

FAMILY Flyer



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NEW SEMINAR SERIES – "SURVIVING SEPARATION" - STARTS 28 MAY!

Our public seminar series is starting on 28 May 2012. These popular seminars are presented by Accredited Family Law Specialist, Michael Lynch, and provide you with relevant post-separation advice, without the legal jargon.

For only \$20, you will receive a 1 hour information session and have the opportunity to ask questions. There will also be a **Special Offer** for all attendees. The seminars, **"Separation and Children"** and **"Separation and Property"** will be presented at various locations across Brisbane.

"Separation and Children"

- [Arana Hills](#): 6:00pm – Monday 28 May, Arana Leagues Club, 247 Dawson Parade, Keperra.
- [Holland Park](#): 6:00pm - Wednesday 6 June, Holland Park Hotel, 945 Logan Road, Holland Park.

"Separation and Property"

- [Albany Creek](#): 6:00pm – Tuesday 29 May, Wantima Golf Club, 530 South Pine Road, Brendale.
- [Redland Bay](#): 6:00pm – Tuesday 5 June, Redland Bay Golf Club, North Street, Redland Bay.
- [Brisbane City](#): 1:00pm – Tuesday 12 June 2012, The Sebel Suites, 95 Charlotte Street, Brisbane.

Seating is limited so register now by calling (07) 3221 4300 or email law@mlynch.com.au.

URGENT! – RELATIONSHIP COUNSELLORS!

New parenting laws are commencing on 7 June.

It is anticipated that these changes will have a significant impact on how parenting arrangements for separated couples are determined.

ONLY for Health Professionals – we will be presenting a FREE seminar entitled – **"Alert – Changes in Parenting Law"**, to be held from 6:30pm -7:30pm on Tuesday, 4 June, 2012 at the Broncos Leagues Club, 98 Fulcher Road, Red Hill.

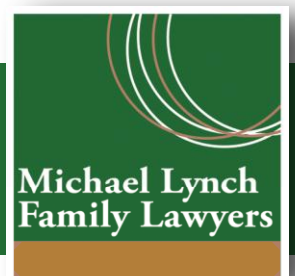
We will post out a letter of invitation to "Relationship Counsellors" over the next week. Act now! Attendance is by registration and seating is limited!

To book – phone (07) 3221 4300 or email us on law@mlynch.com.au.

FINANCIAL PROTECTION – PART 1

When separation occurs there are a number of financial matters that should be considered quickly. In part one of a two part article, we identify the more important financial considerations, i.e:

- Cancel any joint credit cards.
- Keep documentation of any joint assets in a safe place (rather than in the home).



- Terminate any Power of Attorney.
- Change the password on your bank accounts.
- Take money out of any joint bank accounts and set up your own (being fair not to take all of the funds).
- Review your Will.

We strongly recommend that these matters be considered in conjunction with you getting advice from a Family Lawyer. If you have not obtained family law advice please contact us for a – no-obligation – fixed cost (\$275 incl. GST) initial appointment, telephone (07) 3221 4300.

Part 2 will be in the next edition of the Flyer.

NOT CLOSE ENOUGH TO BE A DEFACTO RELATIONSHIP

The Court are often required to determine whether, for the purpose of making orders for the distribution of property or spouse maintenance, a de facto relationship existed between parties.

To find that a de facto relationship existed, the Court must be satisfied that "*having regard to all of the circumstances of their relationship, the parties have a relationship as a couple on a genuine domestic basis*". (For more information see our article "[What is a De facto Relationship](#)".)

Previous cases have held that this does not necessarily require parties to have been living together on a permanent basis, nor does it require that their relationship be exclusive.

Recently, the Court considered this issue in a case that involved parties who:

- Had a relationship in high school but since then had married other people and lived completely separate lives;
- Reconnected years later and began seeing each

other on an 'intimate' basis;

- Never shared a common residence;
- Had a child together.

The Court ruled that there was no de facto relationship despite the fact that the parties had an intimate relationship for approximately 3 years, travelled overseas together on numerous occasions and stayed at each other's homes from time to time. The Court noted the following in its reasons:

- The parties did not share a common residence at any stage;
- There was no financial dependence or interdependence between them;
- They didn't own any property together;
- Their relationship was not public;
- There was little care and support by either of them for the other's children.

Determining if a de facto relationship exists is complex, if you are in any doubt call us on (07) 3221 4300 for advice.

Q & A

Q: My ex-husband and I have a Court Order that was made in 2010. We now want to change the children's arrangements, is there any way we can do this without going back to Court?

A: Yes. If both parties agree on the changes, you can enter into a parenting plan which will override the terms of the Court Order where they conflict, be aware though that a parenting plan is not registered with the Court and is not enforceable. Alternatively, you can apply to the Court for Consent Orders. These Orders will be registered with the Court and therefore enforceable. You should seek legal advice about which option is best in your situation.

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Principal: Michael Lynch*
*Queensland Law Society
Accredited Family Law Specialist



CONTACT:
Telephone: 07 3221 4300
Address: Level 6, 193 North Quay
Brisbane QLD 4000
Website: www.mlfl.com.au

