

FAMILY Flyer



THIS ISSUE -

No. 200

- Celebrating a Milestone
- Popular Topics
- Check your CSA Income Estimate
- Mediation – Tips – No. 2
- Orders Against Cyber Bullying
- US Marriages Starting Online

CELEBRATING A MILESTONE

We are excited to be celebrating the 200th edition of the Family Flyer. The Family Flyer is now in its 18th year! And is read by over 5,000 people each fortnight! And it continues to be FREE!

As a reader of the Flyer you would know that each edition includes a selection of recent and topical cases, as well as general news and views of other interesting changes happening in the field of Family Law. Over the last 18 years there have been many significant changes in Family Law including; Shared Parenting, Child Support, Domestic Violence and Defacto Property Laws – to name a few. We have also seen the establishment of Family Relationship Centres and the start of the Federal Magistrates Court which last month changed its name to the Federal Circuit Court.

With Family Law changing so rapidly the e-Flyer is essential reading. In celebrating our 200th Edition, we extend a special Thank You to you, our readers! Thank you for your feedback and questions over the years- we look forward to providing you with many more interesting articles.

POPULAR TOPICS

Since the start of the year we have provided “in depth” practical information in our “Close-up” Series.

View these [articles](#) for FREE on our website.

Some of these recent articles include:

- [‘How to avoid pitfalls in Prenuptial Agreements.’](#)

- [‘Staying in the home.’](#)
- [‘What is a Defacto Relationship?’](#), and
- [‘Withholding a Child.’](#)

CHECK YOUR CSA INCOME ESTIMATE

Do you need to check your child support income estimate is accurate for the rest of the financial year?

If you gave the Child Support Agency an estimate of your income for the current 2012/13 financial year, the CSA will soon be sending you a reminder to compare the estimate with your actual income to make sure you are still paying or receiving the right amount of child support.

It is important your income estimate is as accurate as possible to help ensure your child support assessment reflects your financial capacity to support your child. If you have incorrectly estimated your income at the end of this financial year there is the risk that you may over pay or, you might need to pay more child support.

MEDIATION – TIPS – NO. 2

Myth: “*There is nothing left to lose*”. This is where parties refuse to settle because they adopt a position and say “I have spent \$20,000 so far in litigation, I might as well keep going.”

Reality: The person making this statement believes unrealistically that litigation is some form of investment. The \$20,000 spent is not invested – it has been spent and there is



no return. The end result will be in the hands of a Judge, and therefore they run the real risk of increasing losses by going further.

ORDERS AGAINST CYBER BULLYING

Facebook and other social media websites are being increasingly used as an avenue for parents to air their views about the court system or the other parent. A recent case has illustrated the action a Court will take when social media is used as a tool to bully one parent and also criticise the Court.

The Facts:

- The parties had 4 children aged 12, 10, 5 and 4. Following separation all the children lived with the Mother. At the time of hearing the 10 year old child had commenced living with the Father.
- Since separation there had been 34 notifications to the Department of Communities ("DOCS") and the police, against the Mother. None of the allegations against the Mother were ever established.
- During the proceedings the Father and his family made a number of postings on Facebook denigrating the Court, the Children's Lawyer (ICL) and the Court process. The postings contained details about the proceedings which could have only been taken from affidavits filed in the case.

Court Found:

- The Father and his family had waged a war on the Mother since separation.
- The Father and his family through their postings on

Facebook, had potentially breached the *Family Law Act* which prohibits a person from publishing (even by electronic means) to the public any part of the proceedings.

Court Ordered:

- That the Mother have sole parental responsibility for the children and all (4) children live with her.
- That the Father's time with the children be supervised.
- The Father and his family be restrained from making notifications to the DOCS or Police of allegations of abuse by the Mother for a period of (3) years.
- That the Father and his family be restrained from posting on social media websites (such as Facebook) any details about the Court proceedings, the children, the Mother and the Mother's immediate family.
- The Court even went so far as to order that the Marshall of the Court periodically monitor social media for any posting by the Father and his family and that should there be any breach then the Marshall should prosecute.

US MARRIAGES STARTING ONLINE

A study by US researchers in the Proceedings of the National Academy of Sciences has found that more than one third of US marriages begin with online dating, and those couples are slightly happier and more likely to stay together than couples who meet through other means.

The study was based on a nationally representative survey of more than 19,000 people who married between 2005 and 2012.

Copyright 2011

This document contains general comments and should not be relied upon as specific legal advice. Readers should contact this Office for advice on any topic in this document. Changes to the law occur regularly, no responsibility for any loss or damage caused to anyone acting in reliance on this document shall be accepted by this Office. No part of this document may be reproduced without our written approval.

Principal: Michael Lynch*
*Queensland Law Society
Accredited Family Law Specialist



CONTACT:
Telephone: 07 3221 4300
Address: Level 6, 193 North Quay
Brisbane QLD 4000
Website: www.mlfl.com.au

