ALA LAW
YOUR FAMILY & ESTATES LAWYERS

Not sure where to start? *Start here.*

A practical guide for the first steps after separation

WWW.ALALAW.COM.AU
1300ALALAW

Before you begin:

Separation is one of the most significant transitions a person can go through - practically, financially, and emotionally. Whether it happened suddenly or has been building for a while, it's completely normal to feel overwhelmed about what comes next.

This guide is designed to give you a clear, calm starting point. It isn't a substitute for personalised legal advice, but it will help you understand the landscape, know what questions to ask, and feel more in control before you sit down with us.

You don't need to do everything at once, and you don't need to do it perfectly. Take what's useful, skip what doesn't apply to you right now, and come back to the rest when you're ready.

This guide provides general information only and is not a substitute for personalised legal advice. Family law outcomes depend on individual circumstances - consult a family lawyer for advice specific to your situation.

Your roadmap

Six things to focus on first

#	Step	What that looks like
1	Steady yourself	Sort out immediate living and safety arrangements, and lean on your support people.
2	Protect your finances	Secure your own accounts and get a clear picture of joint money and debts.
3	Think about the children	Start informal conversations about day-to-day care - formal agreements can come later.
4	Understand your legal position	Learn the difference between separation, divorce, and property settlement.
5	Get organised	Gather documents so you're ready when you meet with us.
6	Talk to ALA Law	Book an appointment so we can map out a plan specific to your situation.

The rest of this guide walks through each of these areas in more detail.

Your immediate priorities

In the first days and weeks, focus on stability rather than solving everything. A few practical steps now can prevent bigger problems later.

Safety comes first

If you or your children are at risk of family violence, this takes priority over everything else in this guide. Contact 1800RESPECT (1800 737 732), the police on 000 in an emergency, or speak with us - we can guide you toward urgent protection options, including intervention orders.

Sort out immediate living arrangements

- Decide, even temporarily, who is living where - this doesn't need to be permanent or agreed in writing straight away
- Know that you can be legally "separated" while still living under the same roof - this is recognised in Australian family law, though it's helpful to keep records (texts, a diary, shared arrangements) showing the change
- If children are involved, try to keep their routine - school, activities, familiar faces - as stable as possible during this period

Lean on your support people

- Tell a small circle of trusted people what's happening so you're not carrying it alone
- Consider speaking with your GP, especially if you're not sleeping, eating, or coping well
- A counsellor or psychologist can help - ask your GP about a Mental Health Care Plan, or contact Lifeline (13 11 14) or Beyond Blue (1300 22 4636) if you need to talk to someone now

A note on timing:
There's no legal requirement to do anything urgently after separating, aside from safety issues. Divorce, property settlement, and parenting arrangements all have their own separate timeframes, which we'll cover shortly.

Protect your finances

One of the most common regrets we hear from clients is not looking at the finances early enough. You don't need to freeze anything dramatically - but you do need clarity.

Get a clear picture

- List what you know: bank accounts, loans, credit cards, mortgages, superannuation, and any shared investments or business interests
- Download or save copies of recent statements while you still have easy access to them
- Note whose name each asset or debt is held in - this matters for what happens next

Reduce your risk

- Consider opening an account in your sole name for your income and everyday expenses, if you haven't already
- Keep an eye on joint accounts and credit cards for unusual activity
- Let your bank know about your change in circumstances if you're worried about shared credit facilities
- Avoid making large purchases, transfers, or gifts from shared funds - these can complicate property settlement later

Why this matters legally
Australian family law requires both parties to give full and frank financial disclosure during a property settlement - meaning you can't hide assets, and neither can your former partner. Getting organised now makes this process faster and less stressful later.

If you completed (or would like to complete) our *Assets, Liabilities and Superannuation Worksheet*, this is a great time to fill it in - it gives you and us a clear snapshot to work from.

Thinking about the children

If you have children together, their day-to-day care is often the most pressing question - and also the one that benefits most from a calm, considered approach rather than a rushed decision.

Start with informal conversations

- Where it's safe and practical to do so, try to agree on short-term arrangements - where the children will live, and how time with each parent will work
- Focus on what's workable for the children's routine: school, activities, and familiar carers
- Keep communication about the children business-like and child-focused, even if the relationship is difficult

Formalising arrangements later

Once things settle, many families choose to put parenting arrangements in writing.

There are two main options:

- A Parenting Plan - a written, signed agreement between you both. It's flexible and doesn't involve the court, but it isn't legally enforceable.
- Consent Orders - parenting terms formally approved by the court. These are legally binding and enforceable.

If you can't agree

Under the Family Law Act 1975, parents are generally required to attend Family Dispute Resolution (mediation) and obtain a Section 60I certificate before applying to court for parenting orders. There are exceptions where there's urgency, family violence, or a risk of child abuse. Since June 2025, the courts have express power to reject a parenting application that doesn't comply with this requirement, so it's an important step to get right - we can guide you through it.

Child support

Child support is separate from parenting arrangements and property settlement. It's administered by Services Australia, and either parent can apply. We can point you in the right direction if this is relevant to you.

Understanding divorce and property settlement

These are two separate legal processes, and people are often surprised to learn that finalising one doesn't automatically finalise the other.

Divorce (for married couples)

- You generally need to have been separated for at least 12 months before applying for divorce
- Divorce ends the marriage legally - it does not, by itself, divide your property or resolve parenting arrangements
- De facto couples don't need a divorce, but similar principles apply to separation

Property settlement

Property settlement deals with how assets, liabilities, and superannuation are divided between you. It can be resolved by agreement (formalised through Consent Orders or a Binding Financial Agreement) or, if needed, decided by the court.

Time limits you should know about
For married couples, an application for property settlement generally must be made within 12 months of your divorce becoming final (Family Law Act 1975, s44(3)).

For de facto couples, the time limit is 2 years from the date of separation (s44(5)).

Missing these deadlines doesn't necessarily mean you've lost your rights, but it does mean you may need the court's permission to proceed - so it's worth getting advice well before these dates.

Your options for formalising an agreement

Option	Is it legally binding?	Best used when...
Parenting Plan	No - a written agreement, but not enforceable by a court	You and the other parent are on the same page and just want arrangements in writing
Consent Orders	Yes - approved by the court and enforceable	You want certainty and legal protection around parenting or property
Binding Financial Agreement	Yes - a contract between you, if drafted and signed correctly	You've reached agreement on property/finances and want it locked in without going to court

Practical admin to work through

Once the immediate dust has settled, there's a list of smaller administrative tasks that are easy to overlook but important to address.

Legal and financial housekeeping

- Review and update your Will, Power of Attorney, and Enduring Guardianship - these often name your former partner and may need to change
- Update beneficiaries on your superannuation and any life insurance policies
- Notify your accountant or financial adviser of your change in circumstances

Everyday updates

- Update your details with Services Australia (Centrelink/Medicare) if your circumstances have changed
- Review your private health insurance and any family policies
- Update your address on the electoral roll, with your bank, and with utility providers if you've moved
- Update emergency contacts and authorised pick-up lists with your children's school or childcare

Small steps count
You don't need to complete this list in one sitting. Many clients find it easier to tackle a few items at a time over the following weeks.

Looking after yourself

Separation affects your wellbeing as much as your legal and financial position. It's worth building support into your plan from the outset, not just when things feel overwhelming.

Support options

- Your GP - a good first point of contact, especially for sleep, stress, or a Mental Health Care Plan referral
- Lifeline - 13 11 14, available 24/7 for anyone needing to talk
- Beyond Blue - 1300 22 4636, support for anxiety, depression, and general mental health
- 1800RESPECT - 1800 737 732, for family violence and sexual assault support
- A family and relationship counsellor - can help you and, where appropriate, your children adjust to the changes
- Trusted friends and family - don't underestimate the value of simply not going through this alone

If finances are a source of stress, a free financial counsellor (via the National Debt Helpline, 1800 007 007) can also help you make a plan.

It's okay to grieve
Even when separation is the right decision, it's normal to feel a sense of loss alongside relief, anger, or grief. Give yourself permission to feel however you feel - there's no "correct" timeline for adjusting to this kind of change.

Common questions in the early days

Every situation is different, but these are some of the questions we're asked most often in the first few weeks after separation.

Do I have to move out of the house?

No. There's no legal requirement for either person to leave the family home immediately after separating, and moving out doesn't affect your legal rights to the property. If safety is a concern, that changes things - speak with us or contact the police if there's any risk.

Can my ex stop me from seeing my kids?

Not unilaterally, and not without good reason. Unless there's a court order in place, both parents generally have a role in decisions about the children, and arrangements should be worked out between you - through agreement, mediation, or, if needed, the court. If you're being cut off from your children, get advice early.

Is a verbal agreement enough?

A verbal or even a written agreement between you and your ex isn't legally enforceable on its own. If you want certainty - particularly for property or significant parenting arrangements - it's worth formalising things through Consent Orders or a Binding Financial Agreement.

What if my ex won't coorperate or respond?

This is common, and there are still ways forward. Mediation, formal correspondence through a lawyer, or, as a last resort, court proceedings can all help move things along. We can advise on the right approach for your situation.

Do I need a lawyer to get divorced?

Not necessarily - many people apply for divorce themselves once they've been separated for 12 months. However, legal advice is strongly recommended before finalising any property settlement, since your rights around property and superannuation are separate from the divorce itself and are affected by the time limits described earlier in this guide.

How long does all of this take?

It varies enormously depending on whether you and your former partner can reach agreement, and on the complexity of your assets or parenting arrangements. Amicable, well-organised matters can resolve in a matter of months; contested matters can take considerably longer. We'll give you a realistic sense of timing once we understand your circumstances.

Quick glossary

You'll come across some recurring terms in family law. Here's what they mean in plain English.

Term	What it means
Separation	The point at which you and your partner stop living together as a couple - this can happen even under the same roof.
Family Dispute Resolution (FDR)	Mediation between separating parents, usually required before applying to court for parenting orders.
Section 60I Certificate	A certificate confirming you've attempted FDR, generally required before filing a parenting application in court.
Parenting Plan	A written agreement about children's arrangements. Not legally enforcable, but useful as a shared reference point.
Consent Orders	Formal orders approved by the court, reflecting an agreement you and your former partner have reached. Legally binding.
Binding Financial Agreement (BFA)	A private contract dividing property or finances, prepared and signed with independent legal advice on both sides.
Property Settlement	The process of dividing assets, liabilities, and superannuation after separation.

Term	What it means
Full and Frank Disclosure	The legal obligation for both parties to honestly share financial information during a property settlement.
Child Support	Ongoing financial support for children, administered by Services Australia - separate from property settlement.

Your next step

You've now got a clearer picture of what's ahead - but you don't have to map out the rest on your own. The most useful thing you can do next is talk to us.

What to expect at your first appointment

Your first appointment is about listening and orientation, not immediate decisions. We'll take the time to understand your situation, explain how the law applies to your circumstances, and talk through realistic options and next steps - at a pace that suits you.

- We'll ask about your family, your assets, and what arrangements are (or aren't) already in place
- We'll explain which parts of this guide are most relevant to your situation
- You'll leave with a clear sense of your options and what happens next - there's no obligation to decide anything on the spot

When you meet with ALA Law, it helps to bring:

- Any documents or notes you've gathered about assets, debts, and superannuation
- Any existing agreements, court orders, or parenting arrangements
- A general timeline of your relationship and separation
- A list of questions or concerns - no question is too small

We're here to help
Every family's situation is different, and this guide is general in nature - it's not a substitute for advice tailored to you. Book an appointment with ALA Law and we'll work through your specific circumstances together, at a pace that feels manageable.