

FAMILY Flyer



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No. 265

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PUBLIC SEMINAR SERIES STARTS IN 2 WEEKS!

Our first Public Seminar Series for the year is starting in 2 weeks! This Seminar Series will provide you with the opportunity to get up-to-date information on Family Law in an easy-to-follow 1 hour seminar.

There are 2 Seminar topics being presented by Accredited Family Law Specialist, Michael Lynch, including “**Separation and Children**” and “**Separation and Property**”. For only \$30 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.

“Separation and Children”

- Holland Park – 6pm – Monday, 22 February, Holland Park Hotel, 945 Logan Road, Holland Park.

“Separation and Property”

- Grange – 6pm – Wednesday, 24 February, Brothers Grange Community Sports Club, 41 Agincourt Street, Grange.

Seats are limited, so book now! – Phone (07) 3221 4300 or email us at law@mlynch.com.au. Payment at the door.

SEPARATION – CHILDREN'S NEEDS

Children react differently to their parent's separating, depending on the children's age.

Here are some of the different needs that have been identified for children of different age groups:

Infants:

- Predictability
- Time with parents who nurture them

- Parents who play with them, listen carefully to their efforts to communicate and keep them safe
- Visiting schedules involving minimal change.

Teenagers:

- Minimal daily stress in their life
- Parents available daily to listen and provide support
- Predictable routines, consistent rules and expectations
- Parents who are able to supervise them and take interest in their lives
- Time and space for them to work out their own reactions to the separation
- Flexibility in arrangements to allow them to participate in normal adolescent social activities and school events.

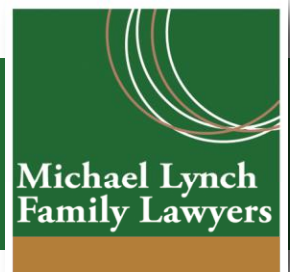
CONFERENCE OR PROFESSIONAL DEVELOPMENT DAY? NEED A SPEAKER?

If you are looking for a speaker on Family Law for your next Conference or Professional Development day, please give us a call.

Our principal, Michael Lynch, presents many seminars each year to accounting, financial planning and legal firms, as well as other groups.

If you want your staff to be better equipped to serve clients (or you would like to offer your clients tips) call us on (07) 3221 4300 to organise a FREE seminar.

The seminars are generally for 1 hour and include a PowerPoint presentation and additional hand-out material and we come to you. For more information or possible seminar topics, visit our [Seminar Series webpage](#) or phone 3221 4300.



DEFACTO? OR JUST FRIENDS?

As we have highlighted in previous articles, determining if a de facto relationship exists is often not straight-forward. (See: "[What is a de facto relationship](#)" (April 2013)).

When determining whether a de facto relationship exists or not, the court considers a number of factors including the duration of the relationship and the degree of mutual commitment to a shared life. In a recent case the court considered whether a de facto relationship existed or not even though there was a child of the relationship.

Facts:

- The man and woman were both born in Ethiopia. They met in Australia. The woman said the relationship started when she moved into the man's home.
- The parties participated in a wedding ceremony held in Ethiopia. They returned to Australia on the same flight however returned to separate homes. They did not communicate for about 2 weeks after they returned to Australia at which time the woman told the man she was pregnant.
- The man allowed the woman to live in a property owned by him in lieu of him paying child support and kept in touch with the woman because of the child.
- The woman claimed a 6 year de facto relationship. The man said they had never been in a de facto relationship and were only friends.

Court Held:

The court found the woman to be an unreliable witness although said there were aspects of both parties evidence which was unsatisfactory.

The court was not satisfied that:

- the parties lived together at any stage
- the woman had any involvement in the purchase of property owned by the man;
- there was any financial interdependence;
- there was an ongoing intimate relationship; and
- there was a mutual commitment to a shared life.

The court found that no de facto relationship existed.

URGENT SPOUSE MAINTENANCE IN 1 WEEK.

We have spoken previously about when spouse maintenance arises (see: "[The 'How to' of spouse maintenance](#) – August, 2014). The fact is that it can often be required very quickly. So how quick is quick?

In a recent case the court ordered payment be made to the wife within 1 week of the hearing

The wife asked the court for an order that the husband pay to her an amount of maintenance being the monthly mortgage and an additional \$250.00 per week.

The wife's only source of income at the time the court heard the case was Centrelink benefits as she had not worked for approximately 3 months and prior to that she was employed on a casual basis. The husband worked full-time. It was unclear however whether he was receiving further cash from his employer above his weekly wage.

The husband received a tax return of \$3,231.22 and withdrew \$3,000.00 of it in cash a week later.

The husband continued to pay the full mortgage amount for 6 months following separation and then reduced these payments to half that amount.

The court disregarded the wife's Centrelink payment and was satisfied she had no income and had a 'need' for spousal maintenance from the husband.

The husband had a 'capacity' to pay spousal maintenance of \$200 per week. The wife's application was considered by the court on 21 February and the husband's payments had to commence on 28 February.

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