

# FAMILY MATTERS

THE NEWSLETTER OF BERRY FAMILY LAW

AUTUMN 2012

## New Melbourne Office for Berry Family Law

On 12 September 2011 we were delighted to move into our newly refurbished office at Level 4, 552 Lonsdale Street. Seven lawyers work predominantly in this office and they are ably supported by five members of staff. Five lawyers and eight support staff continue to work at our Williamstown office. All of our lawyers carry on the Berry Family Law practise of having as their primary focus the area of Family Law.

The larger space in our new city office accommodates roundtable conferences and mediations along with being a professional and comfortable environment for clients.

Our telephone numbers, facsimile, address for correspondence and DX (Ausdoc) have all remained the same.

Berry Family Law continues to be committed to providing our clients with the flexibility of attending at either of our offices, while retaining the ability to arrange telephone conferences or communication by email.



## Berry Family Law welcomes two new family lawyers

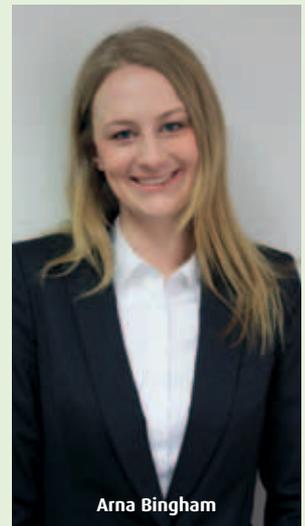
Berry Family Law is pleased to announce that a further two lawyers have recently joined us on a full time basis. Our new lawyers bring a range of skills and experience to our team, giving clients a broad choice of representatives to meet all manner of issues.

Sanaz Naimi commenced with Berry Family Law on 12 January 2012 and has already impressed with her practical legal skills founded in nine years of working as a family lawyer. Sanaz reports that she has been delighted to join a firm with a singular focus on the family law issues that confront our clients.

Arna Bingham, a recent graduate of the Leo Cussen Institute, has joined the practice as a first year lawyer. Arna attended lectures at the Institute conducted by our senior lawyers, Peter Berry and Timothy Byrne, and had been mentored in a practical clerkship at our firm. Arna brings a formidable academic background and enthusiasm for this area of the law and she is currently working closely with James Turnbull.



Sanaz Naimi



Arna Bingham

Berry  Family Law

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## 10 things to do if you have just separated

- 1. Contact your bank or financial institution by facsimile to stop joint funds being removed or liabilities increased.**
- 2. Look at your Will and consider if it is still what is appropriate and if you do not have a Will have one drafted.**
- 3. Ensure any powers of attorney are revoked, and have appropriate ones drafted.**
- 4. Consider whether your nominated death beneficiary for your superannuation entitlements is appropriate.**
- 5. Photocopy all of your and your ex's financial documents and put them in a secure location (this should not be your home or motor vehicle).**
- 6. Contact the Child Support Agency and find out how much is to be paid or is payable.**
- 7. Do title searches on your properties. If your home is in your ex's name or it is held as tenants in common ensure you place caveats over the properties. If your property is held jointly, ensure you sever the joint tenancy.**
- 8. If there has been family violence in the relationship. Seek an Intervention Order.**
- 9. Start a diary which keeps track of time with the children and any adverse behaviour of your ex.**
- 10. Most importantly seek advice from an experienced Family Lawyer.**

## De Facto Relationships - Recent Updates

Although there has been much 'sound and fury' in the popular media concerning recent changes to the Family Law Act as it relates to unmarried couples, there has been very little substantive discussion of the effect the changes will have upon people with regard to issues such as family planning.

This is particularly confusing to many laypeople as these Family Law Act amendments come hard upon the heels of substantive changes to the Victorian Relationships Act, which allowed for registrable relationships and the possibility of a de facto relationship being found to exist in circumstances where the parties did not reside together.

An essay regarding the interplay between the Relationships Act and the new Family Law Act can be found on our website at [www.berryfamilylaw.com.au](http://www.berryfamilylaw.com.au).

The Family Court and the Federal Magistrates' Court have the discretion to make Orders regarding property issues between a couple even after they have resided together for a comparatively brief period of time (although the normal 'minimum period' is two years, the Court has a wide discretion to intervene, such as when there are children of the parties). This can mean serious issues regarding family financial planning for the parents of adult children where their children contemplate marriage or entry into a de facto relationship.

Many parents of adult children should take advice regarding the structure of financial arrangements, along with the possibility of 'segregating' assets through a Financial Agreement between their child and their child's partner / spouse.

We welcome queries in this area, and our lawyers have extensive experience with the crafting of Financial Agreements as part of family financial planning.

**Peter Berry** Partner ASLIV Accredited Family Law Specialist

**James Turnbull** Partner LL.B ASLIV B App Sc Accredited Family Law Specialist

**Tim Byrne** Partner BA LL.B ASLIV Accredited Family Law Specialist

**Michael Lipshutz** LL.B AIAMA

**David Hanlon** LL.B

**Ernie Woolf** LL.B (Hons) ASLIV Accredited Family Law Specialist

**Lucy Padula** BA LL.B (Hons) Accredited Family Law Specialist

**Ben Smith** LL.B GDLP Accredited Family Law Specialist

**Stephanie Reid** LL.B

**Elisa Garzarella** B Sc (Hons) MBA JD

**Sanaz Naimi** B.Sc., LL.B.

**Arna Bingham** B.Bus., LL.B., GDLP