

FAMILY Flyer



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RELATIONSHIP COUNSELLORS SEMINAR!

New parenting laws and domestic violence laws commenced last year.

The changes are significant and are having a major impact on how parenting arrangements for separated couples are determined.

Following the large numbers who attended out seminars last year on these topics, we have been asked to provide a further seminar. We have combined the topics into a 1-hour presentation ONLY for Health Professionals.

The seminar "Changes to Parenting Laws – What Counsellors Need to Know" will be held from **6.30pm - 7.30pm** on **Monday 18 March 2013** at **Broncos Leagues Club, 98 Fulcher Road, Red Hill**. Note the date in you diary.

We will post out a brochure 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 at law@mlynch.com.au.

PUBLIC SEMINAR SERIES STARTS IN 1 WEEK!

It's the start of a new year and our first Public Seminar Series is starting in 1 week!

Our first Seminar Series for the year will provide you with the opportunity to get up-to-date information on Family Law in an easy-to-follow 1 hour seminar.

There are 2 Seminar topics being presented by Accredited Specialist, Michael Lynch, including "**Separation and Children**" and "**Separation and Property**". For only \$20 you will receive information valued at over \$500, as well as the opportunity to ask questions and there will be a **Special Offer** for all attendees.

The seminars will be held at different locations around Brisbane.

"Separation and Children"

- [Sunnybank](#): 6pm – Tuesday, 26 February, Sunnybank Community and Sports Club, 470 McCullough Street.
- [Red Hill](#): 6pm – Wednesday, 27 February, Broncos Leagues Club, 98 Fulcher Road.


"Separation and Property"

[Brisbane City](#): 1pm – Tuesday, 5 March, The Sebel Suites, 95 Charlotte Street.

EQUAL TIME – NOT ALWAYS PRACTICABLE

In considering whether an order should be made for a child to spend equal time with both parents, the Court must find that it is both in the child's 'best interest' and 'reasonably practicable'.

Recently, the Court considered a matter where a pre-school aged child had been spending 'week about' time with each parent for 3 years. The child was about to commence primary school which prompted the mother to seek an order that provided the child to live primarily with her and spend 5 nights each fortnight with the father



The Court found that the equal time arrangement was not “practicable”, noting that:

- The father had an immature attitude to parenting;
- He did not always see matters from the perspective of the child’s ‘best interest’, but focussed on laying blame on the mother;
- He lacked insight into his behaviour and the effect it had on the child, in particular, continuing to express a desire to reconcile with the mother;
- He was inconsistent in his evidence and at times untruthful.

Further, the Court noted that the continuation of equal time may diminish the child’s ‘meaningful relationship’ with his mother due to the negative attitude toward her in the father’s household.

It was found that ‘significant and substantial time’ would maintain the child’s ‘meaningful relationship’ with his father, so the father’s time was reduced to 5 nights a fortnight, being a block period from after school Thursday to before school Tuesday in each alternate week.

ADULT CHILD MAINTENANCE

Just because a child is undertaking further education after turning 18 does not mean that a parent is required to continue to financially support that child. Adult child maintenance is entirely separate from child support, it involves different legislation, different considerations and it has no prescribed formula.

The key factor for determining whether adult child maintenance will be ordered is whether the money is “necessary” in order for the child to complete their tertiary education. A recent Family Court case has considered when financial support will be “necessary”.

The Facts:

- The ‘child’ was 19 at the time, and in his 2nd year of a university degree. He was studying full-time and working

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part-time, and continued to live with his mother. He did not pay board and used his income for his own purposes.

- The child and his father were estranged and had not had a relationship for approximately 8 years. The father had paid child support until the child turned 18.
- The father had recently reduced his work hours and was earning around \$83,000 per annum.
- The mother’s main source of income was a disability pension. There was no doubt that the mother was under financial strain.

Court Held:

- The Court must consider the income, financial resources and necessary expenses of the parents. The Court can also consider the relationship between the child and the parent being asked for financial support.
- There was evidence that the child had the capacity to support himself through his part-time job.
- The child had already done 1 year of university without financial support from his father.

Court Ordered:

- The father pay the child the “modest” amount of \$1,000 each semester he was studying.

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If you have comments regarding the Family Flyer, we’d love to hear from you. Please email us by visiting

www.mlfl.com.au/contact.

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The logo for Michael Lynch Family Lawyers. It features a stylized graphic of three curved lines in white and gold, above the text 'Michael Lynch Family Lawyers' in a serif font.

Michael Lynch
Family Lawyers