordered:

A graduated Order for spousal maintenance to the Wife was made, therefore the Husband was to pay:

- \$350 weekly until the 6 year old child commenced High School.
- \$200 weekly until all the children left High School, or reached 18 years of age.

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