

FAMILY Flyer



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PUBLIC SEMINAR SERIES – STARTS TOMORROW!

Our new seminar series starts tomorrow.

“How to Survive Separation – Expert Tips” will walk you through the practical steps on what you need to know for you, your kids, your property and much more!

For only \$20 you will receive information valued at over \$500, as well as the opportunity to ask questions and there will be a **special offer** for all attendees.

This is an informative and easy-to-follow 1 hour seminar that will be presented by Accredited Family Law Specialist, Michael Lynch.

Seminar dates:

- [Chermside](#): 6pm – Tues, 20 May – Kedron-Wavell Services Club, 375 Hamilton Rd
- [Mt Ommaney](#): 6pm – Tues, 3 June – McLeod Country Golf Club, 61 Gertrude McLeod Crescent
- [Wellington Point](#): 6pm – Wed, 4 June – Redland Sporting Club, Anson Rd

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

SOLICITOR APPOINTMENT

We are pleased to announce the appointment of Belinda

Jeffrey as a new Solicitor at our office. Belinda practices exclusively in Family and Relationship Law.

Belinda joins our team with good experience in all aspects of Family Law and with excellent Family Law credentials. Belinda’s expertise reinforces our position as the largest Specialist Family Law Firm in Queensland.

“CLOSE-UP” EDITION

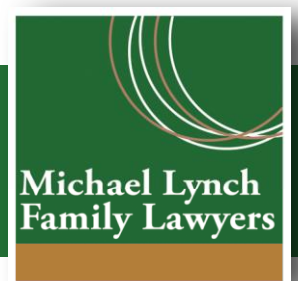
When it comes to the concept of ‘maintenance’ it can get confusing, there is spouse maintenance, child maintenance and child support. Under the Family Law Act there is also child birth maintenance. Read this edition’s close-up article: [“Birthing Costs”](#).

PRACTICAL TIPS IF GOING TO COURT

The Court can be a daunting place. If you are to go there, it’s helpful to have some practical tips to get you through your first Court appearance, even though you might have legal representation.

What do I wear? Generally, smart casual is a safe dress code for court. For men, that will mean at least a long sleeve collared shirt and the option of a tie. All sunglasses will need to be removed from your head before entering the court room.

What do I take with me? Your legal practitioner will have your file, so in most cases you will not need to bring anything. Everyone entering the court needs to go through security which includes bags being scanned and walking



through a scanner (similar to an airport). Be aware that any aerosol cans will have to be left with security, as well as anything sharp (and will be returned to you when you leave). There are cafes close by.

Do my children need to be present at Court? Do not bring your children (even if they are over 18) unless you are ordered to do so.

Can I bring my present partner? It is sometimes helpful to bring a support person with you, especially if you are anxious, but think carefully about who this should be. Bringing someone who may antagonise the other party will not be helpful at all and may simply add to what could already be a difficult day.

Will I be the only one in Court? No. In most family law matters, it is an “open” court, so there is the chance of other people being in the back of the court waiting for their matter, especially if it is your first court date. It is the court’s preference that there be no talking (or whispering) in the back of the court.

TURN YOUR MOBILE PHONE OFF! Your mobile telephone must be turned off at all times inside the court room. Even having it on silent could cause a disturbance in court (and make the Judge very unhappy with you!)

How long will it take? As a guide – you should expect to be at court for a minimum of 2 hours, and a maximum of all day, so bear this in mind when deciding whether to take public transport or drive and park.

TRUST PROPERTY – IT’S A QUESTION OF CONTROL

How to deal with Family Trusts, and the property they hold is one of the most challenging areas in property settlements.

If, in a Family Law property division, you are seen to have the ability to control a Trust (usually ‘discretionary’), then the assets of that Trust will usually be considered ‘your property’.

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A recent case considered whether the property of a Trust should be included in the matrimonial property pool when the husband effectively controlled the Trust, but did not ‘at law’ have control of the Trust.

The facts:

- The husband was one of the two directors of the trustee company but not a shareholder of the corporate trustee. He was named a beneficiary of the discretionary trust but was not an ‘appointor’ of the trust. The appointors were the husband’s mother and sister. He was owed a million dollars by the trust.
- The wife claimed that the assets of the trust were in reality the husband’s as regardless of the legal structure the husband controlled the trust.
- The husband disputed this, contending that the assets of the trust were not his and could not be treated as property in the proceedings.

Court found:

- There was no doubt that the assets of the trust were acquired by the husband before, during and since the marriage and that since the creation of the trust, the husband had always treated and regarded the assets as his own.
- The court was satisfied that (by course of conduct) the trust was controlled by the husband. This was despite the fact that that was not legally the case.

Court held:

- That the assets of the trust be considered matrimonial property in the spouses’ property division.

Note: If you are involved in a property settlement that has a Trust you need to get specialist family law advice.

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