

Separation and Divorce Checklist

Things to think about early on	Done
<p>Do you have someone to talk to? Make an appointment with a professional counsellor or psychologist.</p> <p>Sometimes leaving a relationship is a no-brainer. You just can't take it anymore and their behaviour is unacceptable.</p> <p>Sometimes it's a hard decision. You want to look back and know you made the right decision for the right reasons.</p> <p>And sometimes you don't have any choice in the matter and it's a devastating surprise. No matter the circumstances – find a professional to chat with. Friends are great, but sometimes friends just say what we want to hear and not what we need to hear.</p> <p>And be encouraged – there is a way through the mess. People 'get through' separation and go on to have wonderful lives and relationships.</p>	
<p>Make an appointment with an experienced lawyer you can trust.</p> <p>Make sure your lawyer is EXPERIENCED. This is an area of law where experience matters.</p> <p>Don't get your legal advice from family or friends. Every situation is different. What happened with your friend may not apply to your situation.</p> <p>An experienced lawyer will understand ALL the issues and know how to guide you to a fair property settlement, sensible arrangements for the children, and the changes to expect after separation. And they will know how to document your agreement so that it is binding and enforceable.</p>	
<p>Make sure you see a lawyer early on.</p> <p>What you do in the critical period straight after separation can have long term consequences with respect to the care arrangements for children and property settlement.</p> <p>The early decisions you make about moving out or staying in the home; about the kids and about your finances, are extremely important.</p> <p>You should get advice from an experienced lawyer, as soon as possible.</p>	
<p>Living Arrangements</p>	
<p>Work out if you are staying in the home, or if they are.</p> <p>You should get some advice from an experienced lawyer about this. What you do early on will impact your future and your children.</p> <p>Think about what is going to be financially possible and what you need. Consider what living arrangements will work best for the children - what will provide them with familiarity, security and ease in their relationship with both parents.</p> <p>Put the kids first and if one of you is looking after them more than the other, consider carefully the housing arrangements that will work best.</p>	
<p>Financial Matters</p>	
<p>Who will pay the bills?</p> <p>Rent or mortgage repayments, bills and loan repayments need to be covered while finances and property settlement are being sorted out.</p> <p>Talk to your partner and try and work this out. Talk to a lawyer and get some advice on what is practical and reasonable if you are stuck.</p>	

<p>Child Support / Government Benefits</p> <p>If the children are living with you most of the time, how will you support them financially? Will it affect your ability to work full-time? Have you discussed financial assistance with the other parent? You may need to contact the Child Support Agency or negotiate a Child Support Agreement. This can be an interim agreement until you have completed a property settlement. A lawyer can help you with this. In addition to child support, depending on your income, you may also be eligible to receive financial support from the government such as a Single Parenting Payment and Family Tax benefits.</p> <p>It can take several weeks before you start receiving payments. If you are going to be reliant on government benefits and / or child support, apply sooner rather than later.</p>	
<p>Time Limitation Periods <i>impact Property Settlements!</i></p> <p>If you are <i>married</i>, an application for property (and spousal maintenance) must be made within 12 months of your divorce becoming final.</p> <p>If you were in a <i>de facto</i> relationship your application for property settlement must be made or filed in the Court within 2 years of separation.</p> <p>So it is critical to get advice from an experienced lawyer as soon as possible to discuss a property settlement.</p> <p>Property includes (but is not limited to) things like the family home, superannuation, investment properties, commercial properties, family companies, businesses, trusts, shares, savings, household contents and even family pets.</p> <p>A lawyer can advise you and guide you towards reaching a fair agreement with your ex-partner. Remember – there is a difference between legal fairness and moral fairness. A Lawyer can also document your agreement so it is binding.</p>	
<p>Domestic Violence</p>	
<p>Relationships/marriages sometimes end because of domestic violence. Sometimes parties experience domestic violence after they separate. Children from your relationship/marriage can also be exposed.</p> <p>It is important that you (and your family) are safe.</p> <p>If you are the victim of -domestic violence - do not be afraid to take steps to protect yourself and/or your loved ones. There are many organisations that can help you. Depending on your circumstances, there are a number of people you can reach out to, including the Police (you should call the Police if you do not feel safe), Domestic Violence Resource Centres and Emergency Accommodation Centres. Alternatively, you can make an appointment to see a lawyer who can advise you about your options.</p>	
<p>Divorce</p>	
<p>You can only apply to the Court for a divorce after you have been separated for 12 months.</p> <p>Because filing for divorce triggers a time limitation period for property settlements – you should consult a lawyer first to make sure that it is to your advantage to file for divorce.</p>	

8 Practical Things To Do Straight Away

1. Communicate with your partner.

It is going to be really important to be able to communicate with your partner to sort through the changes of separation. If you have children together this is going to be especially important. People who can communicate and be sensible about finances and arrangements for their children are often happier, adjust more quickly and pay less in legal fees!

2. Finances – there are few things to do here...

Set up your own bank account.

If you have one already, it may be sensible to change bank PIN numbers, internet and phone banking passcodes so that money can't be withdrawn from your account.

Contact Centrelink – your change in marital or defacto status may qualify you for financial/employment assistance.

Contact Child Support – to discuss child support collection if applicable.

If you have a house – rental or owned – discuss with your partner how payments are going to be managed until you have worked out how to separate assets.

3. Be aware of bank account balances and activity in your accounts.

If large amounts of money have been withdrawn without your knowledge you should see a lawyer quickly AND, see your bank about changing the account to require two signatures.

4. Put valuable documents and things aside.

If your relationship is tumultuous and you are worried – place important financial documents somewhere safe. If you are worried about the children being taken overseas without your consent, put the children's passports somewhere safe. If you have sentimental things you couldn't bear to be without, put them somewhere safe too.

5. Change your Will and Revoke your Power of Attorney.

Separation doesn't affect your Will. So, if your partner is named as the main beneficiary in your Will, that will continue to be the case unless you change your Will. If you have listed your partner as the beneficiary on an insurance policy or superannuation fund, you should consider changing that too.

It may also be sensible to revoke any power of attorney documents you may have set up appointing your partner as your attorney.

6. Keep a diary.

It is useful to keep a record of important conversations you had with your partner and dates when significant things happen (eg, date of separation, dates if an issue arises, etc).

7. Change social media passwords and put privacy settings in place.

It is also sensible to be careful what you post. Even if you are justifiably angry, it is never a good idea to post emotional comments on social media for the world (or your kids) to see.

8. Get advice from an EXPERIENCED lawyer as soon as possible.