

# FAMILY Flyer



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No. 196

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## CONGRATULATIONS!

In the last (2) months two of our Solicitors have had articles published in the Queensland Law Society member's magazine (“Proctor”). In light of the rigorous selection criteria and calibre of competing submissions, this is an exceptional effort.

Amy Honan's article was entitled “Steps in Step-Parent Adoption” and Amelia Trotman's article was on the recent High Court case of Stanford and its implications for how property settlements will be effected for elderly couples who separate due to deteriorating health.

Well Done!

## 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](mailto:law@mlynch.com.au).

## “CLOSE UP” EDITION

Moving out of the house, but then wanting to return? Wanting to change the locks – but not sure? Does it matter whose name the house is in? What if it is a rental?

There are many questions that arise for separated couples as to who can be in the house. All situations are different. In this editions ‘close-up’ article we look at the common question of “Staying in the Home”.

If you need to discuss your situation, call us for a fixed cost appointment on 3221 4300.

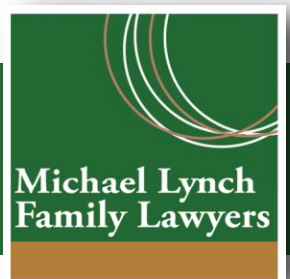
## SOCIAL TRENDS

The Australian Bureau of Statistics (ABS) has highlighted in a recent social trends report the changes in the average age of marriage between the 1976 census and the 2011 census.

In 1976, 67% of 24 year olds had been married, compared with just 14% for 24 year olds in 2011.

## WEALTH OF INFORMATION

Our FREE fortnightly flyer provides a wealth of information on the constantly changing face of Family Law, as well as





keeping you updated on our upcoming public seminars.

Below are some of our recent articles:

- Equal time – not always practicable ([Edition 191](#)).
- Adult child maintenance ([Edition 191](#)).
- Getting money released ([Edition 187](#)).
- Which school? ([Edition 187](#)).
- Alert – Family law changes ([Edition 175](#)).

For any of these articles and more, visit our website at [www.mlfl.com.au](http://www.mlfl.com.au).

## CHILD SUPPORT FOR 18 YEAR OLD CHILD

If you receive child support and your child is turning 18 and in full-time secondary education, you can apply to extend your child support assessment until the last day of the school year in which your child turns 18.

If you are thinking of doing this it is important to know that you have to apply for the extension before the child's 18<sup>th</sup> birthday in order to receive child support. Unless you have exceptional circumstances for not applying before your child's 18<sup>th</sup> birthday, your child support payment will cease.

## CONTACT ORDER TO BE AS 16 ½ YEAR OLD CHILD WISHES

When determining parent arrangements, the Court may consider the wishes of the child. The weighting given to a child's wishes will be determined by considering the maturity and understanding of the child. As a child gets older it is more likely that the Court will make Orders in the same terms as the wishes expressed by the child.

In a recent Family Court case, a 16 ½ year old child

expressed a strong and consistent wish to the Family Report writer not to spend time with his mother.

### The Facts:

- The child was living with the Father, and was estranged from his Mother.
- The Mother claimed that the child was at risk of child abuse while in the Father's care. The Mother claimed that the Father exposed the child to pornography, and was involved with a family who ran a brothel.
- The Mother sought that the child be placed into a youth housing facility where he would receive daily counselling, following which he would live solely with her.

### Court Found:

- The Mother's claims of abuse were unfounded.
- The family report writer stated that the child expressed a "firm view" that he wanted to continue to live with his Father.
- The child was mature and his "wishes" should be given considerable weight.

### Court Held:

- The child's views to live with the Father were consistent and strong.
- It was in the child's best interest to remain living with his Father.
- Orders were made for the child to see his Mother "in accordance with his wishes" (i.e. no specific terms were made).

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