

FAMILY Flyer



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No. 197

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PUBLIC SEMINAR SERIES STARTS IN 1 WEEK!

Don't miss this opportunity to learn from Accredited Family Law Specialist, Michael Lynch. 2 Seminar topics are being presented, **"Separation and Children"** and **"Separation and Property"**.

In 'plain- english' Michael will explain the complexities of these areas, identifying the common traps and (more importantly) the tips to overcome them. Anyone recently separated needs to know this!

What you will learn:

Property:

- How a property settlement is determined and dispelling many of the common myths.
- What is property? – You will be surprised.
- Know your values – it is usually not what it seems.
- and much more...

Children:

- What was the big change last year? – does it affect you?
- How are childrens arrangements worked out?
- Should you document your agreement?
- What about childrens wishes?
- and much more...

The seminars are open to everyone and the attendance fee is ONLY \$20 (payable at the door).

"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.

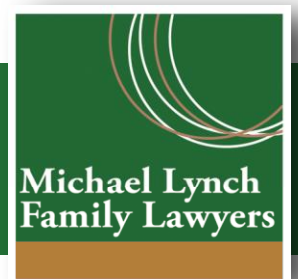
Seating is limited so register now by calling (07) 3221 4300 or email law@mlynch.com.au.

WHAT IS SEPARATION UNDER THE ONE ROOF!

To apply for a divorce a couple must be separated for 12 months. Separation can be physical separation or a separation under one roof.

Separation under one roof is when a Husband and Wife separate but continue to live in the same home. It may be for a few days, weeks, months or years following separation.

If you and your spouse lived in the same home during part or all of the required 12 months separation period you need to provide extra information to the Court. You need this information before you can apply for a divorce. If you have any queries regarding your situation please contact us for an initial fixed fee appointment on 3221 4300.



CHILD SUPPORT – STATISTICS:

According to the latest Child Support Agency statistics, one in four parents who has a child support assessment has fallen behind in their child support payments. The Federal Government recovered \$110m in debts last year by intercepting non-paying spouses tax refunds.

CAN YOU USE RESEARCH ON PARENTAL ALIENATION?

Social science research can certainly increase our understanding of the effects of separation on children, and in some cases may help in an understanding of how arrangements affect children in the short and long term. There is a difference, however, between using literature to help understand a situation, and the Court relying on academic literature as the basis for making children's orders. This issue was addressed in a recent Family Court case:

The Facts:

- The Mother and Father had lived together for 16 years. There were 3 children of the relationship, aged 14, 9 and 8 at the time of the hearing.
- Following separation, the children lived with the Father until Court Orders were made.
- At the hearing the Court ordered that the children live with the Mother, as the father had "deliberately alienated the children' from their Mother.
- The Father appealed the Courts decision, on the basis that the Judge had relied heavily on various pieces of academic literature on parental alienation. The material considered by the Court was not put into evidence and

the parties were not given the chance to challenge or make submissions on the material.

Court Found:

- The academic writing did form the basis of the Orders made.
- As none of the articles were introduced into evidence, the Father was not afforded procedural fairness to address the material.
- The Judge failed to give consideration to the views of the children.

Court Held:

- The appeal was successful and the matter was set down for re-hearing.

FAMILY LAW - FAQ

- 1. My husband and I are fighting all the time. We are very unhappy. He has always looked after our financial affairs. I don't know anything about our assets. I can't bear to live in the house any longer, but I don't have any money of my own. What should I do?**

Under the Family Law Act each party to a marriage has an obligation to make full and frank disclosure of their financial position. Your husband is obliged to put before the Court the nature and value of the assets. If you move out of the house you are potentially able to make an application to the Court for an urgent spouse maintenance order and an interim release of property. You should consider moving out and filing proceedings

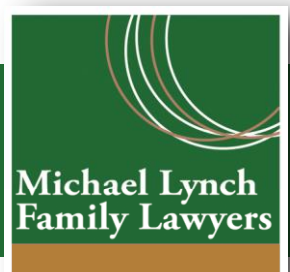
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in Court.