



Family Matters

THE NEWSLETTER OF BERRY FAMILY LAW: AUTUMN 2016



Introducing you to David Hanlon

David has been involved in family law since the creation of the Family Court in 1975 and its commencement in 1976. He was a founding employee of the Family Court in Melbourne where he assisted in the development of the Court until he entered the legal profession. He commenced practice in 1981 and sole practice in 1982. Between 1998 and 2009 he was employed in mid tier CBD firms and he joined the team at Berry Family Law in March 2009.

David has had experience in a variety of legal areas throughout his career but has concentrated his practice on family law for the past 20 years. He has significant expertise in all areas of family law, including children's matters, property issues, maintenance, enforcement and financial matters.

David is a member of the Family Law section of the Law Institute of Victoria.

Over the years David has been involved in various sporting pursuits, including lawn bowls, cycling, swimming, professional athletics, distance running and triathlons. His principal activity these days involves lawn bowls at the highest levels.



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Changes to child protection law



On 2 September 2014 the Victorian Parliament passed legislation in relation to children and young people in out-of-home care. These changes came into effect on 1 March 2016.

Where possible, the Department of Health and Human Services (DHHS) aims to return children who have been removed from their parents due to neglect or abuse, once the safety concerns have been alleviated. However, safety is always the priority and reunification is not always possible or appropriate. The best interests of the child is always the paramount consideration.

What is reunification?

Reunification is a planned and timely process of safely returning and enabling a child to remain at home with their family of origin.

Under changes to child protection law, if a child has been out of a parent's care for more than two years, the Children's Court will no longer be able to make or extend a reunification order.

Parents will have 12 months to resolve any issues required in order to resume the care of the child. At the end of this period, either an additional 12 months will be provided in circumstances where reunification is likely, or alternatively, permanent

care arrangements will be sought. This endeavours to place children in stable permanent accommodation as soon as possible. If a permanent carer cannot be found, the child will be placed in state residential care.

The changes aim to identify and remove barriers to achieving permanent placements for children.

Further changes include:

- Giving carers more authority to make decisions with respect to the children in their care. Currently, carers are unable to make decisions with respect to the children in their care without the consent of DHHS. The changes will allow carers to seek authority from DHHS with respect to specific issues. Carers are encouraged to discuss their specific needs with the child's case worker;
- Changes to Permanent Care Orders, including making a carer the child's legal parent until the child reaches 18 years; and
- Ensuring the cultural needs of Aboriginal children in care are met through culture support planning.

Should you have any queries in relation to the changes coming into effect in March, 2016 and how this may affect your family's circumstances, please do not hesitate to contact one of our family lawyers.

10 things to do if you have just separated

- 1 Consider contacting your bank or financial institution by facsimile or email to stop joint funds from being removed or liabilities increased.
- 2 Look at your Will and consider if it is still appropriate. If you do not have a will consider having 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 in 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 that you place caveats over the properties. If your property is held jointly consider severing 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.

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