

FAMILY LAW FAQs

My partner and I have separated. We signed a piece of paper which was witnessed by a Justice of the Peace. Is this sufficient to protect my assets in the future?

No. If you leave this situation as your final property settlement, you will have difficulty enforcing that document. It also does not bring to an end your and your partner's property claims against the other.

Please contact us to discuss how you might protect yourself when coming to a property settlement with your partner.

Am I entitled to half of the house?

Each family is unique and there are numerous considerations which need to be looked at before an answer to that question can be answered.

Some of those considerations are:

- Who owns the house;
- How long was your relationship;
- Who made the mortgage repayments;
- Who looked after the children (if any);
- What other assets or debts or financial resources of the relationship are there; and
- What is your and your partner's age.

Once these and other considerations have been answered, can you be given advice to this question.

What is FDR and what is a FDR Centre or Service?

"FDR" stands for "Family Dispute Resolution". If you and your partner cannot agree upon arrangements as to who your children are to live with and who they are to spend time with, before you can go to Court you need to go to a Family Dispute

Resolution practitioner. The exceptions to this are urgency or it is inappropriate to hold such a conference (S60I).

A Family Dispute Resolution practitioner is an accredited person or service with the Federal Government who tries to assist parents come to an agreement about who their children live with and who they spend time with. A list of Family Dispute Resolution practitioners can be found at the website <http://www.fdr.ag.gov.au/search.aspx>.

Lawyers generally cannot go with you to an appointment with the Family Dispute Resolution practitioner, but you can always ask the practitioner.

What is supervised contact?

Supervised contact is a method by which the parent whom the children do not live with can spend time with the children in the absence of the other parent.

Supervised contact periods usually occur at a Children's Contact Service. A list of Children's Contact Service can be found at <http://www.familyrelationships.gov.au>.

Depending upon the level of supervised contact (usually ordered by the Court), this interaction between the parent whom the children does not live with and the children is on a one on one basis (1 supervisor in close proximity to the parent being supervised) or in a group setting (1 supervisor to a handful of parents being supervised).

Each Children's Contact Service offers its own times for contact, fees and arrangements for children to be dropped off and picked up.

Usually, after a number of supervised visits are performed, the Children's Contact Service provides a written report to the Court about those contacts and future recommendations.

Do I have to let my ex-partner see the children?

This is a difficult question to answer on a FAQ page, and we invite you to speak with us in more detail before we can answer this question for you.

Can you help me with a child support issue?

Generally, lawyers do not get involved in assessing the amount of child support. However, we can help you with:

- Disputing whether you are the parent of the child you have been asked to pay child support for;
- Challenging a Child Support Assessment; and
- Entering into a Child Support Agreement which takes you outside of the child support assessment system.

Can you help me get a divorce?

Yes. For a modest fee, we will meet with you and prepare the Application for Divorce, obtain a copy of your marriage certificate (if you do not have it), organise for your spouse to be served with your Divorce Application and attend for you at the hearing before a Registrar of the Court to obtain your Divorce Order.

Disclaimer

The information in this article is not to be relied upon for the purposes of legal advice. It is general information only. If you require specific legal advice in relation to your matter, please call Georgiadis Lawyers on 8231 5255 to make an appointment.

