



family flyer

Michael Lynch
Family Lawyers

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:

- Need a Speaker?
- New Approach – Child Inclusive Mediation!
- International Relocation
- A Parent’s Safety Concern

NEED A SPEAKER? – CONFERENCE OR PROFESSIONAL DEVELOPMENT DAY?

If you are looking for a speaker on Family Law matters for your next conference or professional development day please give us a call.

Our Principal, Michael Lynch, presents approximately 50 seminars per year. We have presented seminars to a wide range of audiences, including Accountants, Financial Planners, Counsellors, Psychologists, Doctors, schools and community groups, with audience sizes varying from 10 to 300.

Seminars are FREE and can be presented to professional staff or to clients on “client information events.”

For more information on possible seminar topics, visit our [“seminar series”](#) web-link, or to book a date or discuss creating a suitable seminar topic contact Shontiele on 3221 4300.

NEW APPROACH – CHILD INCLUSIVE MEDIATION!

Child Inclusive Mediation is a new approach that some Family Relationship Centres are now providing as an additional option to mediation, to assist in resolving family disputes outside the court.

This new approach requires the parents consent to the child speaking with a suitably qualified child Psychologist and the child’s views being relayed by the child Psychologist to the parents in the parents’ mediation. The child does not sit in on the parents’ mediation.

The aim is for parents to consider the “best interests” of their child and to provide an opportunity to build their relationship with their children, it also allows parents to work together for their child and for the child to talk about their experience.

Child Inclusive Mediation is only available for children over 5 years of age and requires the consent of the child and both parents.

INTERNATIONAL RELOCATION

The Court recently had to consider whether a child should be relocated from living with her Father in Australia to living with her Mother in England.

Facts:

- The parents were born in England and moved to Australia together, separating after 3 years of marriage. The parents had a 7 year old child who had lived in Australia since birth.
- In a previous hearing, the Mother sought to relocate with the child to England. The Court Ordered that the child live with the Mother in Australia and spend each alternate weekend with the Father.
- Within 1 week of the judgment, the Mother moved to England leaving the child to live in Australia with her Father.
- The Mother said she moved to England due to health issues and for family support.
- The child spent time with the Mother when she visited Australia and the child had visited the Mother in England twice.





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Issue #87

- The Mother commenced a new Court Application proposing that the child live with her in England and spends time with the Father during holidays.
- The Father argued against this and proposed that the child remain living with him in Australia and spend time with the Mother during holidays.

Court Found:

- It was not practical for the child to spend 'equal time' or 'substantial and significant time' with each parent, due to the different locations of both parents.
- The Mother was not "child-focused" in her decision to move to England and had no medical evidence that convincingly showed she could not be treated in Australia.

Court Order:

- It was in the child's 'best interests' to remain in Australia with her Father and spend time with her Mother in the Christmas holidays.
- The Mother and Father equally share the international airfare costs for the child to travel to and from England.

A PARENT'S SAFETY CONCERNS

The Court recently had to consider a number of safety concerns raised by a Mother regarding activities conducted by the Father while the children were with him.

Facts:

- The couple were married for 8 years
- There were 2 children of the marriage aged 9 and 7 years.
- The Father took the children shooting out on

his property.

- The Mother sought Orders that the Father be restrained from shooting or using firearms during the time the children spent with him.
- Several safety concerns were raised by the Mother, including:
 - The children rode motorbikes on the Father's property without a helmet
 - The Father did not use suitable child restraints in the car while the children were travelling with him.
 - The Father had allowed the children to hold an air rifle and claimed he had not been aware that the children must be 12 years of age to hold a rifle.
- The Father claimed he only took the children hunting once a month and he ensured they wore ear muffs.
- He argued the children enjoyed the experience and it involved a number of skills. He also said he had made the children aware of the dangers of shooting.

Court Order:

- The Father was not safety conscious and would be able to continue a relationship with the children regardless of whether they went shooting together.
- It was not in the best interests of the children that the Father be permitted to shoot, use or display firearms or allow anyone else to do so in the children's presence.
- Shooting was not permitted until the children obtained their junior shooters' licences.

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