

FAMILY Flyer



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FINAL SEMINARS – BOOK NOW!

Don't miss our last public seminar series for the year. "7 Secrets to Surviving Property Settlement" is our most popular seminar and 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 and emotional pressure.

Although the presentation is valued at over \$500, the attendance cost is ONLY \$30, payable at the door.

Accredited Family Law Specialist Michael Lynch will present in an easy-to-understand style and answer questions, such as:

- Am I separated if we are still in the one house?
- Will I be prejudiced if I move out of the house?
- How is property divided?
- What are the consequences for my superannuation?
- How do I document a property settlement?
- And much more...

"7 Secrets to Property Settlement"

- Brisbane City: 1-2pm – Tuesday, 27 October, Berkleys on Ann, 255 Ann St, Brisbane City
- Sunnybank: 6-7pm – Wednesday, 28 October, Sunnybank Community & Sports Club – 470 McCullough St, Sunnybank

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

WHO SHOULD SUPERVISE CONTACT?

There are many circumstances which can arise in a matter which mean that one parent must be supervised when 'spending time' with their child. It is interesting to look at supervision options. The court is often faced with weighing up who an appropriate supervisor should be. Should the supervisor be a professional, such as a Contact Centre - or is a family member appropriate?

The Federal Circuit Court was faced with this dilemma recently.

Facts:

- Two children, 5 & 7 lived with their mother. The children spent irregular time with their father.
- In 2012 there was an incident whereby the father did not return the children at the conclusion of a 1 hour agreed contact period and instead held them over for 2 days.
- The mother had obtained a domestic violence order.
- The mother sought supervision by a Contact Centre based on her allegations that the father had a history of violence and significant anger problems and a history of alcohol and drug abuse.
- The father proposed that the paternal grandmother should supervise the time.

Court considerations:

- The court considered all of the evidence before it which included independent evidence put forward by the mother of the father's anti-social behaviour;



- The court relied on an affidavit of the paternal grandmother which detailed previous occasions when the children had spent time overnight at her house, which went well;
- The court did not have the benefit of a Family Report.

Decision:

- The court was satisfied that the paternal grandmother had the children's welfare at heart, not just in the physical sense, but to ensure that they would be properly cared for in her home and that the children would be loved and supported emotionally.
- That court was also satisfied that the paternal grandmother would intervene (against actions of the father) during a contact period if problems arose.
- The court ordered the father's time with the children be supervised by the paternal grandmother.

DON'T ASSUME THE COURT WILL RUBBER STAMP YOUR AGREEMENT

In an interesting case, the court refused to make orders by consent as sought by the parents as the orders did not appear to be in the 'best interest' of the child.

At the first court hearing orders were made for the child to 'live with' the mother and 'spend regular time' with his father.

When the matter next came before the court, there was no appearance by the mother. It was understood that there was an "agreement" reached between the parties, that the mother was effectively "abandoning" any on-going relationship with the child, who was only 6 years old at the time. The court sought that the mother, appear in person at the next court date.

When the mother appeared at the next court date she confirmed that she was in fact seeking orders where the father would have sole parental responsibility and care of the child and she would spend no time with the child.

The mothers position was contrary to her original position, that the father have 'supervised time' on the basis of serious allegations that he had a drug problem, was violent and was addicted to prescription medication and alcohol. All of these allegations remained unresolved and had not been determined by the court. On the other hand the father's allegations against the mother were general in nature. The court had serious concerns as the parties were seeking orders which would amount to something akin to an adoption taking place, with one of child's parents (for no apparent reason) being cut from the child's life.

In giving judgement the court noted that the making of orders was not a rubber stamp process. Parties are free to make what arrangements they like for children within the parameters of a democratic society, however once they invoke the jurisdiction of the court then they have an obligation to satisfy the court that the orders they seek are in the child's 'best interest'.

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.

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