

Children's Issues **Family Law**

Sadly, children are often the innocent casualties of the breakdown of a relationship. When a relationship has ended and perhaps for many years afterwards, parents may have different ideas about with whom the children should live on a permanent basis, the amount of contact a parent should have, if any, and specific issues such as the children's schooling or health.

Generally, issues to do with children are dealt with by the Family Court or the Federal Magistrates Services under the Family Law Act. The paramount consideration for these Courts is what is in the **best interests** of the children.

The Courts have wide discretionary powers to determine these issues. Sometimes they will appoint a lawyer to represent the children ("children's representative") in circumstances where there is clear dispute about what may be in the children's best interests.

If you are in agreement with your former partner we can formalise your agreement about your children by asking the Court to make Consent Orders in the terms of your agreement.

If you and your former partner cannot agree, we will represent you with the sensitivity and understanding you require to get you through whole process.

DI ROSA LAWYERS

Practising in all areas including:

Personal Injury

Family Law

Wills & Estates

Conveyancing & Property Law

Members, Law Society of South Australia

Free First Interview (Conditions Apply)

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Whatever your family law problem or query, Di Rosa Lawyers are here to help you. Please do not hesitate to call us.

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BREAKING UP IS HARD TO DO



FAMILY LAW

For many people, separation and divorce can be the most devastating experience in their lives. It is often difficult for people to know what to do next or who to turn to, particularly when families are divided.

Unfortunately, separation and divorce is a fact of everyday life in Australia. At least one third of all marriages end in divorce, with the rate being higher in second marriages. If you are reading this because you find yourself in a similar position, remember you are not alone.

You should seek independent legal advice in relation to your rights and obligations if you consider that your marriage or relationship has suffered an irretrievable breakdown or even if you are contemplating separation and want to know more about what may happen if you do decide to separate.

The same applies if you are contemplating entering into a relationship or marriage and are concerned about the status of your assets, estate planning and your children.

Di Rosa Lawyers has over a decade of experience and expertise in all areas of family law, including:

- Property settlement (matrimonial and de facto)
- Spousal and child maintenance
- Children’s issues including residence (formerly “custody”) and contact (formerly “access”)
- Binding Financial Agreements (“Pre-Nuptial Agreements”)
- Certificated Cohabitation Agreements under the De Facto Relationships Act
- Wills and estate planning
- Conveyancing (transfers of property)

We have seen it all before and pride ourselves on being both compassionate about our clients’ needs but also protective of their interests.

We are there to help where we can. Here’s how.

Property settlement

Family Law

We can apply on your behalf to the Family Court or the Federal Magistrates Court orders for **property settlement**.

Be aware that the Family Law Act sets a time restriction of 12 months after your divorce for you to apply for a property settlement.

If you have agreed with your spouse on how to divide your assets, we can apply on your behalf to the Family Court or Federal Magistrates Court to make **orders by consent**.

Alternatively, we can prepare a **Binding Financial Agreement** setting out the terms of your agreement which is binding and conclusive.

The Family Court and the Federal Magistrates Court do not deal with property disputes between de facto spouses (persons living together in a genuine domestic relationship of more than three years duration or who have a child or children together). These disputes are dealt with by the civil courts of South Australia, usually the District Court, under the **De facto Relationships Act 1996**.

We can represent you in this jurisdiction which is different in many ways to the Family Law Act but similar in others. If you are in agreement with your partner about how to separate your assets, we can assist you in the preparation of a **Certificated Cohabitation Agreement** setting out in clear terms your rights and entitlements.

Whether you agree or not, the rules governing the division of assets in any of the jurisdictions are complex. You should seek our advice before making a final decision.