

# FAMILY Flyer



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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 recent change? – does it affect you?
- How are children's arrangements worked out?
- Should you document your agreement?
- What about children's wishes?
- and much more...

The seminars are open to everyone and the attendance fee is ONLY \$30 (payable at the door).

### "Separation and Children"

- [Albany Creek](#): 6-7pm – Tuesday 1 September, Wantima Golf Club, 530 South Pine Road, Albany Creek

### "Separation and Property"

- [Mt Ommaney](#): 6-7pm – Wednesday, 2 September, McLeod's Country Golf Club, 61 Gertrude McLeod Cres, Mt Ommaney


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

## JUDGE ORDERS MOTHER TO STOP BREASTFEEDING

A mother has successfully appealed against an interim parenting order which included that she be prevented from breastfeeding her 11 month old child.

The mother had been primarily responsible for the care of the child during the couple's relationship. Following separation it had been agreed by the parents that the father would spend 3 hours with the child. The father did not return the child due to concerns he had about the risk of harm of the child remaining in the mother's care.

At the interim hearing the Judge raised the issue of the mother's breastfeeding. The solicitor for the father told the court that the mother had had a tattoo one month prior.



The Judge was concerned about the prospect of the child contracting Hepatitis from breastfeeding and adjourned the matter. The child remained in the father's care.

When the hearing resumed, the mother produced blood test results showing that she did not have Hepatitis or HIV. HIV then became the issue as a test taken less than three months after exposure to the virus would not exclude the virus. The court allowed the return of the child to the mother but ordered the mother not to breastfeed the child.

The mother appealed. The Full Court was satisfied that the trial judge had failed to properly consider the "best interests" of the child noting that although the court should protect a child from physical harm it must weigh that up against the other "best interest" factors.

## SHARE MY LOTTERY WIN? BUT WE'VE SEPARATED

The court recently considered a property settlement dispute where the wife had received a lottery win of \$6 Million, six months after separation.

### The Facts:

- The parties had been married for 20 years. They had two children who were both adults at the time of the trial.
- Six months after separation, the wife purchased a lottery ticket and won \$6 Million. The husband contended that the wife had purchased the ticket using money from a joint bank account, and therefore that he had contributed to the winnings.
- The trial judge found that the husband had made no contributions to the wife's lottery winnings and therefore he should receive no share of it.

- It was ordered that he receive \$1.2million of the other property.
- The husband appealed to the Full Court claiming that the trial judge erred in finding that he did not contribute to the winnings.

### Appeal Court Found:

- At the time the wife purchased the ticket the parties were living separate lives and that included separate financial lives. Even if the argument was accepted that the funds were from the business run by the husband, it ignored the fact that the parties were regularly making withdrawals from a former joint asset to fund their own individual purposes.

### The Court Held:

- The husband's appeal was dismissed and he was ordered to pay the wife's costs of the appeal.

**Editor's note:** It is important to look at the individual circumstances of each case when assessing the likely entitlements.

## GETTING A SECOND OPINION

Family Law is a complex and ever changing area of law.

All of the lawyers at Michael Lynch Family Lawyers practice solely in Family Law and are often requested to provide a second opinion on legal advice people have received elsewhere.

If you would like a second opinion contact us on (07) 3221 4330 to make an appointment.

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