



# *Where to from here?*

An overview of the legal matters to consider for your separation or divorce



*“ You will experience the sincerity and knowledge of our team. You will be comforted in knowing that we will make this process as easy as possible ”*



A fresh and sincere approach to family law.  
***Start your new life with us.***

# Contents

---



<b>4</b>	<b><i>Where to begin - The decision to separate</i></b>
<b>8</b>	<b><i>The Court Process</i></b>
<b>12</b>	<b><i>Arrangements for Children</i></b>
<b>18</b>	<b><i>Child Support</i></b>
<b>20</b>	<b><i>Property Settlements</i></b>
<b>24</b>	<b><i>Spousal Maintenance</i></b>
<b>26</b>	<b><i>Settlement Options</i></b>
<b>30</b>	<b><i>Mediation</i></b>
<b>32</b>	<b><i>Collaborative Law</i></b>
<b>34</b>	<b><i>Legal Documents</i></b>
<b>38</b>	<b><i>Choosing the right family lawyer for you</i></b>
<b>42</b>	<b><i>Wills</i></b>
<b>44</b>	<b><i>A few final tips</i></b>

## ***The ‘D’ word***

***We often joke about the ‘D’ word (divorce) but for those of us who are, or have, experienced the breakdown of a significant relationship it is anything but a humorous experience. Divorce is an unpleasant experience and there are no winners.***

A successful divorce, if ever there was such a thing, is not about winning battles but instead about resolving differences. You may be in the throes of a marriage or relationship breakdown, or at least considering that as an option; either way, this will not be an easy time for you or for those around you.

With now close to half of all marriages in Australia ending in divorce, and similar statistics for de facto relationships, more and more Australian adults are themselves experiencing the heartbreak that flows from relationship breakdown. The end of a relationship will bring with it a sense of loss. You may be prepared or entirely unprepared. It may be your decision or it may be a decision that is being unwittingly imposed upon you.

The decision to separate is not an easy one and everyone deals with this differently. Do consider obtaining professional assistance from family counsellors to assist you through this difficult time.

***This guide is intended to provide you with information about the legal issues that may flow from the end of your relationship.***

There will however be many other issues that you will have to navigate as you move through your divorce.

Every separating family has only two main legal issues to finalise-

**Firstly**, matters relating to the parenting of children; and

**Secondly**, the division of the personal wealth and income that exists at the end of a relationship.

Almost all of our clients are seeking the same outcome- a formal agreement in relation to their parenting or financial matters. It is the path that is taken to achieve that agreement that is where the differences lie.

Most adults are more than capable of making decisions that relate to their children and their money- in fact they do it every day; the breakdown of a relationship can however make these sorts of decisions very difficult for many people.

We are very lucky in Australia to have a very fair and open Family Court system. We have committed, intelligent and diligent lawyers and Judges who day in and day out assist families at very difficult times.

However, there are many 'better' options than the Court process for separating families to resolve legal differences. The Court process should be, for most Australian families, the place of last resort. It should be saved for those families that are at risk, usually as a result of family violence and abuse.

If you find yourself in the Family Court process, you are in essence 'buying' a decision-maker; a person who knows very little about you and almost nothing about your values or goals in life; who will ultimately tell you how much time you will spend with your children and how much of your hard earned money you can retain. Most separating families can, and do, resolve their legal differences without venturing into the Family Courts.

At Brisbane Family Law Centre (BFLC) we will guide you through your separation and divorce. We will show you the range of options you have outside of the Family Court process to resolve your legal differences and formalise the necessary legal paperwork. More importantly, we will show you how you can focus on the values, goals and beliefs of you and your family, to ensure that you move out of your divorce and can maintain a new, positive and fulfilling life.

## ***It will get better, just hang in there***

***We often hear from clients long after their legal matters are resolved. There is one common theme from those who 'have been there'. They all say- "It will get better, just hang in there". Divorce is said to be the second most significant grief process most of us may experience, second only to the death of a loved one.***

Divorce rates in Australia continue to suggest that at least one-third to one-half of all marriages will end in divorce. Importantly, these statistics do not encompass the increasingly popular de facto relationships- those people in committed long term relationships that choose not to get married- which have a higher chance of ending in separation than marriages.

Relationship breakdown continues to affect a large number of us every single day. If you are either experiencing or considering divorce or separation, and there was only one piece of advice we could give, it would be this-

***“ Take the  
time to pause,  
to breathe and  
to grieve ”***

Whether the end of your relationship was your choice or has been imposed upon you it is often no harder or easier. Either way you will feel fear, loss and sometimes anger. Decisions that are made when you are in this emotional state are often not well considered and can be regretted at a later stage.

***Take the time to look after yourself-*** allow yourself to feel sadness, grief and anger but also educate yourself on how to move through these feelings.

Everyone will deal with this differently; you will have days when you are feeling on top of the world only to wake the next day feeling like there is no light at the end of your tunnel.

Like a lot of things in life, it will feel like two steps forward, one step back. Remind yourself of this- set small and achievable goals, day by day or week by week. Keep a journal to map your progress- not to record the terrible things you are feeling but the good things that are happening, there will always be something positive if you look hard enough.

Set yourself something in the near future to look forward to - it might be a holiday, a dinner out, a new hobby - just something that you know you will enjoy, that you can have in the back of your mind as something positive on the horizon.

Maintaining a sense of positivity in an adverse situation takes courage. You will need courage to move through your divorce;

but you will move through it and you will come out the other side perhaps a different person with a different kind of life.

This guide will give you general information on the legal aspects of divorce and separation. You should in addition seek advice specific to your circumstances from a specialist Family Lawyer.

BFLC is a family law firm that specialises in keeping separating families out of the Court process. After 14 years in the industry, our Director Clarissa Rayward, has seen firsthand the damage that can be done as a result of lengthy Court battles over issues relating to children and money.

***Our aim is to help you*** achieve and maintain a co-operative relationship with your children and spouse, enabling everyone to move forward, and for you to start your new life. Please don't hesitate to contact our office for further information or to make an appointment to meet with one of our team.

to read more, purchase *Where to from here?*

from the online shop

<http://bflc.com.au/shop>