

FAMILY LAW FACTSHEET

MY PARTNER AND I ARE SEPARATED - WHAT'S NEXT?

THINGS TO THINK ABOUT INITIALLY



1. **Finances** - do you need to set up a bank account, speak to Centrelink?
2. **Children** - where are your plans for the children in the short and medium term?
 - a. Consider how amicable you and your ex-partner are, what arrangements can be made
3. **Living arrangements** - who is going to live where? Can agreement be reached on who will move out, or can you separate but remain living under the same roof for the time being?
4. **Safety plan** - is it safe to leave? Is there an exit strategy?
 - [Department of Housing](#)
 - [DVConnect](#)
 - [1800RESPECT](#)

ONCE THE DUST SETTLES



1. **Collating documents** - obtaining financial documents and exchanging disclosure to establish the matrimonial property pool
2. **Best interests of the children** - can you work together to come up with something that allows you to remain child focused and works best for everyone?
3. **Mediation** - can dispute resolution resolve any issues quickly and cost effectively?

WE HAVE AN AGREEMENT- GREAT, NOW WHAT?



1. Draft [consent orders](#) or [Binding Financial Agreement](#).
2. Once finalised, give effect to the agreement, by transferring assets or whatever is required.

WE COULDN'T REACH AGREEMENT WHAT ARE MY OPTIONS?



1. **Court proceedings**
 - a. Genuine efforts to resolve?
 - b. If parenting is an issue, have you been issued with a certificate from mediation (unless urgent circumstances exist)
 - c. File an initiating application, or respond to an initiating application - end the roadmap here- with the usual caveats about 'make sure you get specialised advice, come and see us for a consultation etc etc etc' it's way too much to try and map out court proceedings, and we want to encourage resolution way before then if possible
 - d. Time limits - within 2 years for de facto, within 12 months for divorced couples
 - e. Visit the [FCFCOA](#) website for more info

WE WERE MARRIED



1. **Divorce**
 - a. Separated for 12 months or more
 - b. Joint application vs sole application