



family flyer



Issue #93

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 – This Week!
- New – “Close-up Series”!
- Making Quick Goodbyes
- Understanding Child Support
- Property Settlement: Treatment of Large Compensation Payment

SEMINAR SERIES – THIS WEEK!

A final reminder of our 3 public seminars this week - starting TONIGHT - to learn about the NEW laws for property settlements involving de facto couples STARTING 1 March, 2009. We urgently recommend that anyone in a de facto relationship considering legal advice attend!

The seminar will provide you with a wealth of easy-to-understand information in 1 hour. Attendance cost is \$20 payable at the door.

To register ph. 3221 4300 or visit www.mlfl.com.au/seminars.

Don't miss out! – Choose your session from 1 of the following:

- Monday, 23 February, 6.30 – 7.30pm at Kedron and Wavell Services Club, 375 Hamilton Rd, Chermside.
- Tuesday, 24 February, 1-2pm at the Sebel Hotel, Charlotte St, Brisbane City.
- Wednesday, 25 February, 6-7pm at Carina Leagues Club, 1390 Creek St, Carina.

NEW – “CLOSE-UP SERIES”!

This Edition launches our NEW “Close-up Series”!

As an ADDED FREE service to you, each edition of the Flyer will now include a link to a more detailed article on our website. The topics selected come from your most frequently asked questions over the last 12 months. We hope you enjoy them!

This Edition’s “close-up” focuses on the BIG NEWS, being the changes in de facto property settlements, commencing 1 March, 2009. To read about “Developments in Property Settlements for De facto Relationships” visit www.mlfl.com.au/media/articles.

Next edition’s “Close-up”: How to document a Parenting Agreement.

MAKING QUICK GOODBYES

Separation can be a distressing time for families, especially for children. The Court recently heard a case involving significant difficulties with separating a 5 year old daughter from her Mother, when the child was to go with the Father.

The child lived with the Mother and spent time with the Father from Friday morning until Sunday evening on alternate weekends. On the other weeks the Father saw the child on Tuesdays and Thursdays for 3 ½ hours. The changeovers occurred at a Contact Centre.

The Mother said she had not deliberately been making the changeovers difficult. The Father did not believe this was true as the Mother had not followed advice from the Children’s Contact Centre that suggested that the Mother leave quickly and make her goodbyes short.

The Judge considered making special Orders requiring the Mother to follow this advice, however, he recognised that this would be difficult to draft and enforce.



The Court however, did say that she should make the goodbyes short otherwise it could result in a contravention and lead to another Court Order.

PROPERTY SETTLEMENT: TREATMENT OF LARGE COMPENSATION PAYMENT

The Court recently determined a property settlement where the Wife had a large initial financial contribution by way of a compensation payment and where the same accident had left her with a brain injury.

Facts:

- The Wife was 29 and suffered from a brain injury sustained when she was young. The Husband was 31 and in good health.
- The Wife received \$1,250,000 as damages for her injuries when she was 15 years old. A Trust was established to manage her estate.
- The Husband and Wife were married for 8 years.
- There were 4 children of the marriage, aged 7, 5, 3 and 2. The 7 and 5 year old lived with the Husband. The 3 and 2 year old lived with the paternal grandparents.
- The Wife brought into the marriage the Trust account, a car worth \$30,500 and a caravan worth \$35,000. The Wife had never had paid employment but received monies from the Trust.

- The Husband brought into the marriage superannuation of \$12,065 and a car worth \$3000. He was employed and earned \$300 per week.
 - The Husband said that he had contributed by improving the matrimonial house, while the Wife was the primary carer in the family. The Husband had otherwise made minor contributions to the assets and income.
 - The Wife paid \$205 per week in Child Support.
 - The total matrimonial property was valued at \$1.3million.
 - The Husband sought a property settlement of \$350,000, approximately 27% of the total property.
- Court Order:**
- The Wife pay the Husband 11% of the total property and the payment be made in quarterly instalments without interest (i.e. to take a total of approximately 11 years).
 - The Husband retain his car and superannuation.

UNDERSTANDING CHILD SUPPORT

To better understand the changes that were made to Child Support on 1 July, 2008, visit our Special Edition Flyer No. 71 – www.mfl.com.au/publications/flyer/71.

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