

FAMILY Flyer



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No.174

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SEMINAR SERIES – ON NOW!

Don't miss your chance to attend one of our public seminars, presented by Accredited Family Law Specialist Michael Lynch. 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.

"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, The Sebel Suites, 95 Charlotte Street, Brisbane.

"Separation and Children"

- [Holland Park](#): 6:00pm – Wednesday 6 June, Holland Park Hotel, 945 Logan Road, Holland Park.

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

“CLOSE-UP” EDITION

There has been a lot of news in the media of late about children being returned to a Hague Convention country, but what happens when a parent wants to travel with a child to a non-Hague Convention country and the other parent objects? Read our article – ["Travelling to Non-Hague Convention Countries with Children"](#).

RELATIONSHIP COUNSELLORS – SEMINAR - SEATS RUNNING OUT!

Seats are filling up quickly for our seminar on the changes to parenting laws starting in June! This seminar is exclusively for relationship counsellors, and will provide you with valuable information on the changes!

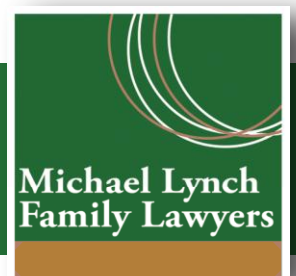
- 6:30pm – 7:30pm – Tuesday 4 June, Broncos Leagues Club, 98 Fulcher Road, Red Hill.

Don't miss out - register now! For more information, or to book your seat, please contact our office on (07) 3221 4300 or email law@mlynch.com.au.

FINANCIAL PROTECTION- PART 2

Following on from the financial "to-do" list commenced in our last edition, we now provide Part 2, highlighting some of the more important financial considerations that you should make when separation occurs, i.e:

- Remove any personal property (to a safe location), or take photos to prove the items exist.
- Apply to the bank to change your joint accounts to 2 signatories (so that joint signatures are required for any cheques or bank withdrawals).
- Organise with the bank to receive all correspondence for all accounts (including credit card and bank account statements, mortgage statements and superannuation member statements).
- Review any superannuation beneficiary arrangements.
- Review your insurance cover.
- Re-do your household budget (try to live within your means).



We 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, phone (07) 3221 4300.

A GRANDPARENT SEEKS TIME

The 2006 amendments to the Family Law Act allow grandparents to make applications to spend time with a grandchild. However, the focus of the Court in determining an application will still be whether it is in the child's "best interests" to grant the Order.

These factors were considered in a recent case, where the maternal grandmother brought an application to spend time with her grandchild.

The Facts:

- The 6 year old child was in the sole care of her father.
- The child had not had contact with her mother for a number of years. The mother did not take part in proceedings.
- There was some concern over the grandmother's ability to protect the child. There was evidence that in the past she had failed to act appropriately regarding one of her own children's allegations of sexual abuse.
- The family report recommended that the child have limited, supervised contact with the grandmother, to help the child understand her "identity and connection with her mother's family".

Court Found:

- The attitude of the grandmother towards the father indicated that she would not facilitate the "father/child" relationship.

Court Order:

- The father have sole parental responsibility.
- No direct contact between the child and grandmother, as this was not in the child's "best interests".
- The grandmother be permitted to send letters, cards, or

gifts on special occasions and four other occasions throughout the year.

UNDERSTANDING SUBPOENAS

If documents, or a person (outside of the parties), is seen by either spouse as being relevant and important for the Court to consider, that information can be compelled to be presented to the Court by way of subpoena.

Subpoenas are frequently issued and it is important to know some of the basic rules that apply.

Documents:

A subpoena seeking the production of documents must identify the document to be produced and the time and place for production. In the Family Court, there is no limit on the number of subpoenas that can be issued, except in the hearing of an "Application in a Case" (an interim hearing) where it is limited to 3. In the Federal Magistrates Court, each party is limited to issuing a maximum of 5 subpoenas. If a party seeks to issue more than 5, they must obtain Court approval.

A Person:

A subpoena requiring the attendance at Court of a person must (in addition to the above) include a copy of the prescribed Court brochure.

Payment:

A party is also required to pay the named person "conduct monies", which must be an amount sufficient to meet the "reasonable expense of complying with the subpoena. In the Family Court, this must be at least \$10, and in the Federal Magistrates Court, at least \$25.

Objecting:

The grounds for objection to a subpoena include:

- Subpoena not being issued for genuine purpose;
- It has been used for discovery against a 3rd party;
- The subpoena is oppressive; or
- The subpoena has been issued as a "mere fishing expedition".

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