

FAMILY Flyer



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NEW SEMINAR SERIES – “SURVIVING SEPARATION” – STARTS 22 MAY!

Our public seminar series is starting on 22 May 2013. These popular seminars are presented by our Principal and Accredited Family Law Specialist, Michael Lynch, and provide you with important separation advice, but 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. There are only 2 seminars in this series, the seminars “**Separation and Children**” and “**Separation and Property**” will be presented at these times:

“Separation and Children”

- Oxley: 6.00pm – Wed, 22 May – Oxley Golf Club, 290 Boundary Rd, Oxley.

“Separation and Property”

- Grange: 6.00pm – Wed, 29 May – Brothers Grange Community Sports Club, 41 Agincourt St, Grange.

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

TYCOON JAILED FOR HIDING \$600M

An English property tycoon, Scott Young, estimated to be worth \$600 million has been jailed for six months by an

English Court for what the Court described as “flagrant and deliberate contempt”, as maintenance arrears had totalled approximately \$1.5 million.

The Husband had failed to disclose his financial assets to the Wife. The court decision came after years of protracted disputes over maintenance payments by the Husband to the Wife. Following a Court Order four years earlier where the Court had ordered that the Husband pay to the Wife approximately \$40,000 a month maintenance, the Husband had paid nothing and claimed that he was “penniless”.

Legal representatives for the Wife told the Court that the Husband had been worth \$600million in 2006 by had given “absolutely no explanation” about where the money had gone. He had pleaded poverty but seemed to be living a lifestyle “consistent with considerable wealth”. The Court was told that the Husband was “going from party to party with a champagne glass in his hand and a supermodel girlfriend on his arm”.

The Court ruled that neither a fine nor a suspended sentence would be a sufficient penalty.

WHAT IS A LOCATION ORDER?

If you breach a Parenting Order and you cannot be found, the Court may make a Location Order. This Order requires other people or organisations including government departments (such as Centrelink or Medicare) to give to the Court, any information they have about where you and the child may be located.



THE ROLE OF THE GRANDPARENT

It is not only the parents who are entitled to seek parenting orders in relation to spending time or communicating with children, so can grandparents.

In such cases, the Court has to balance the roles of the extended family members against the roles of the parents, particularly where there are concerns regarding the “capacity” of one or more of the parents.

In a recent case, the paternal grandmother made an application seeking to spend time with her grandchildren, aged 8 and 4. The children lived with the mother and spent supervised time with the father due to family violence and drug and alcohol abuse. The mother was concerned that the grandmother’s application was an attempt to obtain more time for the father. The father lived with his mother and spent supervised time with the children at her home.

The Court found that the children had a special relationship with their grandmother and ordered that the grandmother spend time during the school holidays with the children, provided that she undertake to ensure the Father was not present during those times.

HOW TO PREPARE A DIVORCE APPLICATION

Often separated parties confuse the process of Divorce with issues regarding property and parenting. A Divorce is a separate Application.

The sole requirement for a Divorce is an “irretrievable breakdown of the marriage”. This “breakdown” is established by the spouses having been separated for at least 12 months (which can include separation “under the one roof”).

To apply for a Divorce you must:

- Complete the Application for Divorce, file it in the

Federal Circuit Court and pay the Application fee.

- You can apply jointly with the other spouse’s consent, or individually without their consent.
- If you apply individually you must arrange to “serve” the filed Application on the other party at least 28 days before the hearing, and then file an Affidavit proving service.
- If there are children under 18 years there needs to be detailed information in the Application as to the current welfare arrangements regarding the children.
- If there are children, the Applicant will be required to attend Court for the hearing. If there are no children neither spouse needs to attend the Court hearing.
- If the other spouse files a “Response” (objection) or if the spouses still live under the one roof, one of the parties should attend the Hearing to answer any questions the Court may have.
- A Divorce Order is final 1 month and 1 day after the Court grants the Divorce Order. You can only remarry after the Divorce Order has become final.

If you need assistance with a Divorce Application, please contact our office on 3221 4300 for more information.

FEDERAL CIRCUIT COURT – NEW FORMS

With the recent change of name from the Federal Magistrates Court, to the Federal Circuit Court there will not only be changes in building signage but also in stationary letterhead and Court Forms.

Regarding Court forms, the Court has advised that it would prefer that the new forms (when they become available) be used, however forms showing the Federal Magistrates Court will be accepted until 12 October 2013.

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