



# family flyer

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## 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:

- Successful Seminar Series!
- New: Weekly Blog!
- Close-up – Relocation!
- Parenting Arrangements for a 5 month old Child
- Lump Sum Child Support
- Access to Children’s School and Medical Reports

## SUCCESSFUL SEMINAR SERIES!

Welcome to new readers of the Family Flyer who have joined after attending our recent public Seminar Series entitled ‘Surviving Separation’. The fortnightly Family e-Flyer is now read by over 5000 people.

The Seminar Series was a great success and included (8) presentations at various venues across Brisbane. It provided a great opportunity to not only give practical legal information but to also answer lots of audience questions and have some useful group discussions.

For more information on the seminars we present, visit [www.mlfl.com.au/seminars](http://www.mlfl.com.au/seminars).

## NEW: WEEKLY BLOG!

It has been an exciting year, with the launch of our new podcast, the fortnightly edition of the ‘close-up’ series and now a new blog. We are delighted to announce that the Quest Newspapers’ Southern Star edition has invited our Principal, Michael Lynch, to write a weekly column.

Each week Family Law Specialist, Michael Lynch will discuss a Family Law topic, with the opportunity for readers to ask questions or comment on the blog. To read and find out more visit <http://southern-star.whereilive.com.au/blogs/>.

## CLOSE-UP – RELOCATION!

Many cases before the Family Court often concern a parent wanting to relocate with their child or children. The questions, “When can I relocate?” “How far away can I relocate?” and “What do I do if I want to oppose relocation?” are frequently asked by many parents. To answer some of these

questions and more, read [‘Can I move with my children?’](#).

## PARENTING ARRANGEMENTS FOR A 5 MONTH OLD CHILD

The Court recently had to consider the best interests of a 5 month old child and determine the best parenting arrangement that should be put in place after an urgent application was brought by the Mother.

### The Facts:

- The Mother was the primary carer for the 5 month old child, as the Father was in the workforce.
- The Mother claimed the Father was a drug user and he was often violent towards her. The Father denied that he used drugs and as part of his employment his random drug and alcohol tests came back clear. He said the Mother sometimes drank excessively.
- The Mother had become unwell and had asked the Father and his family to help take care of the child. She claimed that she was then unable to retrieve the child from the Father and his family, which is why she brought a Court application.
- The Father indicated that he would return the child to the Mother if she agreed to sign a document that would provide they have equal care of the child. The Mother did not think equal care was in the child’s best interests.



- The Father proposed that the child live with him 5 nights per fortnight.
- The Mother proposed that the Father spend time with the child on 2 afternoons each week.

#### **Court Order:**

- The Mother and Father were restrained from consuming alcohol and using drugs while caring for the child.
- The Father was to spend time with the child on Saturdays from 12pm to 5pm and on Tuesday and Thursday between 4pm and 6pm.
- The changeovers for the child were to occur at a police station.

## **LUMP SUM CHILD SUPPORT**

Child Support payments are usually a monthly sum paid by the assessed parent to the Child Support Agency, which is then transferred to the other parent for the benefit of their child or children. However, it is possible to apply to the Court for a lump sum payment.

#### **Example:**

In a recent case a Mother, who had children aged 7 and 8 years, sought a lump sum Child Support payment from the Father of \$64,331.20. The Father had arrears in Child Support, so the lump sum payment would have represented approximately \$117.70 per child, per week.

The Father opposed the lump sum Orders although he had stopped paying Child Support 3 years earlier. The Court held that the Father pay a lump sum of \$48,000 to cover the period from May 2007 to July 2012.

#### **When?**

The Court may make a lump sum payment Order if the carer entitled to Child Support makes an Application to the Court and the Court is satisfied that it would be:

- Just and equitable as regards the child, the carer entitled to child support and the liable parent;
- It is otherwise proper; and
- The amount of the lump sum payment equals or exceeds the annual rate of child support payable for the child under the administrative assessment.

## **ACCESS TO CHILDREN'S SCHOOL AND MEDICAL REPORTS**

Whether a contact parent is able to get information on their child from the child's school (or doctor) has recently been considered by the Court.

The Full Court of the Family Court stated that:

“Unless it was positively demonstrated that the provision of such information (school or medical reports) might be detrimental to the child, that information should be made available (to the contact parent)”.

It would be rare where a primary carer parent could establish that the provision of a school report or medical record to the other parent would be detrimental to the child.

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