



family flyer



Issue #86

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 Divorce
- Stars and Pre-nuptial Agreements
- Last Public Seminar!
- Valuating Property
- A Wealth of Information
- Consent Order or Parenting Plan? – That is the Question

FIXED COST DIVORCE

Although couples who are separated often refer to themselves as divorced, quite often (despite children's arrangements and property settlement having been finalised) a divorce application has not been made.

A divorce application is a specific Family Court Application and can only be made once a couple has been separated for 12 months.

We assist clients with divorce applications and have a fixed cost for the preparation and finalisation of divorce applications of \$605 (including GST).

The Court has a divorce application filing fee of \$432. If either spouse has limited finances they can apply to the Court and may be eligible for a nil filing fee.

If you have been separated for 12 months and want to proceed with a divorce application contact us on 3221 4300. We can take care of the entire process for you.

STARS AND PRE-NUPTIAL AGREEMENTS

The Family Law news in the world of show business continues to come from the United Kingdom.

Not only are high profile personalities such as, Paul McCartney, Phil Collins and now Madonna, separating and paying out hefty property settlement payments (\$53 million, \$54 million and a reported \$150 million, respectively), but they all surprisingly have one other common feature.

None of them had pre-nuptial agreements!

Some in the entertainment industry say this is not such a surprise as stars are renowned for focusing on the romance of a new relationship.

As with so many things, the United States has historically led the way with the popularity of pre-nuptial agreements, however they are available and enforceable in the United Kingdom, but more particularly, also in Australia.

Since December 2000, pre-nuptial agreements have been enforceable in Australia under the *Family Law Act*. They are powerful documents that are able to exclude property from inclusion in a property settlement or they can extend to specify how a property division should occur and oust the jurisdiction of the Family Court.

LAST PUBLIC SEMINAR!

Welcome to new readers of the Family Flyer who have joined after attending our recent public seminars. Our fortnightly Family E-Flyer is now received by over 5000 people!

Our public seminar series has so far included 8 seminars over the last 3 months, covering Brisbane from as far north as Aspley and as far south as Oxenford. It has been a great opportunity to provide practical legal information and to have some great interactive discussions.

There is only 1 seminar remaining. 1 hour packed with information and extras for only \$20. Don't miss it!

- "A Guide to Family Law – Everyday Answers" – Monday 10 November, 6-7pm at Riverglenn, 70 Kate St, Indooroopilly.

Book Now! Phone 3221 4300 or visit

www.mlfl.com.au/seminars





VALUATING PROPERTY

Property values can increase and decrease over time, so it is important to be aware that although the property of a couple is identified at the time of the separation, the property is not actually valued until the date of the property division being finalised.

If several years have lapsed between separation and the date of a final property settlement agreement, this may mean that the value of the property has changed. This can have a significant impact on the final outcome.

Specialist Family Law advice for property settlement should be sought sooner rather than later in order to consider the options available.

A WEALTH OF INFORMATION

The Family Flyer provides you with a wealth of information.

Below are some recent articles:

- The 'How to' of Property Settlements – Issue 80.
- Pay Nil Stamp Duty – Issue 80.
- Separation – A "To-do List" – Issue 75.
- Special Edition – The New World of Child Support – Issue 71.
- What is a De facto Relationship? – Issue 65.
- Special Edition – Shared Parenting – Changes in Family Law – Issue 44.
- What is a Pre-nuptial Agreement? – Issue 42.

For any of these articles and more, visit our website at www.mlfl.com.au.

CONSENT ORDER OR PARENTING PLAN? – THAT IS THE QUESTION

Since the Shared Parenting amendments were introduced to the Family Law Act in July 2006, parents now have the choice of documenting their children's arrangements in either a Consent Order or a Parenting Plan, or not at all!

This is not such an easy choice and what to do depends very much on the facts of each case.

Some things you need to be aware of:

- Counsellors, Lawyers and Mediators are compelled (by legislation) to tell parents of the option of preparing a Parenting Plan.
- A Consent Order is registered with the Court and is enforceable.
- A Parenting Plan is not registered with the Court and is not enforceable.
- A Consent Order is a standard Family Court Form and has strict formality requirements. A Parenting Plan has no standard form and very low formality requirements.
- A Parenting Plan can affect an existing Court Order.

It is essential that parents considering their children's arrangements get Specialist Family Law advice, especially if looking at documenting an arrangement. Contact us on Ph. 3221 4300.

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