

FAMILY Flyer



THIS ISSUE -

No. 205

- Last Public Seminars – Today and Tomorrow!
- “Close-Up” Edition

- Italian Sisters Case – Fallout
- Tips For Achieving Overseas Holiday Travel with Children
- Proving Paternity For Child Support?

LAST PUBLIC SEMINARS – TODAY AND TOMORROW!

Our last (2) public seminars in our current series are on today and tomorrow!

Don't miss this opportunity to hear Accredited Family Law Specialist, Michael Lynch explain how property settlements are determined and update you on the recent changes in the law for parenting arrangements. The Seminars are:

“Separation and Property”

- Brisbane City: 6pm – Tues, 3 September – The Sebel Suites, Cnr Charlotte & Albert St, Brisbane.

“Separation and Children”

- Cleveland: 6pm – Wed, 4 September – The Pacific Resort, 128 Middle St, Cleveland.

The seminars are open to everyone and the attendance fee is ONLY \$20.

Book Now! Contact our office on (07) 3221 4300 or email law@mlynch.com.au.

“CLOSE-UP” EDITION

Who does the child want to live with? It is probably the most frequently asked question in the Family Court. To assist the

Court a Family Report is usually prepared.

Get a better understanding of how this process works in our close-up article “[What is a Family Report?](#)”.

ITALIAN SISTERS CASE - FALLOUT

The *Courier-Mail* has pleaded guilty to breaching the Family Law Act during its coverage of an international custody battle over for Italian sisters last year.

The Federal Police launched an investigation into the Queensland newspaper after it last year published the names and photographs of the sisters at the centre of the dispute.

Photos of the girls were published on the front page of the paper for (2) days last year, prompting a complaint from the Chief Justice of the Family Court.

The Courts penalty for the newspaper will be determined on a date to be set.

TIPS FOR ACHIEVING OVERSEAS HOLIDAY TRAVEL WITH CHILDREN

One parents wish to take a child overseas for a holiday can cause a lot of concern for the non-travelling parent, if open discussions have not occurred. Disagreements often arise about how much notice should be provided by the travelling parent and what countries the child should be permitted to travel to.



If the parents can't agree, a Court order is required. Usually, the Court will require:

- The travelling parent to provide (2) months notice of the departure date, provide copies of pre-paid return tickets, dates of departure and return to Australia, itinerary from travel agent or airline, contact details for the child whilst overseas including telephone numbers and addresses for all places the child will be staying;
- That the parent holding the passports provide them to the travelling parent no less than (7) days prior to the departure, and that the passports be returned to the other parent after the child's return to Australia.

It is often ordered that the parties are only permitted to travel to countries which are signatories to the Hague Convention on International Child Abduction and travel is not permitted to countries for which the Department of Foreign Affairs has issued serious travel warnings.

Other orders that are often made include, requiring the travelling parent to register the child with the "Smart Traveller" system prior to departure, and requiring full travel insurance for the time the child is outside of Australia.

Each case will be different and dependent on the individual circumstances of the dispute. Parties in a high conflict matter will undoubtedly require more prescriptive orders regarding overseas travel, particularly if one of the parents has family overseas.

The more important matter to consider when negotiating orders regarding overseas travel, are the countries that the children are likely to travel to, and whether those countries are signatories to the Hague Convention.

PROVING PATERNITY FOR CHILD SUPPORT?

If a man is not listed on a child's birth certificate, the Child Support Agency (CSA) won't accept an Application against that man. So what happens? The Court recently considered such a case.

The Facts:

- The parties had a brief relationship which resulted in the birth of a child. The man was not listed on the birth certificate nor had he spent any time with the child. The Mother did not make an application for child support until the child was 3 years of age. The CSA refused to accept the application on the basis that:-
 - The man was not a resident of Australia at the time of the application; and
 - The Mother had not supplied sufficient information that the man was the Father of the child.
- In response, the mother lodged an application with the Court seeking a 'declaration' that the man was the father. The man agreed to undertake parentage testing (DNA). The results indicated that he was the father. He then failed to attend Court on the next (3) occasions. The mother requested a declaration of parentage and that the order be made in the man's absence.

Court Order:

- From the evidence from the mother and the DNA test the Court was satisfied that the man was the father and made the 'declaration'. With the Court 'declaration' the CSA accepted the mother's Child Support Application.

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