



Family Law Newsletter

November 2009

For many of our family law clients, the prospect of attending Court is not something they look forward to. It is often very difficult, very emotional and unnecessarily confrontational. A new approach to resolving family law disputes, collaborative family law, can help clients avoid the court process altogether.

This newsletter outlines the collaborative approach and whether or not it is right for you as well as including some handy tips for blending families, a family structure that is becoming increasingly common in today's society.

If you, or a friend, need advice regarding a family law situation contact one of our specialist Family Lawyers at Coleman & Greig for fast, friendly and expert advice.

>> Don't want to go to Court? Try "Collaborative Family Law"

Coleman & Greig is pleased to offer collaborative family law as a new and client centred approach to the resolution of family law disputes.

>>What is it?

In a collaborative family law process, the clients and their lawyers agree to work together to find a fair solution to whatever financial or child-related issues need to be addressed without involving the court.

>>What is involved?

- You and your partner will each retain a specialist family lawyer to advise you throughout the process

- Your lawyer will discuss with you in your introductory meeting or telephone call whether your case is suitable for the collaborative process
- If it is suitable, you, your partner and your lawyers will all sign a Participation Agreement (a document setting out the ground rules for the collaborative process)
- The majority of the negotiations will take place at "4 way" face-to-face meetings between you, your partner and the lawyers. The meetings are minuted and action needed for future meetings agreed upon
- Once a settlement is reached, the lawyers will draw up a Settlement Agreement which will usually be submitted to the court. These can be in the form of consent orders

>> Don't want to go to Court? Try "Collaborative Family Law" cont.

>>Is it right for you?

According to an article published in the Sydney Morning Herald on 19 April 2009, two important points with respect to the collaborative process are:

- Negotiations should be conducted courteously and in good faith, with both parties bound to disclose all information and facts
- There is a need for each party not to take advantage of mistakes by the other side

The author of the article, who is undisclosed, shares her experiences from when her parents were going through a divorce in the early 1970s. During the article she notes that her parents "argued in person and on the phone . . ." then comments that "sitting in a conference listening to the potential of the collaborative process to produce better outcomes . . . I felt a lump in my throat. How different things might have been . . . how much heartache might have been avoided had such a process been around?"

So, if you and your partner are seeking a divorce and are willing to:

1. Act in good faith;
2. Be open;
3. Be honest in your dealings with one another;

4. Be respectful of different views which will be most likely expressed;
5. Communicate in a non-confrontational way with the view of resolving your dispute;

then this process may be for you.

"The reason that collaborative law has been successful is that the lawyers are disqualified from acting for the client if collaboration fails. A disqualification agreement underlines the fact that all the parties are attempting to achieve settlement without threatening or being subject to the threat of court proceedings when things become difficult"

Remember: Collaborative family law is not for everyone but if you think that it may be appropriate in your situation, contact the specialist Family Law Team at Coleman & Greig to discuss your options.

>> Starting a relationship in a step-family? Some tips to deal with the transition

“The easiest way to deal with this situation is to leave the disciplining to your partner. A confrontation with your stepchild can never be pleasant”

It is a known fact that separating from your partner and starting a “new life” is difficult and has many challenges - both psychologically and financially. These pressures however, are exacerbated in circumstances where children are involved and you find a new partner. The situation could be that you or your new partner have children from a previous relationship, or even that both of you already have children. Obviously the children, you and your new partner will need to meet and work out ways to become a family unit.

Some guides for couples starting a step-family:

- Before moving in together, communicate with your partner. Decide what things are important to each of you

- Sort out financial arrangements- obtain advice from a family lawyer about blending your finances
- Always talk things over- don't hide anything
- If you are planning on having a new baby together, consider the impact it will have on your current children

Time spent talking about these issues in the early days, could save a lot of stress and worry later on in the relationship. If you would like information about blending your finances when starting a step-family, or protecting your assets for the future, contact one of our family law solicitors on 02 9635 6422.

>>For further information on any Family Law issues contact:



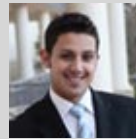
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