

We have specialist solicitors for each area of law in which you might require assistance including:

- Car Accident Injury Claims
- Commercial Litigation
- Criminal Law
- Employment Law (Unfair Dismissal & Underpayment Claims)
- Equal Opportunity / Discrimination Claims
- Estate Disputes & Inheritance Claims
- Family Law
- Migration Law
- Personal Injury / Public Liability Claims
- Probate & Letters of Administration
- Traffic Charges
- Victims of Crime Claims
- Wills / Powers of Attorney & Advance Care Directives
- Workers Compensation



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FAMILY LAW



Established in South Australia, our professional, friendly and supportive team is committed to providing you with the highest standards of service.

Our goal is to relieve the stress of your situation by providing sound advice and professional legal assistance.

To this end our Service Charter is based on six fundamental principles:



Respect

We work for you and acknowledge that as our client you deserve our attention and respect at all times.



Quality Service

We listen to your needs and ensure that you are fully informed and properly advised at all key stages.



Professionalism

We have the experience, competence and skill necessary to provide the legal service you need.



Knowledge

Through continuous and ongoing research and training we are up to date on all aspects of our areas of speciality.



Honesty & Integrity

At all times we will be open and honest and follow through on our commitments to you.



Best Outcomes

We work hard to achieve the best outcome for you in the circumstances of your case.

We look after our clients and build a relationship of trust so that they are confident to come back whenever they need a lawyer.

Separation can often be overwhelming and stressful for all parties involved including children. Therefore it is advisable to be legally prepared for separation to minimise the stress and costs.

Whether you are in a marital, de facto or same-sex relationship, the things that you might need to consider at separation are:

- Children issues;
- Property settlement;
- Spousal and/or child maintenance;
- Divorce and nullity of marriage; and
- Family violence.



Children Issues:

The Family Law Act sets out the matters to be considered in children proceedings. The paramount consideration in all children matters is the best interests of the child. In all children matters there are two significant determinations to be addressed: parental responsibility and living arrangement. The former concerns the long term decisions regarding the child, such as the school the child should attend. On the other hand, the living arrangement relates to where the child resides and how much time they should spend with the other party.

In deciding the parental responsibility and living arrangement the Court considers a range of factors. Other significant individuals in the child's life may wish to join the proceedings, such as grandparents or step-parents. It is highly advisable

to obtain detailed legal advice in relation to children matters, especially in circumstances of: family violence, child sexual abuse allegations and/or a risk of child abduction.

Property settlement:

It is common that after separation the parties reach a verbal agreement or even a written agreement that is signed by both parties. It is important to understand that these agreements are not legally binding. Reaching an agreement without formalising it in the form of a consent order or a binding financial agreement is exposing yourself to unnecessary litigation.

It is also important to note that most people fail to take into consideration the time limitation on property settlements. For De facto relationships a property settlement must be initiated within two years of the date of separation. For a marital relationship property settlement must be initiated within one year of the grant of divorce decree. There are exceptions to these rules which you should discuss with a legal practitioner.

There is a general myth that a property settlement is an automatic 50/50 split. This assumption is not correct and you should discuss your potential entitlements with an experienced family lawyer.



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Spousal and/or child maintenance

In certain circumstances you may be able to seek spousal and/or child maintenance orders. These circumstances usually entail one high earning party while the other party has a very low earning capacity. It is also possible to seek maintenance from a party residing overseas. Maintenance applications are highly complex and are often considered with property settlement orders. To maximise your chances you should speak with an experienced solicitor.



Divorce and Nullity of Marriage:

Australia has a no fault divorce system, which does not require you to prove that any party was at fault. To apply for a divorce you must be separated for 12 months (separation under the same roof is considered acceptable). Divorce applications are procedural and they have a number of steps that must be complied with otherwise your application could be refused repeatedly. It is also helpful to consider whether applying for a divorce is in your best interests, especially when you have concurrent property settlement issues.

Nullity of marriage is granted in very exceptional circumstances. It is recommended that you speak to a solicitor in relation to any nullity of marriage applications.

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Family Violence:

This is not an area of law over which the Federal Circuit Court has jurisdiction, however in complex and volatile relationships it is recommended that you speak to your solicitor about Intervention Orders prior to initiating proceedings. Minimising the risk of harm and ensuring your safety should always be your first priority after separation.

An experienced Family Lawyer at Websters Lawyers can provide you with the advice you need to help you get through this difficult time and move forward as smoothly as possible.



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