

Male Voice Over: ... this is Peter Bell.

Peter Bell: 22 past 1:00, we're with Neville Friedman from Friedman Lurie Singh & D'Angelo. Let's get back to the calls, Colin in Gardenia.

Colin: Good afternoon, Neville and Pete. Can you give me the actual cost of the legal side of a divorce and what is involved when all the finances have all been sorted out and paid, it's just the actual paperwork of getting it put through?

Neville F.: Colin, as I've said so often on the show [00:00:30] before, people can do these things themselves. That's one option for you. A lot of people don't because that's just not where they're at, it's not on their page. I think the cost is between about \$1,500 and \$2,000 and that takes into account all of the paperwork that needs to be done on the assumption that you've got what's called a 'consent order'.

Colin: Yes.

Neville F.: If you and your spouse have agreed that this is what you want to do and you're able to agree that it makes things cheaper ... [00:01:00] for obvious reasons, because you're not litigating about it ... You really shouldn't exceed, I would imagine, \$2,000 on the exercise.

Colin: Sounds good. [crosstalk 00:01:09].

Neville F.: That's no problem at all.

Colin: Thanks very much, Nev.

Neville F.: Great pleasure.

Peter Bell: There you go, Colin. Sorry, before there I actually sneezed ... had to stifle a sneeze. That's why it sounded funny. I might have a listen to that later to see what it sounded like.

We're with Neville Friedman from Friedman Lurie Singh & D'Angelo. If you had a question for Neville, 922-11-882 is the number to call. To Joe in Perth. Hi, Joe.

Joe: [00:01:30] Hi, guys. Great show. My question is, my son has been divorced for about three or four years. I've got a 12-year-old grandson and every time I go ... well, he's got all the papers, he can pick up his son every fortnight. He eventually doesn't do it, but I ... She's hurt in the ass for me going and picking him up. I used to go and pick him up in [inaudible 00:01:54] ... that's where they live ... and bring him back.

But now, I'll ask again to pick him up, she's [00:02:00] always got excuses, bad arrangement, blah, blah, blah ... She knows it's her fucking week. Now, because she's got an issue with my son ... I don't want to know about it. I just want to know, is there a way I can get my grandson legally?

Neville F.: Joe, there's no reason why you shouldn't have access to your grandson, but if you're unable to negotiate something, I suggest speak to a practitioner, once again, who deals with this sort of thing. [00:02:30] Really what you want to try and do first is to negotiate a position, which is good for everybody and particularity for the grandson. You don't want to get involved in an adversarial situation too early.

What you could also do is phone the family court because they have got some people there who might be able to assist you in dealing with this sort of matter. If you really run into trouble at the end of the day, then you're going to have to go and get some legal advice.

Joe: [00:03:00] We've tried everything. We even had to sign a passport for her to go into Bali and she was nice about it. Now they're back, she's changed her attitude again.

Neville F.: They do that. Go and talk to somebody who can help you with it and give you your options, okay?

Joe: You wouldn't have a phone number I could ring, please?

Neville F.: Well, you can certainly find us. We're in the phone book, 9254-0000.

Joe: Thanks very much, [inaudible 00:03:28].

Neville F.: It's a great pleasure.

Peter Bell: No worries at all. [00:03:30] Good luck with that, Joe. Let's go to Ellenbrook, Vic. Hi, Vic.

Vic: Hey, gang.

Neville F.: What's happening, Vic?

Vic: I'm planning a trip in September and I need to get a passport for my son organized. My ex-wife hasn't signed the consent part of the passport, so I'm left waiting. What's the next step I can take for that to happen if she doesn't want to-

Neville F.: Vic, how old is your son?

Vic: 15.

Neville F.: 16? 15?

Vic: 15.

Neville F.: [00:04:00] 15. I reckon you better put your spouse [inaudible 00:04:05] time on that otherwise you might run out of time getting a passport. I think that if you can't get her consent, again, unfortunately, I don't think that there's any mechanism to force her to sign it. You're going to have to come and talk to somebody who can help you with that problem, also.

Ultimately, you might need an application to the family court [00:04:30] to deal with getting that signature either from your spouse or getting the court to authorize somebody to sign on her behalf and then, have the migration people accept that substitute signature.

Vic: Yeah, all right. [inaudible 00:04:48], then.

Neville F.: Good luck.

Peter Bell: Good on you, Vic. Good luck with that. It seems to be a common issue, doesn't it? When one or other of the parents want to take the child overseas, Oof course, the other partner is then terrified that they're not going to come back.

Neville F.: [00:05:00] Some of it though, unfortunately Peter, is also just spite and malice.

Peter Bell: Yes.

Neville F.: There is no proper justification. I mean, it doesn't sound like this previous caller ... he doesn't sound like a gentleman, to me ... with that accent, he's living in Australia, he's been here all his life, he's not not going to come back and unless there's something wrong with the child, the 15-year old kid, why wouldn't you let him go on holiday with a parent other than malice? She's probably looking to gain some advantage withholding the signature that's not in the interest of the child.

Peter Bell: [00:05:30] Neville, back to my example of a couple who have a child, then they break up. The child is very young so you've got to work out access to child for both father and mother. We were talking about what the child maintenance would be if you haven't gone to a court and gotten an order ... there's a statutory amount on the child support [inaudible 00:05:53].

Neville F.: The child support agency can be notified and they will collect the information in regard [00:06:00] to the incomes of the people. Then, they will impose a payment regime, which can by the way, be amended by an application to the family court if there is a proper reason for doing so. We've had some issues where the imposition of those amounts have been a bit inappropriate. You've actually got to go back and justify either an increase or a reduction.

Peter Bell: Allen in Kennington. Good Day, Allen.

Allen: Good day, Peter. My question to the gentleman [00:06:30] with you-

Peter Bell: Neville.

Allen: -to Neville, is in regard to my daughter. She's separated at the moment. In regard to a consent form, what's the procedure in getting a consent form?

Neville F.: Allen, I presume that they were married-

Allen: They were married, yeah.

Neville F.: -and now they've separated?

Allen: Yes.

Neville F.: Well, you've got to be separated for 12 months before you can apply for a divorce.

Allen: I realize that, yeah.

Neville F.: Then, [00:07:00] there are some other processes and procedures which have come into place, which force you to have some consultations to try and solve these things before getting a divorce. But, once you've gone through that process, all you need to do is to get the relevant consent forms.

Really, you want the parties to agree because that's the main consent. Provided you can get them to complete those forms, one of the parties can lodge them down at the family court [00:07:30] and in theory, provided everything has been properly attended to, that process will take its natural course and in due course, the divorce will come through.

Allen: I see. We've already seen a solicitor. They are going to marriage guidance-

Neville F.: That's correct.

Allen: But, in the course of conversation with the solicitor ... I was there ... he said about this consent form, that you'll need to do that within the 12 months.

Neville F.: [00:08:00] Correct.

Allen: And I said, "What charge is for all that?"

He said, "You can do it yourself," but he said if I do it, it would be approximately \$5,000.

Neville F.: I have to be very careful here in making a comment about another practitioner's cost because my problem is I don't have any idea of the nature and extent of the issues. But, we had a caller a few minutes ago and I answered the same question. I came to a figure of [00:08:30] about \$2,000, I think. The great danger in making this sort of broad brush approach is ... you understand. That sounds to me to be-

Allen: Excessive, because within five minutes-

Peter Bell: Those [inaudible 00:08:43].

Allen: -he said that it could be \$2,000 to \$3,000.

Neville F.: Let's call it an over estimation. I think that if you have any concerns about that, then I can only give you the same telephone number I gave the other gentleman, which is [00:09:00] 9254-0000. I'll sort it out for you.

Peter Bell: Thank you, Allen. You might want to look at perhaps getting a second opinion. If you think it's excessive, then maybe go and get a second opinion. Neville, we thank you for your time this afternoon.

Neville F.: It's a great pleasure. Thanks, guys. Thanks, everybody.

Peter Bell: That's Neville Friedman from Friedman Lurie Singh & D'Angelo. Thanks to everyone who called up ... sensitive matters. We wish you all the best with those. 28 to 2:00, lets get the news headlines with Caitlin [Maher 00:09:24].

