



family flyer

Michael Lynch
Family Lawyers

Issue #102

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:

- New Seminars – Book Now!
- ‘Close-up’ – Article!
- Relocation: If Opposing, Don’t Delay!
- Change of Surname becomes New Middle Name!

NEW SEMINARS – BOOK NOW!

Family Law has undergone many changes in the past few years. Get up-to-date with these changes by attending our upcoming Seminar Series, held by experienced Family Law Specialist and author, Michael Lynch.

This Seminar Series provides easy-to-understand tips on how to survive separation. Attendance cost is ONLY \$20 – For information and takeaway resources valued at over \$500! This is an opportunity not to be missed! Secure your seat NOW by phoning 3221 4300.

There are a number of dates and locations to choose from:

- 27 July, 6-7.30pm – Mount Ommaney
- 29 July, 6-7.30pm – North Lakes
- 3 August, 6-7.30pm – Windsor
- 4 August, 6-7.30pm – Springfield Lakes
- 5 August, 6-7.30pm – Albany Creek
- 17 August, 6-7.30pm – Morningside
- 18 August, 6-7.30pm – Sunnybank
- 25 August, 1-2pm – Brisbane City

Keep a look-out for more information ‘coming soon’ to our website www.mlfl.com.au.

‘CLOSE-UP’ – ARTICLE!

Last week we looked at “The ‘How to’ of Property Settlement” – haven’t read it? Not to worry, all our Close-up articles can be read at: www.mlfl.com.au/media/articles.

This week we take a closer look at Child Support Agreements. What options are there? What are the differences? and How do you go about making

one? Find out more by reading [‘Understanding Child Support Agreements’](#).

RELOCATION: IF OPPOSING, DON’T DELAY!

A recent Federal Magistrate’s Court decision reinforced the point that, if a parent is opposing the other parent’s relocation with the child - ‘don’t delay’!

The Court considered a situation where the Mother relocated, contrary to a Consent Order. The Court also had to determine whether or not the Contravention Application filed by the Father 1 year later, had been delayed for too long.

The Facts:

- The Mother relocated with the couple’s 5 year old daughter, to Canberra, 200km away. The Mother said she had indicated for sometime to the Father that she was moving to Canberra.
- Prior to the Mother moving, the Father had spent time with his daughter every weekend.
- It was not until 1 year after the Mother and daughter had moved to Canberra that the Father sent the Mother a letter expressing his concern about her relocation. He then proceeded to file a Contravention Application.

Court Found:

- The Father had delayed the complaint against the Mother relocating for too long.
- The Contravention Application made by the Father could not succeed due to the lapse in time.



Court Order:

- The parties have equal shared parental responsibility.
- The child live with the Mother but spend time with the Father every second weekend.
- The Mother was restrained from changing the daughter's residence away from Canberra without the consent of the Father or a Court Order.

CHANGE OF SURNAME BECOMES NEW MIDDLE NAME!

In situations where separated parents re-partner, Applications to change the child's surname often arise. These Applications are difficult as it can often become confusing for children who have siblings that have different names.

The Court is often faced with the question – Is it in the best interests of the child to change their surname? In a recent case, the Mother had 1 child from a previous relationship with a different surname to her 2 other children from her current marriage.

The Facts:

- The Father, aged 34 and Mother aged 32, were together for approximately 8 years. They had 1 child, who at the Hearing, was aged 9.
- The Mother remarried and had 2 children with her current husband. At the Hearing, those children were aged 3 and 1.
- The 8 year old child had a hyphenated surname, being a combination of the Mother and Father's surnames. The

Mother's 2 younger children also had hyphenated surnames, however they included the current husband's last name and the Mother's last name.

- For the previous 2 years the 8 year old child had only had telephone communication with his Father. The Father was then imprisoned and the Mother told the child that the Father had gone away overseas.
- The Mother wanted to change the 8 year old child's surname as he questioned why it was different from his younger brother and sister's surname. The Mother denied it was her decision to change the name and said it was the child's decision.
- The Father did not believe that the Mother's request was child-focused. He opposed the request.

Court Found:

- The Family Report writer said that legally changing the child's surname would not be in the child's best interest.
- The Family Report also found that the child lacked the maturity to fully understand the consequences of changing his surname.

Court Order:

- The child's surname should remain as it is but the child take on the current husband's last name, as an additional middle name.
- The Court established this on the basis that it does not remove the Father's role in the child's life but it acknowledged the child's involvement in his new family unit.

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