

FAMILY Flyer



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PUBLIC SEMINARS – BOOK NOW!

For the first time this year, Michael Lynch will be presenting a special 1 hour seminar – “**7 Secrets to Surviving Property Settlement**”. This seminar is a must for anyone that is going through a separation and wants to know the best way to navigate a property settlement, and reduce financial pressure.

For **ONLY \$20**, you will receive a 1 hour information session, and have the opportunity to ask questions. Accredited Family Law Specialist, Michael Lynch, presents the seminar in an easy-to-understand way, ensuring you get the most out of the session.

“7 Secrets to Property Settlement”

- [North Lakes](#): 6:00pm – 7:00pm – Thursday, 24 October, North Lakes Library, 5 Discovery Drive, North Lakes.
- [Springfield](#): 6:00pm – 7:00pm – Wednesday, 30 October, Springlake Hotel, 1/1 Springfield Lakes Boulevard, Springfield Lakes.
- [Brisbane City](#): 1:00pm – 2:00pm – Tuesday, 12 November, The Sebel Suites, Cnr Charlotte & Albert St, Brisbane City.

To register, call (07) 3221 4300 or email law@mlynch.com.au. **Book now**, seating is limited!

WHAT HAPPENED TO THE CSA?

The Child Support Agency no longer exists.

The agency has been incorporated into the Department of Human Services. The agency is now referred to as the “Department of Human Services (Child Support)”.

There has been no change in the legislation relating to the Child Support Registrar, and so that title and functions remain unchanged.

CHALLENGING A CHILD SUPPORT NON-DEPARTURE ORDER

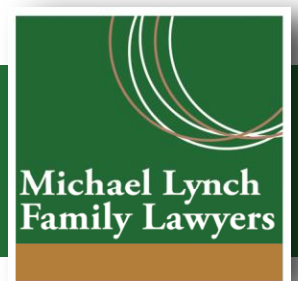
If a paying parent has significant arrears one option available to the Child Support Agency for collection is to prevent that parent leaving Australia. That order is called a Departure Prohibition Order.

A husband who was the subject of a Departure Prohibition Order recently brought an application in the Family Court seeking to have the order dismissed. He was unsuccessful.

The Court dismissed his application on the basis that he should have appealed to the Administrative Appeals Tribunal and not the Family Court.

LITIGATION FUNDING

Court statistics say that of the small number of separated couples that bring an application to the Court, approximately 3% see a Judge at a Final Hearing.





As small as this number may be, for those that it affects it does raise the added stress of legal costs, particularly if a settlement is to be received at the end of this process. Litigation funding can provide a solution.

Litigation funding provides a lending facility and can be used to cover legal costs but also regular expenses such as school fees and general living expenses. The lender requires payment at settlement, meaning there are no ongoing repayments prior to settlement. Fees and charges are payable at the end of settlement and these terms will vary with each lender.

OVERSEAS RELOCATION AND DELAYED DEPARTURE

The Court recently considered whether a relocation overseas for 2 young children was appropriate, when social research indicated that the first three years of a child's life are critical for developing attachments with their parents.

The Facts

- The parents had 2 children aged 5 and 2.5 years of age. The children lived with the Mother and spent time with the Father for 1 night a fortnight. The Mother said that due to the Father's work commitments he would regularly cancel his time.
- The Mother had re-partnered and wanted to relocate with the children to the USA where her fiancée lived. She proposed that she would travel back to Australia once a year so the Father could spend time with the children.
- The Father opposed the relocation, saying the children were too young and their relationship with him would suffer. The Father did not have the financial resources to travel frequently to the USA, nor did he believe the

Mother would travel to Australia annually.

The Court Found:

- The children's young age meant that developmentally they would have real difficulty in sustaining a relationship with their father if they were to relocate to the USA.
- Any relocation prior to the child turning 5 would impinge on their ability to develop and maintain a meaningful relationship with the Father.

The Court Held:

- The Mother could not relocate with the children to the United States until the youngest child reached 5 years of age.
- The Father's time with the children increased to 2 nights each alternative weekend and a night during the week.

HOW SUPERANNUATION IS VALUED

There are different types of superannuation. The superannuation splitting legislation sets out methods for valuing most types of superannuation, but there are exceptions, including self-managed superannuation funds, they are generally valued with the assistance of an expert such as an Accountant.

Accumulation funds provide members with a benefit based on the aggregate of contributions plus earnings less fees. Defined Benefit funds provide benefits according to an amount calculated by a formula. Hybrid funds are a combination of Defined Benefit plus Accumulation funds.

Splitting superannuation is complex and specialist expert advice on the particular fund should be obtained.

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