



family flyer

Michael Lynch
Family Lawyers

Issue #101

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:

- Our Growing Team
- Just Released – New Seminar Dates
- ‘Close-up’ – Property Settlement
- Relocation: The ‘Playing Chicken’ Argument!
- Property Settlement: What about Pets?

OUR GROWING TEAM

We are pleased to announce the recent appointment of Clare McCormack as a new Solicitor at our office and the recent promotion of Amelia Trotman, as Associate. Well done!

Clare joins our team with good experience in all aspects of Family Law and with excellent Family Law credentials. Amelia and Clare’s expertise reinforces our position as one of the largest Specialist Family Law Firms in Queensland.

JUST RELEASED – NEW SEMINAR DATES

We have just locked-in dates for our next public seminar series – “The Secrets to Surviving Separation”.

Note these dates NOW!

- Monday, 27 July, 6-7.30pm – McLeod Golf Club, Mount Ommaney.
- Wednesday, 29 July, 6-7.30pm – Pathways Community Centre, North Lakes.
- Monday, 3 August, 6-7.30pm – Windsor International Hotel, Windsor.
- Tuesday, 4 August, 6-7.30pm – USQ, Springfield Lakes.
- Wednesday, 5 August, 6-7.30pm – Wantima Country Club, Albany Creek.
- Monday, 17 August, 6-7.30pm – Colmslie Hotel, Morningside.
- Tuesday, 18 August, 6-7.30pm – Sunnybank Sports Centre, Sunnybank.
- Tuesday, 25 August, 1-2pm – Sebel Hotel, Charlotte Street, Brisbane.

More information in our next edition.

‘CLOSE-UP’ – PROPERTY SETTLEMENT

In this edition’s ‘Close-up’ you can find out - How does the Court decide how property is distributed? What are the steps the Court follows? These questions and more are answered in “The How-to of Property Settlement”. Visit www.mfl.com.au/media/articles.

RELOCATION: THE ‘PLAYING CHICKEN’ ARGUMENT!

The Court recently had to decide what to do in the situation where a Mother, who had relocated with a child against the Father’s will, told the Court that regardless of what Order was made she would refuse to return.

Facts:

- The Mother and Father had 1 child. The child was 1 year old when they separated and was 9 at the time of the Hearing.
- The child had lived in NSW his whole life.
- The Mother relocated with her son from New South Wales to central Queensland. She said this was as a result of a “family emergency” because her step-mother was ill. She said the Father agreed to the relocation.
- The Mother relocated to an area 540km from her step-mother however, she said the step-mother was intending to move to the same location as her.



- The Father proposed that:
 - If the Mother returned, the child should live with the Mother and spend time with the Father on alternate weekends and during some school holidays.
 - If the Mother did not return, the child should live with him and spend time with the Mother during school holidays.
- The Mother said she would not return and that the child did not want to live with his Father.

Court Found:

- The Court was not persuaded that it was necessary for the Mother to relocate on short notice.

Court Order:

- The Mother return the child, at her expense, to NSW within 7 days.
- If the Mother returned to NSW, the child live with the Mother and spend time with the Father on alternate weekends and half school holidays.
- If the Mother did not return to NSW (or until she returned), the child live with the Father and spend time with the Mother for the winter and autumn school holidays, half the Christmas holidays and additional times as agreed between the parents.

PROPERTY SETTLEMENT: WHAT ABOUT PETS?

The Court is often confronted with having to determine what is the property to be divided.

But, what about pets? are they included in the property pool?

In a recent property settlement, the couple owned 3 expensive dogs. The Court had to decide whether the dogs, formed part of the property pool.

Facts:

- The Husband was aged 46 and the Wife 47. They had been married for 4 years
- The Husband contributed a house to the marriage. The Wife's maintenance of the house was minimal. So the house was excluded.
- The couple also had an interest in dogs. The Husband had 2 dogs and the Wife had 1.

Court Order:

- On the valuation evidence, the 2 dogs held by the Husband had a value of \$3,500 and the Wife's dog was worth \$500. This made a total value of \$4000, therefore (for an equal share) a credit of \$1,500 should be made to the Wife.
- The Wife should receive a 5% adjustment for her future needs, as the Husband's property remained in his possession,

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