Where to from here?

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

BFLC BRISBANE FAMILY LAW CENTRE

BFMC BRISBANE FAMILY MEDIATION CENTRE

How to use this Guide

What this is:

A plain-English overview of the legal steps most families work through after separation. It's designed to help you feel steadier, make informed choices, and know what comes next.

Who it's for:

Anyone considering separation or already separated who wants clear, practical information about parenting arrangements, child support, property settlement, spousal maintenance, and divorce in Australia.

How to read it:

- **Skim first, then dive in.** Start with the Roadmap in Six Steps to see the whole process at a glance, then read the step you're at right now.
- **Use the checklists.** The "Gather your Information" lists and worksheets will save you time and costs later.
- **Do the reflective prompts.** Short questions throughout help you clarify priorities and stay focused when things feel messy.
- **Flag your next action.** At the end of each step, pick one small task to complete this week. Small steps add up.

When to get tailored advice

This guide is general information— it's not legal advice. Your situation is unique. Please seek advice from a family lawyer when:

- there are **safety concerns** (for you or the children) or family violence;
- someone is **withholding information**, moving money, or selling assets;
- you're ready to **formalise agreements** (parenting or property);
- you have questions about **time limits** (e.g., divorce + property deadlines);
- a proposal is on the table and you want to know if it's **appropriate**.

If you need urgent help (read this now)

- Safety first. If you're in immediate danger, call **000**.
- For non-emergency support, consider **1800RESPECT (1800 737 732)** for counselling and safety planning.
- If you need urgent legal guidance about children, money, or safety, contact a family lawyer promptly.

Make it easier on yourself

- **Keep one folder** (digital or a binder) for all documents.
- **Name files clearly:** YYYY-MM-DD_Bank_ABC_ Statement.pdf.
- **Use a notes app** to record questions as they arise—bring them to appointments.
- **Communicate in writing** (where appropriate) to reduce stress and keep a record.
- **Share only what's safe.** Protect passwords, two-factor authentication, and shared accounts (see the Digital Separation Checklist).

What this guide is not

- Not a substitute for **personal legal advice**.
- Not about "winning" or "losing"—it's about **workable, safe, and lawful** outcomes.
- Not a guarantee of timelines or results—family law is **discretionary** and fact-specific.

Quick start (today's five-minute plan)

1. Circle the step you're currently at.
2. Write down your **top two worries**.
3. Pick **one small task** (e.g., download a bank statement).
4. Note **who can help** (friend, counsellor, lawyer).
5. Book your **Initial Consultation** if you're ready to talk through options.

You don't have to read everything at once. Use what you need today, bookmark the rest, and come back when you're ready.

‘Sometimes good things fall apart so better things can fall together.’

— Marilyn Monroe

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This information contained is of general nature only. You should seek legal advice that is specific to your circumstances. Individual liability by a scheme approved under Professional Standards Legislation.
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1. Where to from here

Regardless of whether you are considering separation or you are already separated, with all of the fears, worries or concerns you are likely to have whirling around in your head right now, you could do with some support and clarity.

As a Divorce Lawyer I have seen it all. People who in any other situation are entirely 'normal', all of a sudden turn into crazy versions of themselves- acting in ways even they would never expect. You see, heartbreak does this to us. Love is a roller coaster of exhilarating highs and sometimes the lowest of lows. Perhaps the lowest moment for many of us is that moment when you realise that love has passed, that moment when your stomach has that sick, sinking feeling and you realise love, as you wanted it, is over.

If falling in love is a romance novel, then heartbreak would have to be a choose your own adventure novel- while it seems like you should have control, you don't and it feels like you are turning pages of your life hoping the ending will be good, only to have to turn back four chapters and start all over again. Like any good novel though, it does come to an end- eventually.

Just like falling in love, we all experience heartbreak in our own way. For some of us, it might appear to the outside world to have had no impact at all, but that person's insides will be tearing apart as they try to manage their grief. Others will run around the streets screaming at the top of their lungs, letting everyone know their pain. And most of us will fall somewhere between these two extremes.

It is highly likely that you are reading this because you know it's time to begin educating yourself about some of the immediate issues you are facing, but perhaps you're not quite sure where to start.

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 this stage of your life.

Almost every separating family has the following main legal issues to finalise:

- matters relating to the parenting of children and their financial support (child support); and
- the division of the personal wealth and income that exists at the end of a relationship; and
- If you are married- a divorce, to formally end a marriage.

There can be lots of other legal (and non-legal) issues that will be unique to you.

We encourage you to take this information as a guide only, and when you are ready, seek advice specific to your circumstances.

Clarissa Rayward

Director and Accredited Specialist in Family Law

Brisbane Family Law Centre and Brisbane Family Mediation Centre

Be mindful of where you are at

Whether you have just separated or are a little further down that path, there will be strong emotions that flow. It is said that we experience grief at the end of a significant relationship in the same way and with a similar intensity to the grief suffered after the death of a loved one.

However, you have come to where you are today, it's important to understand the impact of emotion on your decision making. Neuroscience tells us that when we are impacted by stress, the very parts of our brains needed for reasoned thinking and decision making shut down.

How this shows up during separation and divorce is often through flight, fight or freeze responses- you might be trying to communicate with your former partner and instead they are refusing to respond. Or perhaps there are angry arguments happening each time you try and talk.

Being mindful of your own emotional state is one part of the challenge, but then trying to also take into account the emotional state of your former partner can at times feel too much to carry.

So, as you embark upon the legal aspects of your separation, try and be mindful of your emotions. That doesn't mean shut them down, it just means taking space to ensure that you are making the best decisions you can for yourself and your family in a considered way.

It will get better, just hang in there

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.

We have been helping families through separation and divorce for over 20 years now and here a few things we have come to know-

1. The legal process will feel slow

On average, it will take at least 18 months from the time you separated to negotiate and finalise agreements relating to the legal issues. This will feel like it is a long time, but remember, you are making some of the most important decisions for your future, so you want to ensure you have all the information and advice you need and are making the right decisions for you and your family.

2. The process or path you choose to work through your legal issues will be the most important decision you make?

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.

The more you and your former partner can work together to share information, communicate and find agreement, the more efficient your legal process can be. Processes like mediation or collaborative practice can ensure you are able to access the professional advice you both need, but still work together and keep the legal process focused on your needs.

The Court Process is helpful for families where agreements just cannot be reached. However, it is costly and takes a lot of time. Most separating families do not need to use the Family Law Courts, but if you do, the process is focused on helping you access information to make your own decisions initially, and ultimately a Judge will decide on your behalf if agreements are not reached along the way.

3. Information is power!

Engaging advisors is like an insurance policy. It can feel costly, but you are buying, 'know how' that you don't have- and often that 'know how' is to save you from the problems you don't even know can exist! Having the right team of advisors around you will save you money in the long run by ensuring you have all the information you need to make the best decision for your future.

4. Your emotions will run the show — and that's normal

Separation is not just a legal process, it's an emotional one. The decisions you're making involve your children, your home, your finances, and your future. It's natural to feel angry, sad, or overwhelmed at times. What we see is that the clients who get the best outcomes are those who make space for emotional support alongside legal advice. Counsellors, psychologists, or even trusted friends can help you manage the emotions so you can make clearer decisions when it matters most.

5. There is no "one size fits all" solution

Every family is different — in values, circumstances, and needs. What worked for a friend, a colleague, or someone on social media may not be right for you. The law provides a framework, but the best outcomes come when that framework is applied to your family's unique situation. Comparing yourself to others will only add pressure — focus on finding the path that fits your family.

6. Small steps will get you there

It's easy to feel like everything needs to be resolved at once. In reality, separation and divorce is a series of small steps. Breaking things down into manageable pieces—disclosure, parenting schedules, property lists, negotiations—makes the process less overwhelming and keeps you moving forward. The families who make steady progress on each small step usually reach resolution faster and with less conflict.

2. Separation to New Chapter— Your Legal Roadmap

Separation is often described as one of life's most stressful experiences, and it can be hard to know where to begin. From a legal perspective, moving from 'just separated' to your 'new chapter' doesn't have to feel overwhelming. Over the years, we've found that families feel more confident when they can see the process broken down into clear, manageable steps. The following roadmap is designed to give you a simple overview of the key legal stages — from gathering information and choosing the right pathway, through to reaching agreements and formalising them so you can move forward with certainty.

Your legal Roadmap in Six Steps

1. **Set Your Plan –** Define what "life after separation" looks like for you.

2. **Gather Your Information –** Collect the key parenting and financial details.

3. **Understand Your Options –** Choose the pathway that best suits your family.

4. **Start Negotiating –** Explore proposals and work toward practical solutions.

5. **Formalise Agreements –** Lock in outcomes with legally binding documents.

6. **Implement & Move Forward –** Complete the tasks and step into your new chapter.

Step 1. Set your Plan

Before you go too much further, take a moment to think about how you would like life to look on the other side of this legal process. Find a quiet place, grab a pen and paper (or your laptop, device, or phone) and your favourite warm drink, and have a go at answering these questions:

- It's two years from now. Life feels good again. Where are you living? Who are you living with? How do you spend your days? Are you working? Travelling? Where do you go on holidays? Be as descriptive as you can as you imagine that future version of your life.

- If you have children, do the same activity for them. What does "life is good" look like for them in two years?

- And, although this can be difficult, try to do the same for your former partner.

The answers to these questions should become the **agenda for your legal process**. Not all of those dreams will come to fruition exactly as you imagine them, but it's important to start with a vision of the life you are working toward. Write your answers somewhere you can come back to easily and use them as the basis for your decisions moving forward.

If imagining two years from now feels overwhelming, start smaller. Think about the next three months — what would help you feel steadier by then?

And remember — you can change your answers at any time. As you move forward, your perspective may shift, and that is both normal and expected. This is your life, and it is unique to you. The clearer you can be with your advisors about what you see as a "good life"

for yourself (and your children), the more effective they can be in helping you achieve that plan.

Alongside imagining that future life, it can also help to take stock of what's pressing on your mind right now.

A few more questions that will help:

1. **What are the things keeping you up at night?**
   If there are thoughts racing through your mind or questions you need answered, write those down.

2. **What are your "right now" worries?**
   These are the issues you'll want to seek answers to sooner rather than later. Some may be resolved quickly with legal or professional advice, while others may turn out to be less urgent than they feel. Getting them out of your head and onto paper can help clear your mind.

3. **What do you need most in the next 30 days?**
   This might be practical (housing, finances, parenting arrangements) or emotional (support from family, counselling, time to rest). Naming your immediate needs helps you and your advisors set priorities.

4. **Who is in your support circle?**
   List the people you can lean on — friends, family, and professionals. If the list feels short, this is a good time to think about who else you could reach out to.

5. **What would make you feel calmer right now?**
   It could be as simple as getting your paperwork in order, booking an appointment, or setting aside time for yourself. Small, intentional steps can make a big difference.

This exercise isn't about getting everything perfect — it's about giving yourself permission to hope, even if things feel messy right now.

Taking the time to set your plan gives you an anchor. It's something you can return to whenever the process feels overwhelming, helping you remember what you're really working toward.

Take your answers and use them as you engage with lawyers and other professionals- it will ensure the advice you are receiving is being tailored to your goals.

Step 2. Gather Your Information

Once you've taken a breath and reflected on where you are and where you'd like to be, the next step is to gather the information that will form the foundation of any legal advice. This might sound daunting, but having your details in one place will make every stage ahead smoother and less stressful. It also gives your advisors a clear picture, so they can help you make well-informed decisions.

You don't need all of this information immediately and sometimes it can be hard to get your hands on if you haven't been the person managing the paperwork. What matters most is knowing what will eventually be needed so you can begin collecting it over time and save yourself stress later on.

Information you will need for parenting matters

If you have children, much of the information you share with your advisors will relate to their wellbeing and routines. Helpful documents include:

- Birth certificates;
- School reports for the last two years,
- Any medical reports or plans;
- A calendar showing their usual schedule during school terms including any activities, appointments and current care arrangements;
- Copies of any previous agreements;
- If already in place, a current child support assessment; and
- Details of common expenses or costs for your children such as school fees, extracurricular activities, medical or health needs.

Information you will need for financial matters

When it comes to financial settlements, there is often more information to gather. If you've ever applied for a loan, you'll notice the requirements are quite similar. Don't worry if you don't have access to everything straight away — your lawyer can guide you and often help you obtain documents you can't locate yourself. Start with the basics and build from there.

Common information includes:

A list of the assets, debts and superannuation that you understand you and your partner have, including your best estimate of current values:

- Any recent valuation you may have for any real estate you own;

- A current mortgage statement for any home mortgage;
- A current bank statement for each of your bank accounts, and your joint accounts;
- A current statement for any credit cards;
- A recent statement for any shares you hold- showing the number held by you;
- A list of any other items of value that either of you own;
- A list of any items of value you have sold in the last 12 months;
- The make, model, and year of motor vehicles and the registration notices (if you have them);
- Your three most recent tax returns for you as an individual and for any businesses you have (your accountant should be able to provide this);
- Three recent payslips;
- A current superannuation statement for any fund you have super with; and
- Details and supporting documents of any other major assets or liabilities that are not already listed above.

The task of locating and collating all of this information can itself feel overwhelming. And you don't need to have any of them ready to engage with a lawyer and start seeking advice. Many of us have tech tools that can help you get these documents quickly too! But if you do want to get started, here are a few questions that might help:

- Which of these documents do I already have at hand?
- Who could help me collect the rest? (Accountant, bank, super fund, etc.)
- What worries me most about my financial or parenting information?
- What's one small step I could take this week to get started? (e.g., download last month's bank statement, email HR for my three most recent payslips)

Remember, you don't need everything perfectly organised before you see a lawyer or mediator. Even starting with a handful of key documents will give your advisors enough to begin guiding you. And if you don't have any- don't worry! We will find them for you.

Step 3. Understand Your Options & Choose a Pathway

Once you've gathered your information, the next step is to consider your options and choose a pathway to help you reach an outcome on your legal matters. Every family faces similar legal issues after separation — usually about parenting arrangements and financial settlements. What makes the biggest difference is how you choose to resolve those issues. The pathway you take can affect not only the cost and time involved, but also the impact on you, your children, and your future relationship with your former partner.

There are the main options:

1. **Reaching your own Agreement ("Kitchen Table Negotiation")**

   You and your former partner talk directly — around the table, over email, or with a parenting app — and reach an agreement yourselves.

   ☑ Cost-effective.
   ☑ Flexible.
   ⚠ Must still be made legally binding (e.g. Consent Orders) to protect against future claims.

2. **Negotiation through Lawyers**

   Your lawyer negotiates with your former partner or their lawyer, often through letters, emails, or phone calls.

   ☑ Helpful if direct discussions are difficult.
   ⚠ Can be slower and more expensive than other methods.
   ⚠ You may feel "removed" from the process.

3. **Collaborative Practice**

   You, your former partner, and your lawyers commit to resolving issues through structured meetings without going to court. Other professionals (financial planners, counsellors, child consultants) can be involved to support the process.

   ☑ Settlement-focused.
   ☑ Preserves co-parenting relationships.
   ☑ Flexible and holistic.
   ⚠ Only works if everyone is genuinely committed to finding solutions that do not disadvantage either party.

4. Mediation

An independent mediator helps you and your former partner have structured discussions to reach agreement. You can attend yourselves in person or online and can also attend with your legal advisors.

☑ One of the most effective ways to resolve issues.
☑ Usually faster and less costly than court.
☑ Can be broken into a series of smaller mediations to help you manage the legal issues in smaller parts.
⚠ All parties need to be willing to participate.

5. Court Proceedings

A judge makes decisions for you if you cannot resolve matters another way.

☑ Necessary in some cases (e.g. urgency, safety, entrenched conflict, dishonesty regarding finances or lack of willingness to engage in sharing information or negotiation).
⚠ Expensive, stressful, and time-consuming (often 1–2 years to final hearing).
⚠ You lose control — the decision is made for you.

You might find you end up using more than one of the pathways listed above- sometimes you might try to work things out with your partner, and then move to mediation.

Here are a few considerations that might help you decide which pathway is the best one for you:

- What's most important to me: speed, cost, control, minimising conflict, or protecting relationships?

- Do I feel comfortable negotiating directly, or do I need more support?

- How much communication is possible with my former partner right now?

- Am I open to professional support (mediators, collaborative professionals) to make the process smoother?

Remember: You don't have to decide on a pathway immediately, and sometimes the right option only becomes clear once more information is exchanged. Your lawyer can help you weigh up the choices and guide you toward the process that best suits your family.

Step 4. Explore Options & Start Negotiating

Once you've chosen a pathway, the next stage is to start working toward an agreement. This doesn't mean you need to have everything decided straight away — it's about opening up the conversation, testing possibilities, and beginning to shape proposals.

Negotiation in family law is not about "winning" or "losing." It's about finding workable solutions that allow you, your former partner, and your children to move forward. The best agreements are usually those where everyone has had input and can live with the outcome.

What this Step Might Involve

- Considering different ways to divide property, superannuation, and liabilities.

- Exploring parenting arrangements that support your children's needs and routines.

- Receiving advice from your lawyer about what outcomes are realistic in your situation.

- Making initial proposals and discussing them with your former partner (directly, through lawyers, at mediation, or in collaborative meetings).

- Identifying the areas where you agree and the ones that still need more discussion.

Tips for Effective Negotiation

- Stay focused on the "big picture" — what matters most in the long run.

- Take your time— often the best agreements are negotiated in parts over time.

- Be prepared to listen as well as to talk.

- Remember that compromise is often necessary — you may not get everything you want, but you can usually reach something that works.

- Keep your children's needs at the centre if you are working on parenting arrangements.

- Focus on your financial goals for the future when negotiating financial settlements, rather than the % outcome that is created.

- Take on board professional advice- even when it is hard to hear. Your legal advisors are trying to ensure that the outcomes you are negotiating are appropriate to law. If the advice is unclear, then just ask more questions— we really don't mind.

Here are a few questions that might help you prepare for your negotiations:

- What are the outcomes I most want to achieve?
- Where am I willing to be flexible?
- What would an "appropriate" resolution look like from my perspective?
- What am I most worried about in these negotiations, and how can I raise that concern constructively?

Remember: Negotiation is a process, not a single event. You may go through several rounds of discussion before finding the right balance. Each step forward — even if small — brings you closer to a workable agreement.

Step 5. Reach and Formalise Agreements

After working through your options, considering your advice and negotiating- the aim is to reach agreements that allow everyone to move forward with confidence. For many families, this means having clear arrangements in place for both **parenting** and **property/ financial matters.**

It's important to remember that agreements made informally — even if they're written down — are **not legally binding**. Without formalisation, there's always a risk that one person may change their mind, or future claims could be made.

Ways to Formalise Agreements

The end goal for your legal matters is settlement documents. These are either drafted by lawyers to reflect the agreement reached, or if you are in Court, Orders will be made by a Judge setting out the outcome.

Where you reach an agreement, the following are the most common documents used to finalise your legal matters:

When it comes to the arrangements for your children, there are two main options for documenting agreements:

- **Parenting Plan:** A written agreement setting out care arrangements for your children. While not legally binding, Parenting Plans have some legal effect and can be helpful tools to create clarity and structure.

- **Consent Orders:** A Court-approved agreement that makes your parenting arrangements legally binding and enforceable.

And for your Financial/ Property matters, there are two main options:

- **Consent Orders:** A Court-approved agreement that makes your financial settlement legally binding and enforceable. A Consent Order is somewhat of a to-do list setting out who is to retain what and the steps you will each need to take to enable any transfers of property or payments between you.

- **Binding Financial Agreements:** These document agreements for the financial support of you or your former partner and are sometimes used instead of Consent Orders to document your property settlement.

We encourage you to obtain legal assistance to correctly draft settlement documents. You don't know what you don't know and there can be significant consequences if you have a Court Order or agreement that ultimately doesn't achieve the outcome you had thought.

Reaching agreement is a huge achievement — but making it legally binding is what gives you certainty and finality. It protects what you've worked hard to resolve and ensures you can step into your next chapter without looking back.

Step 6. Implement & Move Forward

Once your agreement has been formalised, the final step is to **put it into practice.** This means carrying out the tasks that flow from your settlement documents and making the necessary changes in day-to-day life.

What Implementation Looks Like

Your settlement documents will create a series of 'to-do's' or tasks that need to be completed to implement your agreements. There should be clear time frames in your settlement documents to ensure tasks are completed. Make sure you take the time to summarise the tasks and the date they are due- we like to diarise dates to ensure we don't miss them. Here are a few examples of common tasks that need to be done to implement a settlement-

- **Property & Finances**
    - Transfer property titles, vehicles, or other assets.
    - Arrange superannuation splits.
    - Finalise bank account changes and close joint accounts.
    - Update wills, powers of attorney, and beneficiaries.

- **Parenting Arrangements**
    - Put new routines into place for children.
    - Communicate changes with schools, childcare providers, and other key people.
    - Use tools (like shared calendars or co-parenting apps) to support smoother transitions.

- **Ongoing Responsibilities**
    - Tick off any "to-do" items listed in your Consent Orders or agreements.
    - Keep records of payments, transfers, or arrangements for clarity and accountability.

Here are a few questions to help you at this stage of your legal process:

- What practical tasks do I need to complete straight away?
- Who can help me stay on track with the follow-up steps (lawyer, financial advisor, mediator)?
- What new routines or structures will help me and my children feel settled?
- Are there any personal or financial documents (like wills or superannuation nominations) I should now update?

Looking Ahead

Formalising and implementing your agreements is the legal "end point," but for you, it's also a new beginning. You've done the hard work to protect your family, clarify your finances, and create structure for your children. Now it's time to move forward with confidence, knowing you have certainty and stability behind you.

3. A summary of the key legal issues impacting most families—

1. Arrangements for Children

2. Child Support

3. Property Settlement

4. Spousal Maintenance

5. Divorce

1. Arrangements for Children

When it comes to parenting and family law, keep in the front of your mind your children. There is no end of worldwide research that keeps telling us the same thing- children who experience the conflictual separation of their parents during their childhood have a greater chance of experiencing poor adult outcomes later in life. What is important to remember is that it is not the separation of parents that causes the harm to children, it is the conflict that flows. If you allow your children to experience, whether overtly or subtly, the conflict that exists between you and your partner, you are harming your children in a way that cannot be repaired.

If, however, you shield your children from harm, ensure they are sheltered from the adult disagreements and enable them to move fluidly between your households, then it is unlikely that the breakdown of your relationship will have any lasting impact on their adult lives. This can only occur when you, as separated parents, maintain some trust, and respect for each other.

Arrangements for children after the separation of parents is governed by the "Family Law Act 1975" (Cth). The same law applies for married couples and de facto couples.

The Federal Circuit and Family Court of Australia ("the Family Law Courts") deals with applications in relation to children.

The Family Law Courts apply the Family Law Act when determining arrangements for children after separation.

When it comes to the legal considerations and your children, there is now one fundamental principle you should keep in the front of your mind- the best **interests** of the **child** are the paramount consideration of the legal framework.

It sounds simple, but we all have different notions of what might be in the 'best interests' of our children and so, when it comes to working out parenting arrangements, the Family Law Act has set out a series of factors to establish what is in 'the best interests' of any child.

1. The need for the arrangements to promote the safety of the child, and any person caring for the child, so as to protect them from being subjected to, or exposed to, family violence, abuse, neglect or other harm;

2. Any views expressed by a child, taking into account the child's maturity or level of understanding;

3. The child's developmental, psychological, emotional and cultural needs;

4. The capacity of the parents to provide for the child including the child's developmental, psychological, emotional and cultural needs;

5. The benefit of a child having a meaningful relationship with both of the child's parents, where it is safe to do so;

6. Anything else that is relevant to the particular circumstances of that child;

7. Any history of family violence / current Domestic Violence Orders; and

8. The rights of Aboriginal and Torres Strait Islander children to enjoy their culture.

The Family Law Act is continually updated and amended to better guide families to formulate the living arrangements for children after separation.

In May 2024, there were some significant changes to the law which saw the removal of the presumption that both parents should share 'Equal Shared Parental Responsibility' for their children. This provision previously meant that parents should have, where appropriate, the ability to together make important decisions in relation to their children. This did not mean that there was any presumption children spend equal time with each of their parents, however, this was not clear within the legislation.

There is no law that says children should spend equal time with their parents. The Family Law Act provides for the 'best interests of a child' to be the framework to be applied when determining what arrangements should be put in place for children.

Now, since the 2024 changes, when considering the decision-making responsibility of parents the Court will consider what is in the children's 'best interests'. The law encourages parents to consult each other about major long-term decisions for their children (if it is safe to do so).

A few more tips when it comes to co-parenting after separation:

Remember every family is unique.
Don't compare your family's arrangements to friends or others. What works for one family may not be right for yours.

Don't rely on children to make adult decisions.
Children may tell you what they think you want to hear to keep you happy. Shield them from disputes and avoid asking them to decide things like how much time they spend with each parent.

Avoid using children as messengers.
Even simple notes or reminders can place your child in the middle of conflict. Communicate directly with your former partner or use a parenting app.

Don't interrogate your children.
Children experience time and events differently to adults. Avoid quizzing them about what happens at the other parent's home. Let them share naturally, and if you need clarification, ask the other parent directly.

Maintain consistent routines.
Children living between two homes thrive when their daily routines are predictable. Consistency provides stability and helps them feel secure.

Notice the positives.
When things feel tough, pause and identify two things that are going well. Celebrating small wins helps balance out the harder days.

Be flexible.
Parenting is challenging even in the best of times. After separation, flexibility becomes even more important. Showing understanding when changes are needed makes co-parenting easier — and you may need the same in return.

2. Child Support- Managing the costs of children after separation

Parents of children have a legal obligation to maintain their children. In Australia, Services Australia manages the assessment and payment of child support by parents after separation. Previously this agency was known as the 'Child Support Agency' and you will often hear people continue to refer to it in that way.

The payment of child support for all separated parents in Australia is determined through the application of the Child Support Act. This piece of legislation sets out a complicated formulae for determining the amount of child support that should be paid by one parent to another to assist with the costs of raising their children after separation.

The formulae takes into account a number of different factors including the number of children in your family, their ages, your incomes and how much time your children spend between you and your partner.

After separation either you or your partner can make an application through Services Australia for an assessment of child support. It is not required that you do this and you are also free to make your own arrangements outside of the agency. **There tends to be three main ways couples resolve their child support matters-**

No formal arrangement:

Many separated parents have no formal arrangements in place for child support; they might agree on an amount that will be paid by one parent to the other or they might agree to each be responsible for particular expenses. Sometimes these parents obtain an 'assessment' of child support to use as a guide but don't require

the assistance of Services Australia to collect or organise those payments. Often these parents have no involvement with Services Australia and simply make their own private arrangements.

A Child Support Assessment:

The majority of separated parents seek assistance from Services Australia to both assess the amount of child support that is to be paid and then to ensure that those amounts are paid. Some families will opt for a 'Private Collect' arrangement meaning one partner pays direct to the other, while other families will opt for an 'Agency Collect' arrangement where Services Australia will collect payments on their behalf.

A Child Support Agreements:

This is a formal contract between you and your spouse that details the terms of your child support arrangements. These agreements are often used by parents who wish to have child support arrangements that are different to those that might arise as a result of a child support assessment. For example, if your children are attending at private schools, have special talents or needs, then often these expenses are not captured by the regular child support assessment. A Child Support Agreement offers a lot of flexibility to parents who wish to tailor their child support arrangements to suit their family.

3. Property Settlements- the division of your wealth

The division of your assets, liabilities and superannuation (and pretty much anything else with any value) after your separation is known as your 'property settlement'.

A property settlement can be done at any time after separation, and in the case of married couples you do not have to wait until you are divorced.

There are, however, **some important time limitations** that relate to property settlement matters. **If you are married**, you have until 12 months from the date of your divorce to have either finalised your property settlement or to have at least filed an Application in the Family Law Courts seeking Orders for property division.

Alternatively, **if you are in a de facto relationship**, you have only two years from the date of your final separation to have formalised your property division or to have brought the necessary Application. If you are outside of these time limitations, it is important that you seek legal advice immediately as this can have a significant impact on your legal rights and entitlements.

Property settlement law in Australia is governed by the Family Law Act. That Act is implemented by the Family Law Courts. The Courts consist of the Federal Circuit and Family Court of Australia (Division 1 and 2) and occasionally local Courts or Magistrates Courts in smaller towns.

There are a few important things to remember when considering a property settlement:

- **No marriage or de facto relationship is the same.** There are so many different variables that impact a property settlement, that it is very rare that the outcome in two separate relationships or two different families will ultimately be the same. Things like the length of the relationship, contributions that were made to it, the type of assets that are available for division, and the financial future of the parties involved can create very different outcomes in similar circumstances.

- **The law is discretionary in this area.** Unlike in perhaps personal injury law or some commercial disputes, the law when it comes to family law matters, including property division, has a discretionary element. It is this discretionary element that can make it quite difficult for lawyers to provide specific advice on this area. As such, you will find that your lawyer is likely to advise you on your property division outcome in a range of outcomes.

- **Balance in commercial realities.** A property settlement is ultimately the division of money or things worth money. The law in this area does create outcomes that are based on a percentage division of the overall value of the assets that you hold. In our experience, it can be common for parties in property settlement matters to become quite fixated on achieving a particular percentage outcome. For example, if you are told early in your matter that you will achieve something like a 70% outcome, it is unlikely that you will then want to settle for a 60% share of the assets that you hold. The difficulty is, however, that to achieve your 70% outcome you may need to pursue your matter in the litigation process, which may cost more than the 10% difference. When receiving advice in relation to

property settlement matters, always ask your lawyer to break down for you the costs involved in proceeding in a Court dispute, being both the financial costs, the estimated time, and the likely impact on the assets that you will receive.

- **Think about the 'value' to you of the type of assets that you might receive in your final division.** Take the time to get financial advice about how you can best structure your financial settlement to meet your needs. Look past the percentage division and to the true value of an asset to you.

The four step approach to determine Property Settlements

Step 1: What do you have?

The Court must first determine what assets, liabilities and financial resources are to be considered in determining the property division.

In essence, a list of everything that you and your partner own is created. It does not matter if your home is registered in your name, your partner's name, or even a friend's name; if you own it (or part of it), it will go on the list. This is also the case for debts and other liabilities.

The Court will also take the value of each of the assets as at the date you reach agreement or the date that you appear for a trial - not the date that you separated. This is very important to remember as the value of things you own could change over time.

Step 2: How did you get it?

Secondly, the Court looks at the different 'contributions' you each made during your relationship.

There are many different types of contributions such as:

- Financial contributions such as income or assets that you or your partner brought into the relationship.
- Non-financial contributions such as unpaid work in a family business or an owner builder undertaking renovations to real estate.
- Contributions to the welfare of the family such as the day to day running of the household and care of children.
- The effect of any proposed Order on the income earning capacity of a party.
- Any child support paid/ received for a child of the relationship.
- The impact of family violence during a relationship on the contributions made by each party is also considered at this stage.

Each relationship is made up of very different contributions and it is for this reason that the Court will look at each relationship on its own facts. There is no hard and fast rule, but is a balancing of the different contributions in your relationship.

Step 3: What about the future?

The third step involves the Court taking into consideration a number of matters such as:

- **Family violence** – Whether there has been family violence and how it has affected the other person's circumstances.
- **Age and health** – The age and state of health of each person.
- **Financial position** – Each person's income, property, financial resources, and ability to earn an income in the future.
- **Wastage of assets** – Whether either person has recklessly or deliberately wasted money or property.
- **Debts and liabilities** – The debts of each person, and the nature and circumstances of those debts.
- **Caring for children** – Who has the primary care of children under 18, and the need to provide housing for them.
- **Living commitments** – Each person's commitments to support themselves, their children, or other dependants.
- **Support obligations** – Any legal duty to financially support another person (for example, a dependent family member).
- **Pensions and benefits** – Whether either person is eligible for government benefits, pensions, or superannuation entitlements.

- **Standard of living** – The reasonable standard of living for each person after separation.

- **Future opportunities** – Whether adjusting property interests would help one person study, start a business, or earn an adequate income.

- **Impact on creditors** – Whether a proposed order would affect the ability of creditors to recover debts.

- **Contributions to the other person** – Whether one person has contributed to the other's income, career, or financial resources.

- **Length of the marriage** – How long the marriage lasted and how it affected each person's career or earning capacity.

- **Parenting role** – The need to protect a person's ability to continue caring for children.

- **New relationships** – If either person is living with someone else, the financial impact of that new relationship.

Step 4: Is the overall division appropriate?

Finally, after weighing up contributions and all the other factors that are relevant to your case, the Court will come to a decision (normally in percentage terms) about how your property should be divided between you.

There is no precise science to reaching a decision as every relationship is different, however the Court must be satisfied that the division is ultimately 'just and equitable'.

There is considerable difficulty in predicting with certainty the likely outcome of an application for property settlement without first having a lot of specific information.

We encourage you to meet with member of our team to discuss what outcomes might be appropriate for your family.

4. Spousal Maintenance- Financial support for you or your partner after separation

Separate to your property division, there is sometimes a need in a family for one partner to provide financial support to the other. This occurs when one party to the relationship is unable to financially support themselves. This is called spousal maintenance.

Spousal maintenance can take different forms including-

- Periodic cash payments for example $250 a week or $2,000 a month;
- Payments in kind including the payment of expenses on behalf of your partner including mortgage payments, utilities bills and other regular fixed expenses; or
- Lump sum payments that are intended to meet that partner's regular living expenses for a period of time.

Spousal maintenance is generally paid for a short and fixed period. It is not intended to be a payment that lasts forever, but it is assessed on a case by case basis. Often spousal maintenance is paid immediately after a separation until the property settlement is effected. Sometimes it is paid for a few years after the separation to assist a spouse with caring for children or allow them time to be able to financially support themselves.

More couples seem to be choosing options that would have the person entitled to receive spousal maintenance perhaps receiving a larger share of the property division or some other form of lump sum amount so that the financial ties between them are severed. Regardless, spousal maintenance is an important part of Family

Law when it comes to financial matters. Not everyone will be required to make spousal maintenance payments or be eligible to receive them.

The legal test for spousal maintenance

To determine whether a person might be eligible to receive a form of spousal maintenance there are in essence two enquiries that will be made:

1. Does that person have a need for spousal maintenance?
To assess need, the actual and necessary weekly expenses of that person are tallied.

That amount is then subtracted from their income. In the event that their necessary expenses outweigh their income, then that person can demonstrate a need for spousal maintenance.

2. Can the other spouse meet that need?
If one partner has established that they have a need to receive spousal maintenance, then the second enquiry is to assess whether the other partner has a capacity to meet that need.

A similar exercise to that above is then undertaken. First considering the income of the paying spouse and subtracting their necessary expenses.

If there are funds available at the end of this equation, then it is likely spousal maintenance will be paid.

Spousal maintenance is a complicated area of Family Law. Do obtain advice specific to your circumstances. There are many advantages in receiving (and sometimes even paying) spousal maintenance. There are also disadvantages depending on your circumstances.

5. Divorce

If you were married, you can apply for a divorce, or the dissolution of your marriage, once you have been separated for 12 months.

The process of obtaining a divorce is now one of the easiest legal steps and is something that you and your partner should be able to do without the assistance of legal advisers if you wish. However, while a divorce will bring about a legal end to your marriage, it is important to keep in mind that it will not finalise your property division or formalise arrangements for your children.

How to apply for your divorce?

1. Visit the Family Law Courts website and download their online kit **www.fcfcoa.gov.au/fl/divorce/apply** which will outline the process and other useful information concerning your divorce.

2. Complete the Application for Divorce form, which is contained in the online kit. You can either apply with your partner or individually.

3. Sign the application before a lawyer, Justice of the Peace, or other person authorised to witness affidavits.

4. File the application with a Family Law registry, online through the Commonwealth Courts online portal (**www.comcourts.gov.au/**).

5. If you have applied solely for the divorce, then you will need to serve the application on your spouse. There is more information on the Family Law Courts website about how to appropriately undertake this service. In essence you will need to organise for your spouse to

be handed a copy of the filed Application form- you cannot be the person to hand it over.

6. Once the application is filed, a divorce hearing date will be issued.

7. You will only be required to attend the divorce hearing (which is usually by phone) if:
   a. You asked to attend when completing the Application form;
   b. The other party (the Respondent) asked to attend the hearing where:
      i. There are children under the age of 18; or
      ii. They have filed a Response to the Application, opposing it;
   c. You are applying for an order for substituted service or a dispensation of service because you cannot find your spouse to serve the court documents.

8. If there is a need for you to attend at the divorce hearing, it is a reasonably simple procedural event and occurs by phone. Normally someone at the Court will talk you through what you need to do. The hearing will be conducted by a Registrar. You should refer to the Registrar as 'Registrar' if you are asked to address them in any way. Listen to what they have to say and simply answer their questions. It is very common now for separating couples to act on their own behalf for a divorce hearing and the Court is quite used to this and will help you through the process. The Court appearance will generally only last about five minutes.

The divorce itself does not become effective until a month after the divorce hearing date. You will then be able to download a copy of the Divorce Certificate from the Court's online portal.

Time limitations and other considerations

The important thing to remember is that, once you are divorced, you have only 12 months from that date to have either finalised your financial affairs, particularly your property settlement and any spousal maintenance arrangements, or to have at least commenced an application in one of the Family Courts if you and your partner can't reach an agreement.

The other important thing to remember with a divorce is that it can have a significant impact on any existing Will and you should get specific legal advice on that issue from a family or estate lawyer.

Many clients I have worked with never apply for their divorce – they don't plan on remarrying so it is a step they just don't really bother with. Just keep in mind that it is important to formalise your financial settlement independent of your divorce, otherwise you might find your former partner coming along ten years after your separation seeking a share of your wealth!

4. The Legal Documents you will need

Almost all separating families will end up with the same 'product' at the end of their legal process- a formal document evidencing their agreement. Of course, there are many different ways to get to this 'product', but it is important to understand what legal documents might be right for your family. We strongly recommend you seek legal assistance to finalise your parenting and/or financial issues.

The three types of Legal Documents:

All couples experiencing divorce and separation will end up with almost the same type of legal documents- **there are three options**-

1. No documents at all and either a verbal agreement or often an exchange of emails or the like that sets out the terms under which a couple will deal with their parenting arrangements or financial matters; or

2. Informal documents which might be a signed agreement drafted by the couple containing the matters that are important to them. Importantly, these documents rarely have any legal effect and can be more trouble than they are worth; or

3. Formal legally enforceable documents. If you engage a family lawyer, they will assist you to obtain the necessary legal documents that will set the terms for either the parenting of your children or the division of your finances.

And yes- you guessed it- we strongly recommend you obtain assistance to have the necessary legally enforceable settlement documents prepared to finalise your agreements.

Generally, the legal documents take two main forms:

1. **A Court Order-** A Court Order is a document sealed by the Family Law Court. They can include parenting and financial matters. There are two types of Court Orders:

   (i) The first is called a 'Consent Order' meaning that you both have agreed to the terms of the Order. Once agreed, the Consent Order is drafted, signed and delivered to the Family Court who will make the order. This is a procedural step and you will not need to attend Court for this to occur. It is not necessary for you to have the assistance of a lawyer to prepare or advise on a Consent Order, although it is recommended.

   (ii) The second type of Court Order is made by a Judge at the end of a Court hearing. In this scenario, the couple involved have not agreed to the terms and have sought the assistance of a Family Court Judge to determine matters. Sometimes families wait some three or more years to achieve a final Court Order and spend the equivalent of a small house in legal fees to obtain the very same document that can be obtained by agreement.

If you are asking the Court to make an Order, you will have limited control over the terms of that Order. You will also have limited control over the time it might take to obtain that Order and the legal costs involved.

2. **A Binding Agreement-** The second type of formal legal document is in essence a contract between you as a couple. When drafted correctly this contract is binding on you both.

   There are different types of binding agreements that can be made, depending on your circumstances. Binding Agreements can be used instead of a Consent Order as mentioned above. Sometimes couples don't want the formality of a Court Order, for other couples a binding agreement ensures them the utmost privacy as no documents are lodged with the Courts. Another advantage of these types of agreements is that they can offer significant flexibility as to what can be included. In contrast, for a Court Order to issue, its terms must meet the relevant legal principles.

   (i) You can document agreements relating to your children into a 'parenting plan'- that is a document, signed by parents that contains matters relating to the parenting of children. A parenting plan is not enforceable in the way that a Court Order can be. However, a parenting plan has significant legal effect and must be considered by a Family Court if that Court is later asked to make parenting Orders in relation to children.

   (ii) For financial matters such as the division of your property or splitting of your income you can use a 'Binding Financial Agreement'. This is a binding contract between you and your partner. These types of agreements are most commonly known as 'pre-nuptial agreements' but they can also be used at the end of a marriage or de facto relationship to document in a legally binding way the division of assets and income.

Binding Financial Agreements can also be used where a couple is seeking to divide their finances in a way that is outside of the range of normal legal outcomes. In other words, a couple have agreed upon an arrangement that is outside of what a Family Court would consider appropriate in the circumstances of tha case.

Binding Financial Agreements are a helpful tool in many settlements, however, you both must have received independent legal advice on their terms for them to be binding. As such, they are not a document you could properly prepare and finalise without the assistance of lawyers.

(iii) Another form of agreement that is commonly used by parents is a Child Support Agreement. This is a contract between parents setting out how they might manage the financial aspects of raising children.

There are two types of child support agreements- A Limited Agreement and a Binding Agreement. A Limited Agreement offers flexibility for parents who don't want to commit to long-term agreements. A Binding Child Support Agreement, however, will bind parents for the term of the agreement or generally until the children attain the age of 18 years.

Parents wishing to enter into a Binding Child Support Agreement will need independent legal advice about their agreement before it can be signed.

There is no 'one size fits all document'- every family is unique and therefore every settlement document will be in its own way different. Do seek specific legal advice to determine which of the above might be best for you.

5. Your Will and Estate Planning

A Will is not always a dead giveaway...

Making a Will and Power of Attorney can be easily placed at the bottom of your never ending to-do list. You may be tempted to prepare a Will or Power of Attorney without the assistance of lawyers, on the assumption that your circumstances are "straight-forward" or "simple" and that by doing so, will help save you costs. However, this is fraught with danger as your homemade Will kit may not be valid or legally enforceable when you (or your family) need it most.

We understand that discussing what you want to happen on your passing or in the event of incapacity, in addition to your family law matters, can be an overwhelming and unpleasant experience.

You may feel like it can wait and that it is an unnecessary task for your immediate future. However, divorce has the ability to revoke an existing Will and Power of Attorney, so it is crucial to obtain legal advice early on and ensure your estate planning documents accurately reflect your current circumstances.

It may be necessary to update your estate planning documents as soon as possible post-separation and then again once your divorce and/or property settlement is finalised.

Failing to do so may cause major problems for your estate and your loved ones down the track. In the worst case scenario, your Will could be found to be invalid by the Court meaning your estate could be distributed under the rules of intestacy and ultimately go to people whom you did not wish to benefit in the first place.

On the other hand, if you were to lose capacity without an operative Enduring Power of Attorney in place, then it would be left to your loved ones to make applications to the Guardianship Tribunal to act as your attorney; or a government agency (such as the Adult Guardian or Public Trustee) may step in and act on your behalf.

These issues can be easily removed by simply engaging a professional to assist with your estate plan before it is too late.

Why not –

- Review your current Will; and
- Review your Power of Attorney (if you have one);
- Consider if it is still relevant to your current situation; and
- Contact our office so we can point you in the direction of a Wills and Estate Planning lawyer who can help you update your Estate documents.

6. Your Separation Toolkit

Practical tools to help you take the next steps with confidence.

Separation comes with a lot of moving parts — legal, financial, and emotional. It can feel overwhelming to hold it all in your head. That's why we've created this Toolkit: a set of simple, step-by-step checklists and worksheets designed to make the process clearer and more manageable.

These tools are here to:

- Give you structure when things feel uncertain.
- Help you prepare for legal advice and mediation.
- Save time and costs by keeping your information organised.
- Free up headspace so you can focus on what matters most — yourself and your children.

What's Inside

☑ **First 30 Days Checklist –** the urgent steps to take straight after separation.

☑ **Digital Separation Checklist –** keep your online life secure and private.

☑ **Property Pool Checklist –** helping you to identify your wealth.

☑ **Property Pool Worksheet –** list what you own and what you owe.

☑ **Parenting Information Checklist –** keep your children's details and routines in one place.

☑ **Family Safety Checklist**

How to use this Toolkit:

You don't need to complete every box perfectly or all at once. Start where you can, use the checklists as prompts, and bring what you have to your appointments. Even partial notes will give your advisors a clearer picture and help them give you better advice.

This Toolkit is here to support you, not to add pressure. Use it in the way that feels most helpful — and remember, each small step forward is progress.

First 30 Days after Separation Checklist

The first month after separation can feel overwhelming — there's often so much to think about, and it's hard to know what to tackle first. This checklist is designed to help you focus on the most important legal and practical steps, alongside caring for yourself and your children. You don't need to tick off everything straight away — start with the urgent tasks, then work through the rest at your own pace. Each small step you take will make things a little clearer and help you feel more in control.

Safety & Immediate Needs

- Make sure you and your children are safe
- If needed, update locks, security, or safety plans
- Seek urgent support if family violence is a concern (police, DV services)

Legal & Practical Steps

- Book an initial consultation with a family lawyer
- Gather key documents (ID, bank statements, payslips, property details, superannuation, children's records)
- Note any urgent deadlines (e.g. mortgage payments, rent, bills)
- Open a new bank account in your name only (if needed)

- Update Centrelink, Medicare, MyGov or child support details if circumstances have changed

Financial Organisation

- List all assets, debts, and liabilities (shared & individual)
- Check whose name is on household bills, loans, insurance policies
- Review income and expenses — create a basic budget for the next few months

Parenting Arrangements

- Confirm immediate care routines for children (who, when, where)
- Share key information (school, medical, activities) with the other parent
- Keep communication respectful and practical (consider a co-parenting app)
- Focus on stability for children — keep school, friends, and routines consistent where possible

Emotional & Supportive Steps

- Tell one or two trusted friends/family members what's happening

- Book time with a counsellor or GP if you need support
- Allow yourself time to rest — separation is stressful, even when it's amicable
- Start a private journal or notes file to record important events and reflections

Remember, you don't have to do all of this on your own. Separation is a big change, and it's normal to need support along the way. Reach out to trusted friends, family, or professionals when you need help. Taking these steps one at a time, with the right guidance, will give you a stronger foundation as you move forward.

Property Pool Quick Checklist

This checklist is designed to help you start to identify the types of assets, liabilities and superannuation that make up your property pool- this is information your lawyer or mediator will ultimately need. You don't need everything perfectly gathered before seeking advice — even starting with a few key items will help your advisors guide you more effectively.

Real Estate

- ☐ Family home
- ☐ Investment property(ies)
- ☐ Other land

Vehicles & Personal Property

- ☐ Car(s) /motorbikes
- ☐ Furniture /household contents
- ☐ Jewellery, art, or collectibles
- ☐ Other valuable items

Bank Accounts & Investments

- ☐ Everyday bank accounts
- ☐ Savings accounts

- Shares /managed funds
- Term deposits /other investments

Superannuation

- My super fund(s) — member statements available
- Partner's super fund(s) — member statements available
  Businesses & Trusts
- Business ownership /directorships
- Trust interests (family trust, unit trust, etc.)
- Company shares

Liabilities (What you owe)

- Mortgage(s)
- Personal loans
- Credit cards
- Car loans /leases
- Tax debts
- Other debts

Notes for You

- Don’t worry if you don’t know the values yet — ticking the boxes helps identify what information is needed.
- Collect statements, contracts, or documents for each item where you can.
- Bring this checklist (even partly completed) to your meetings with your lawyer or any advisors — it will save time and help focus the advice you receive.

Property Pool Worksheet

This worksheet is to help you start to collate a clear picture of your financial position — often called the **property pool.**

List everything you and your former partner own (assets) and everything you owe (liabilities). Exact figures aren't essential at this stage; estimates are fine.

Real Estate

Property	In Whose Name?	Value ($)	Notes (address, mortgage details, valuation obtained/estimated)
Family home			
Investment property(ies)			
Other land			

Vehicles & Personal Property

Property	In Whose Name?	Value ($)	Notes
Car(s) / motorbikes			
Furniture / household contents			
Jewellery / art / collectibles			
Other			

Bank Accounts & Investments

Account / Investment	In Whose Name?	Balance/ Value ($)	Notes (bank, account no., type of investment)
Everyday accounts			
Savings accounts			
Shares / managed funds			
Term deposits			

Superannuation

Account / Investment	Fund Name	Member Name	Notes (member no., insurance included, defined benefit/ accumulation)
Super Fund 1			
Super Fund 2			

Businesses & Trusts

Business / Trust Name	Ownership (e.g. % or trustee)	Value ($)	Notes (ABN, company structure, accountant contact)
Business 1			
Business 2			

Liabilities (What you owe)

Liability	In Whose Name?	Amount Owing ($)	Notes
Mortgage(s)			
Personal loans			
Credit cards			
Car loans / leases			
Tax debts			
Other			

Total Summary

- **Total Assets: $_____**
- **Total Liabilities: $_____**
- **Net Property Pool (Assets – Liabilities): $_____**

Tip: Bring this worksheet — even partly filled — to your meetings with any advisors. It will save time, reduce stress, and help your lawyer give clearer advice.

Parenting Information Checklist

This checklist is designed to help gather information that will be needed by your lawyer or mediator in relation to your children.

Children's Details

- ☐ Full names and dates of birth
- ☐ Birth certificates
- ☐ Current addresses

Care Arrangements

- ☐ Current weekly routine (who the children live with, changeover times)
- ☐ School / daycare drop-off and pick-up details
- ☐ Upcoming holidays or special occasions to plan for

Education

- ☐ School enrolment details
- ☐ Recent school reports
- ☐ Details of any learning or educational supports
- ☐ Notes on extracurricular activities (sport, music, dance, etc.)

Health

- Summary of any health needs
- Details of any treating medical professionals
- Any medication or other treatment plans
- Any relevant medical or professional reports

Support & Special Needs

- Notes on learning needs, diagnoses, or extra support at school
- NDIS plan details (if applicable)

Other Important Information

- Religious or cultural considerations
- Extended family or support people involved in care
- Children's passports (if applicable)

Notes for You

- Don't stress if you don't have everything ready — even a partial list is a good start.
- Written routines and records help make care arrangements smoother and clearer for everyone.

- Bringing this to your lawyer or mediator will help ensure any agreements reflect your children's real needs.

Tip: Keep copies of key documents (like birth certificates, school reports, medical info) in one folder — digital or paper — so you can share them easily if required.

Digital Separation Checklist

Separation isn't only about houses, cars, and bank accounts — *your digital life* matters too. Protecting online accounts, devices, and information can prevent stress, protect your privacy, and keep things safe for you and your children. Here is a checklist to help you consider any changes you might need to make.

Secure your Devices

- ☐ Change passcodes on phone and tablet
- ☐ Update passwords on computer(s)
- ☐ Turn off shared Apple IDs / Google accounts
- ☐ Review apps with location sharing or family tracking

Protect your Online Accounts

- ☐ Update personal email password
- ☐ Turn on two-factor authentication
- ☐ Change passwords for social media (Facebook, Instagram, LinkedIn)
- ☐ Change passwords for banking and PayPal
- ☐ Update MyGov and Centrelink login
- ☐ Secure cloud storage (Google Drive, iCloud, Dropbox)

Review Shared Accounts

- Phone plans – check account holder
- Streaming services (Netflix, Spotify, Disney+)
- Household utilities in joint names
- Insurance portals (car, home, health)

Keep your Digital Records Safe

- Back up important documents (bank, payslips, property, school)
- Store copies in a secure folder or drive
- Email copies to your personal account (not shared)

Protect your Privacy

- Check privacy settings on social media
- Consider who can view your accounts and make any necessary changes
- Turn off shared calendars or location sharing
- Sign out of old/shared devices

For Parents

- Set up a co-parenting app (Our Family Wizard, MyMob)
- Use neutral calendars for changeovers and school events
- Avoid using children's devices for communication with your former partner

Safety: If there are concerns about family violence or tech abuse, seek advice before making changes.

Family Safety Checklist

If you are ever in immediate danger, call 000.

This checklist is not exhaustive, but it may help you feel more prepared and supported.

Immediate Safety

- Save emergency numbers in your phone (000, a trusted friend, local DV service)
- Identify a safe place you can go in an emergency (friend, family, refuge, police station)
- Pack a small "go bag" with essentials (ID, bank card, keys, phone charger, medications)
- Teach your children how to call 000 and practice a simple safety plan with them if appropriate

Home & Personal Security

- Change locks, security codes, and garage remotes if safe to do so
- Turn off or update any shared smart home devices (cameras, door locks, speakers)
- Review who has access to your car, house, or spare keys
- Keep a spare phone and some cash in a safe place if possible

Digital Safety

- Change passwords for email, banking, and social media
- Check location-sharing settings on phones, apps, and devices
- Log out of shared devices (computers, tablets, streaming services)
- Consider setting up a new email address just for sensitive communication

Legal & Support

- Speak to a lawyer about protection orders or urgent parenting arrangements if needed
- Contact **1800 RESPECT (1800 737 732)** for 24/7 confidential advice and support
- Ask your GP or a counsellor for referrals to support services
- Record any incidents of violence or threats (dates, times, what happened)

Looking Ahead

- Make a list of trusted people you can call on for help (family, friends, neighbours)
- Share your safety plan with one or two trusted people
- If you move house, update your safety measures (locks, utilities, schools, mail redirection)

Important: Everyone's situation is different. Not all steps will be safe or appropriate for you — take only those that feel right and safe in your circumstances, and seek advice from professionals who understand family violence.

Your Quick Guide to Family Law Lingo

Family law has its own language, and it can feel overwhelming at first. This glossary is designed to give you plain-English explanations of the terms you're most likely to hear during separation and divorce.

Agreements & Legal Documents

Agreement
When you and your former partner reach a decision together about parenting or property arrangements. Can be informal (a handshake or notes) or formalised into a legally binding document.

Binding Financial Agreement (BFA)
A private contract about how property and finances will be divided or how spousal maintenance will or will not be paid. Each person must get independent legal advice for it to be valid.

Consent Orders
An agreement that's approved by the Court, making it legally binding and enforceable. Can cover both property and parenting matters.

Parenting Plan
A written agreement about care arrangements for children. Not legally binding but has legal effect.

Final Orders
The last orders made by a Court (or by consent), setting out how parenting or property matters are to be resolved.

Interim Orders
Temporary orders made by the Court until a final decision is reached.

Processes & Pathways

Pathway
The process you choose to resolve your separation — such as mediation, collaboration, negotiation, or Court.

Collaborative Practice
You, your former partner, and both lawyers commit to working together respectfully (without going to Court) to resolve issues. Other professionals, like counsellors or financial experts, may also be involved.

Mediation
A process where you and your former partner meet with a neutral third person (the mediator) to try to reach an agreement. Mediators help with communication but do not make decisions for you.

Family Dispute Resolution (FDR)
A type of mediation required in most parenting cases before going to Court. Run by accredited mediators (FDR practitioners).

Negotiation (through lawyers)
When your lawyer and your former partner's lawyer exchange proposals and work towards agreement on your behalf.

Round Table Conference
A meeting where both parties and their lawyers sit down together to negotiate directly.

Court Proceedings
When disputes are decided by a judge. Usually the last resort if other options don't resolve matters.

Parenting & Family Terms

Best Interests of the Child
The guiding principle for all parenting decisions — children's needs come first.

Parental Responsibility
The legal duties and powers parents have to make decisions for their children (e.g. health, education, religion).

Changeover
The handover of children from one parent to the other.

Independent Children's Lawyer (ICL)
A lawyer appointed by the Court to represent the best interests of a child. The ICL makes recommendations to the Court but does not take instructions directly from the child.

Family Violence
Behaviour that controls, coerces, or harms a family member. This can be physical, emotional, financial, or psychological.

Financial & Property Terms

Property Pool
The total of all assets (what you own) and liabilities (what you owe) that need to be divided after separation.

Disclosure
The process of sharing important financial documents (such as bank statements, tax returns, and super balances) so everyone negotiates with the same information. This is an ongoing duty, not a one-off.

Valuation
Working out the market value of an asset, such as a house, car, business, or superannuation.

Equity
The difference between the value of an asset and the debt owing on it. Example: if a house is worth $700,000 and the mortgage is $400,000, the equity is $300,000.

Superannuation Split
An arrangement where part of one person's superannuation is transferred to the other as part of the settlement.

Spousal Maintenance
Payments from one former partner to the other to help meet reasonable living expenses, when one person cannot adequately support themselves and the other has the capacity to pay.

Other Common Legal Terms

Divorce
The legal end of a marriage. This is separate from parenting and property issues.

Separation
When one or both people decide the relationship has ended. You don't need to be living in different houses to be considered separated.

Subpoena
A Court document requiring a person or organisation to provide documents or attend Court to give evidence.

Without Prejudice

A legal phrase meaning discussions or offers made in settlement negotiations can't later be used against you in Court if no agreement is reached.

7.

Ready for your Next Step?

You've taken the time to read this guide, reflect on your situation, and start to understand the steps ahead. That's a big achievement. Now, the most important thing you can do is get advice that's tailored to you and your family.

At **Brisbane Family Law Centre**, we're here to help with clear, practical legal advice on separation, parenting, and property. Our focus is always on helping you find the best way forward — whether that's through advice, negotiation, or formalising your agreements.

At our partner service, the **Brisbane Family Mediation Centre**, we help families have the important conversations needed to reach agreements without going to court. Mediation can be held in person or online, and our experienced mediators provide a safe and structured process.

Not sure which service you need right now? Don't worry — just give us a call. Whether you start with the law firm or the mediation centre, we'll guide you to the option that's best for you.

Ready for Your Next Step?

How to Reach Us

Brisbane Family Law Centre

Phone: 07 3862 1955
Email: hello@bflc.com.au
Website: www.bflc.com.au

Book a free chat here

Brisbane Family Mediation Centre

Phone: 07 3613 6453
Email: mediation@brisbanefamilymediationcentre.com.au
Website: www.brisbanefamilymediationcentre.com.au

You don't have to figure this out on your own. We're here to listen, guide, and support you through the next step — whatever that looks like for you.

BFLC BRISBANE FAMILY LAW CENTRE

BFMC BRISBANE FAMILY MEDIATION CENTRE