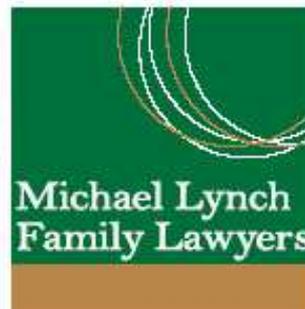


family flyer



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:

- Last Chance! – Seminar Series
- “What does “Without Prejudice” Mean?
- “Close-up” – Edition
- Child Support – Review
- The Cost of Non-Disclosure

LAST CHANCE! – SEMINAR SERIES

Our FINAL (4) Public Seminars are being held over the next (2) weeks!

If you are after easy-to-understand answers to the legal challenges of separation, don't miss getting to one of these last remaining Seminars!

Our public Seminar Series is presented by our Principal – Family Law Specialist – Michael Lynch. Each seminar runs for 1 ½ hours and provides information valued at more than \$500 – for ONLY \$20!

The Seminar Series includes 2 topics – “Surviving Separation – A Guide to Family Law” and “7 Secrets to Protecting your Assets”.

Book now for **“Surviving Separation”** at:

- - (Today) - Tuesday, 11 May – 1pm – 2.30pm at Sebel Suite, Albert Room, Charlotte St, [Brisbane City](#); or
- Thursday, 13 May – 6pm-7.30pm at Redland Bay Golf Club, North St, [Victoria Point](#).

Book now for **“7 Secrets to Protecting your Assets”** at:

- Tuesday, 18 May – 6pm – 7.30pm, Redlands Sporting Club, Anson Rd, [Birkdale](#); or
- Wednesday, 19 May – 6pm – 7.30pm, Carina Leagues Club, 1390 Creek Rd, [Carina](#).

Don't miss this valuable opportunity, ph. 3221 4300 to secure your seat now!

WHAT DOES “WITHOUT PREJUDICE” MEAN?

The term “without prejudice” is often used by lawyers in negotiations. It is commonly used in Family Law negotiations, but what does it actually mean?

It is usually used when ‘offers to settle’ are being made, it means the offer made during the settlement negotiations between the parties may not be disclosed to the Court unless the only outstanding issue is ‘costs’.

“Without prejudice” negotiations can be revealed, however, if the parties agree to this.

Anyone representing themselves should be very careful if thinking of getting involved in “without prejudice” negotiations. Legal advice should be sought.

“CLOSE-UP” EDITION

Child Support payments (under the Child Support Agency) only relate to children until they are 18 years of age.

Is there a way that a parent can be required to continue providing financial support for a child over 18 years? To find out – read this edition's “Close-up” – [“When is Adult-Child Maintenance Payable”?](#)

CHILD SUPPORT - REVIEW

The Federal Government released a Report last week examining the effect of the changes made to the Child Support scheme, in July 2008.

The Report notes that when the changes were made, it was believed that the changes would most likely have payers paying less.



Issue #123

The review, of 198,000 parents who received payments and 207,300 payers, revealed that 59% of those receiving payments were now getting more Child Support.

It showed that approximately 7,000 (of those receiving payments) in the review group were worse off, some receiving up to \$60 less a week.

THE COST OF NON-DISCLOSURE

Disclosure (of financial documentation) in the Family Court is important, so important in fact that a Judge last year not only banned a Husband from leaving the country but also sent him to jail for 3 months, as a result of the Husband failing to disclose the whereabouts of \$7 million.

The case had been before the Court for over 3 years, for 2 years of that time the Husband's name had been placed on the Federal Airport Watch list, denying him the right to leave the country. The Judge said that if the Husband left the country there was the risk that he would move the money and that the Wife would be frustrated in her claim for property settlement.

The Husband, aged 60 and Wife, aged 52 were married for 31 years. The couple had accumulated a large property portfolio, the Husband then claimed he sold it for \$4.5 million (the Wife disputed this, claiming it was \$7 or \$8 million) to a man to then invest in real estate projects in Spain and Portugal. According to the Husband, he was unable to contact the man as he had no contact details for him and did not obtain a proof of receipt. The Wife was working as a cleaner, earning \$150 each week and relying on financial assistance from her family.

The Husband told his children before the proceedings began that he would make sure his Wife would not receive any of the money. The Judge was also skeptical as to where the money had really gone.

The Wife had tried to obtain information from a Portuguese bank in regards to the missing funds. As a result of the Wife's investigations it was found that the missing money had been moved to Spain. The Judge Ordered the Husband to sign a Spanish Power of Attorney, which would have helped trace the overseas money the Wife believed still existed. Failure to do this, led to the Wife filing a Contempt Application and the Husband being imprisoned.

The Court agreed that a fine would be inappropriate as the Husband did not have sufficient funds (in Australia) and it would also reduce the money available to the Wife in the property settlement. The Court then made an Order that a Registrar of the Court sign the Spanish Power of Attorney, on behalf of the Husband.

GETTING A SECOND OPINION

All of the lawyers at Michael Lynch Family Lawyers practice solely in Family and Relationship Law and are often requested to provide a second opinion on legal advice people have received elsewhere.

We are happy to assist in providing this Specialist assistance and have a fixed-fee initial consultation.

If you would like a second opinion, call us on (07) 3221 4300 to make an appointment.

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