



family flyer



Issue #88

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:

- News Flash - New De facto Legislation!
- Free CD! – “Common Traps of Separation”
- Coping with Christmas
- Get Legal Advice Early!
- Child Support Changes – Find Out More!
- Mediation Certificates
- Property: Valuing Furniture and Contents
- Assistance

NEWS FLASH -NEW DE FACTO LEGISLATION!

New Federal laws are coming that will dramatically change how property division will be determined for de facto couples. The date when these changes will come into effect has not yet been specified but is believed to be January 2009.

The changes will be the biggest to have ever been introduced for de facto couples!

We urgently recommend that anyone in a de facto relationship that is considering getting legal advice – obtain it – Now! Not only is it important to determine whether you are legally in a de facto relationship but also what your financial position will be under the current law, or the law that is about to commence.

There are substantial differences between the current law and the new law, which could have a significant effect on what decisions you make!

To discuss your situation in a Fixed Fee initial consultation, call us NOW on 3221 4300. Don't delay!

FREE CD! – “COMMON TRAPS OF SEPARATION”

Separation can often be a complicated and confusing time, however we have made it a little bit easier. Learn tips about Relationship law and surviving separation from our FREE CD.

The FREE CD is titled “7 Common Traps of Separation” and provides easy-to-understand tips on divorce, separation and a number of other issues. The CD is an audio interview with Accredited Family Law Specialist, Michael Lynch, who has had over 18 years experience in Family Law.

To get your FREE CD, call 3221 4300. We will deliver it to your door for NO COST.

COPING WITH CHRISTMAS

Christmas is a holiday many of us celebrate, however it can be a time of sadness and disappointment, especially when children are caught in the middle of separation.

For timely tips for separated mums and dads, visit our article, as published in the Courier Mail on 24 November, on “Coping with Christmas” at www.mlfl.com.au.

GET LEGAL ADVICE EARLY!

The time surrounding separation is extremely difficult, it is stressful personally and financially. At this time no one thinks clearly.

Don't delay! Delaying legal advice about your situation does not provide you with an answer.

After 18 years specialising in Family Law, we know that delayed legal advice results in, lack of preparation, incomplete information, miscommunication, unrealistic proposals and heightened dispute. This results in problems being compounded, costs increasing and less favourable outcomes being achieved.

It is critical that Specialist Family Law advice be obtained early. At Michael Lynch Family Lawyers we provide a “fixed cost” initial consultation. This no obligation, detailed assessment of your legal situation is conducted by one of our experienced Family Law Solicitors.

Don't Wait! Make an appointment today by contacting Chris on 3221 4300 or for further information visit www.mlfl.com.au.





CHILD SUPPORT CHANGES – FIND OUT MORE!

Over 1.7 million adult Australians were affected by the significant changes to the Child Support system – that commenced on 1 July this year.

The new formula has dramatically changed the way the Child Support Agency makes assessments.

To find out more about the changes including the calculation of income percentages, care levels, cost percentages and the cost of a child, [visit our Special Edition Family Flyer 71](#) – “The New World of Child Support”.

MEDIATION CERTIFICATES

Since 1 July 2007 the *Family Law Act* has provided that an Application to the Court for parenting orders cannot be made unless a mediation certificate has been obtained.

The certificate can only be issued by a “Registered Family Dispute Resolution Practitioner”, these practitioners are registered on the Federal Attorney-General’s online register.

There are 4 types of certificates that can be issued i.e.:

1. A person did not attend mediation due to the refusal or failure of the other party to attend.
2. The mediator considers that it would not be appropriate to conduct the proposed mediation.

3. The person attended mediation with the other parent and discussed and made a genuine effort to resolve the issue in dispute, or
4. The person attended mediation with the other party but one of the party’s did not make a genuine effort to resolve the issue in dispute.

PROPERTY: VALUING FURNITURE AND CONTENTS

One of the first steps that occurs when separated spouses consider doing a property settlement is determining the value of all the property the spouses own together and separately. The value of property, such as furniture and contents is also included in the property pool. So how is furniture and contents valued?

The value is based on a second-hand dealer assessment. It is often mistakenly believed this valuation is an insurance or replacement value, it is not!

The Court usually finds most homes have contents valued on a second-hand dealer basis from between \$7,000 to \$10,000. This is why it is often advisable to stay in the house and retain the contents as the valuation is usually dramatically less than replacement.

ASSISTANCE

If you need assistance with a family or relationship law matter call us on (07) 3221 4300 or visit us at www.mlfl.com.au.

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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.mlfl.com.au

Address: Level 6
193 North Quay
Brisbane QLD 4000

Post: PO Box 12027
George St, Brisbane Qld 4003



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