



# 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:

- New Public Seminars
- Tips for Mediation
- “Out of Time”
- Q & A
- CSA Update

## NEW PUBLIC SEMINARS

Are you separated or considering separating and unsure about your options?

Family Law is a complex area, so let us help you understand what to do next – at our latest Public Seminar Series!

We can help you understand –

- how to approach a property settlement
- your options in making children’s arrangements
- the latest changes in Family Law . . . and much more.

The 1 hour seminar is presented by our Principal and Accredited Family Law Specialist, Michael Lynch – you will have the opportunity to learn and ask questions.

For \$20 – payable at the door – you will be provided with information valued at more than \$500 and also receive a ‘Special Offer’ – only available to attendees.

Here are the dates for our 2 topic seminar series:

### “Separation & Children”

- Capalaba: Tuesday, 17 May – 6pm at Capalaba Sports Club, 113 Ney Road;
- Brisbane: Tuesday, 24 May – 1pm at Chifley at Lennons Hotel, 66 Queen Street Mall;
- Sunnybank: Wednesday, 1 June – 6pm at Paloma Reception Centre, 121 Mains Road.

### “Separation & Property”

- Holland Park: Wednesday, 18 May – 6pm at Holland Park Hotel, 945 Logan Road;
- Redland Bay: Tuesday, 31 May – 6pm at Redland Bay Golf Club, North Street;
- Brendale: Wednesday, 8 June – 6pm at Wantima Country Club, 530 South Pine Road.

Book now! – call us on 3221 4300 or email [law@mlynch.com.au](mailto:law@mlynch.com.au). For more information visit [www.mlfl.com.au/seminars](http://www.mlfl.com.au/seminars).

## TIPS FOR MEDIATION

Family Relationship Centres (FRC) provide ‘information and mediation’ (also known as Family Dispute Resolution) – not legal advice. It is important that anyone who has separated obtains legal advice about their situation before looking at attending mediation.

The FRC can provide up to 3 hours free mediation.

Here are a few tips that should be considered before someone attends mediation, i.e:

1. **Make a list** – write down all the issues that are relevant to the needs of your children that you would like to raise.
2. **Be informed** – know your legal rights and what options are available.
3. **Accept support** – separation is a very difficult time and it is important that you have support from family, friends and professionals.
4. **Treat your former partner with respect** – this may be difficult, but it is important when communicating in front of the children.



For Specialist Family Law advice on your rights and responsibilities, call us on 3221 4300.

## “OUT OF TIME”

For a married couple, who have not reached an agreement on property settlement, a Court Application for property settlement must be filed within 12 months of the Divorce Order. If a Divorce Order has not been made however, then there is no time requirement to settle financial matters.

For a couple that has a Divorce Order, if the 12 month limitation date has passed, then an Application for Property Settlement cannot be made without one of the spouses first obtaining “leave of the court”, to enable them to proceed. Before granting “leave” to a party “to proceed out of time”, that party must satisfy the Court of 2 issues:

1. Firstly, that hardship would be caused to the spouse (or a child) if “leave” was not granted; and
2. Secondly, to provide the Court with an adequate explanation for the delay.

It is essential you obtain legal advice if a limitation date is imminent and property settlement proceedings have not been commenced.

## Q&A

**Q:** Does my financial agreement change my Will?

**A:** A financial agreement only considers how your assets will be divided after separation, it

does not make any changes to your Will. If you have separated, it is important to ensure your Will is up-to-date.

Got a question? Email us at [law@mlynch.com.au](mailto:law@mlynch.com.au).

## CSA UPDATE

If a parent is not happy with the assessment of Child Support, made by the Child Support Agency (CSA), they can seek a review – this is done by way of a ‘standard’ form and is called a ‘Change of Assessment’.

The CSA has recently announced that it has improved its Change of Assessment process, after a review showed that parents thought the process was complex and time-consuming. The CSA announcement states that the improved process will be completely rolled out by May 2011 and it will allow parents to change their assessments where either the parent or the child has special circumstances under any of the 10 (identified) reasons. These reasons include: where one of the parents believed the original assessment did not fully take into account all sources of income or, where the child has additional costs due to ‘special needs’.

The CSA says the process will be more streamlined and the focus will be on earlier and more frequent customer contact and shorter timeframes. The application form will also be shortened from 40 pages, down to 7 pages.

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### Contact details

Michael Lynch Family Lawyers

#### Principal

Michael Lynch\*

#### Senior Associates

Helen Bryden\*

Kirstie Colls\*

#### Associates

Elizabeth Millar

Amelia Trotman

#### Solicitors

Clare McCormack

Amy Honan

\*Queensland Law Society  
Accredited Family Law Specialists

**Telephone:** 07 3221 4300

**Facsimile:** 07 3221 9454

**Email:** [law@mlynch.com.au](mailto:law@mlynch.com.au)

**Web:** [www.mfl.com.au](http://www.mfl.com.au)

**Address:** Level 6  
193 North Quay  
Brisbane QLD 4000

**Post:** PO Box 12027  
George St, Brisbane Qld 4003



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