



## FAMILY LAW CONCEPTS

### Residence

This is the child's right to reside with his or her parent or other significant person, e.g. grandparent. The child can reside at two places at specified times, e.g. with the father each alternate weekend and half school holidays and with the mother at all other times. Residence is not the same as custody - residence only says where the child resides, not who makes decisions for the child.

### Contact

Subject to the child's best interests, this is the child's right to maintain regular contact with the other parent or significant other person e.g. grandparent, cousin or close friend. Contact is similar to, but not the same as access.

### Parental Responsibilities

Subject to any court order, each of the parents of a child has all the responsibilities for that child, normally vested in parents. When one parent wants to change this to specify who has particular responsibility for certain decisions, it is called specific issues.

### Child Support - Child Maintenance

This is an obligation by the parent with whom the child does not reside, to support the child financially. Child support is paid if the parties separated or a child was born on or after 1 October 1989.

Child maintenance is payable if the parties separated and all of their children were born before that date or if the children are over 18.

### Property Settlement

This is the entitlement of the parties to settle the property arrangements between them.

### Spousal Maintenance

A married spouse may be obliged to maintain the other financially, in addition to property settlement and child support payments.

Spousal maintenance does not apply to defacto couples.

### Whatever Happened to Guardianship/Custody/Access/Visitation?

In general terms, these concepts (except visitation) were abolished by Federal Parliament in June 1996. Existing orders or child agreements however, until varied, remain in force.

Visitation has never been a concept in Australian law. The related concept here is 'contact'.

### Domestic Violence

This is the abuse by one spouse of another (or of children or associates) through an unequal relationship. The abuse can be physical, verbal, psychological, social, financial or sexual. Characteristically it is a combination of one or more of these.



## BENNETT CARROLL

Established in April, 1974, Bennett Carroll is well known as one of the largest law firms outside of the Brisbane CBD. Our well-balanced practice has over 30 years' experience in many areas of specialty including Commercial Law, Conveyancing, Family Law, Estates, Planning and Environment Law, Litigation and Personal Injury. We dedicate ourselves to quality work in these diverse areas and make a point of being accessible to our clients.

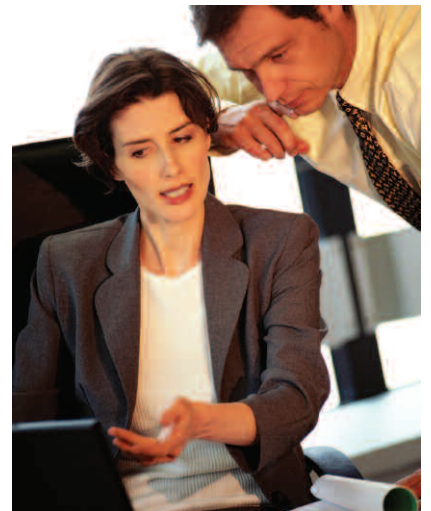
As the preferred solicitors for several National and International companies, we represent well known financiers and developers and hold a reputation for reliability that we intend to keep. Bennett Carroll prides itself on being prompt, accessible, and dealing with you in a language that you can understand; demystifying the law.

Bennett Carroll is in the process of expansion with continued focus on hands-on, up-front problem-solving.

We have offices at Upper Mt Gravatt, Stafford and Kawana.

We pride ourselves in being the market leaders in state-of-the-art technology combined with old-fashioned client service.

***The solicitors in our family law section are Warren Tegg, Kate Murphy and Joanne Bennett***



### Warren Tegg

Warren was admitted to practice as a Solicitor of the Supreme Court of Queensland and the High Court of Australia in 1979. He ran his own legal practice specialising in Family Law and Business Advice from 1980 until 2001 before merging with Bennett Carroll. Warren has been helping people with their Family Law problems since the inception of the Family Law Act in 1976.

Warren is Department Head with the Family Law division of Bennett Carroll. He brings to the department a wealth of experience that includes some five years running his own call centre for people with Family Law problems, as well as acting as a sessional mediator with Relationships Australia Queensland from 1989 to 1994. He is also the General Manager of the Master Guidance Company, which is a counselling service owned by Bennett Carroll.

Warren has served on a number of Queensland Law Society committees during his career and is currently a member the Small Practice Management division where he has been called upon to speak at State conferences on legal practice.



### Kate Murphy

Originally from Northern NSW, Kate studied at Queensland University of Technology graduating in 2005 with a Bachelor of Laws and a Bachelor of Business. She has a strong interest in Family Law, which extends to international law relating to marriage and children.

Kate was admitted to the Supreme Court of Queensland in 2006 and the High Court of Australia in 2007. Kate has over 4 years extensive experience in Family Law, as well as engaging in Criminal and Commercial Law. Kate has also had the benefit of being trained with Pauline Tesler, with a strong focus on negotiation.

Kate is a member of the Queensland young lawyers association.

### Joanne Bennett

Joanne graduated from Deakin University before completing her Professional Legal Training at Bond University in 2003 and was admitted in December that year.

Joanne is an experienced family lawyer and can offer professional assistance and guidance in all types of family law matters including those involving children and financial issues, de facto relationships, pre-nuptials and parental orders.

Joanne also has extensive Commercial Law experience in vital areas such as property, company structures, franchise agreements, joint venture agreements and leases.

***Family law is a very complex and emotional area of law; it will involve your whole family. This is why when things go wrong, you need an experienced team of friendly lawyers who are compassionate professionals with real life experience who understand your problems.***



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