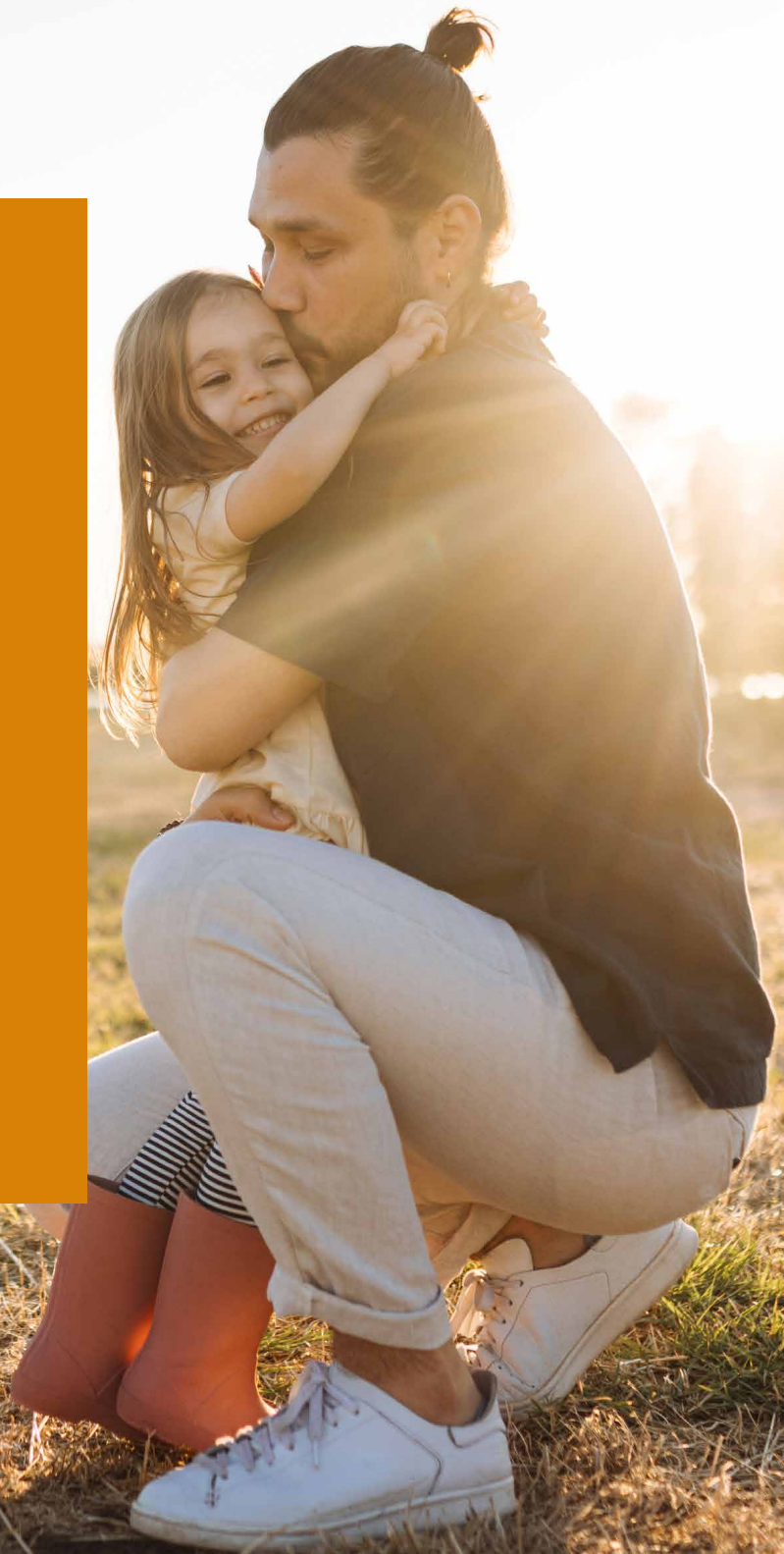


## Divorce and separation. What do I do now?

Separation is a very difficult decision and an emotional time for all involved. You will feel a roller coaster of emotions as you try and navigate your way through what is unfamiliar territory. It may help if you have a plan to try and resolve issues following separation as quickly as possible. The property and parenting checklists on the following pages may help.

This is a guide only and should not be relied upon as legal advice or as a substitute for legal advice. For specific advice, please call Lawpoint on +02 9517 1887.



### For specific advice

Have a family law matter you need help with?  
Contact us now.

+ 02 9517 1887

[reception@lawpointlawyers.com.au](mailto:reception@lawpointlawyers.com.au)

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## Parenting Checklist



- Always remember that your children are likely to feel the emotions of your separation more strongly than you and your spouse, especially if they are very young. It is therefore important to try and limit (or eliminate completely) acts of anger or fighting in front of children.
- Try to agree on a plan to tell the children what is happening and reassure them that despite your separation, they will still see and be loved by each parent.
- Try to reach agreement on who the children will live with and who and how often they will spend time with the other party.
- Try to maintain your children's daily routine as much as possible and try to agree with your spouse on who will be responsible for taking the children to each of these activities.
- Try to maintain your children's relationships with each other significant person in their life, such as grandparents. Preventing the children from seeing a grandparent they love out of anger towards a spouse does not punish the spouse or grandparent as much as it punishes the child.
- Inform your children's school of your separation so that the school keeps a closer eye on your child to ensure that there is no change in your child's behavior that may indicate distress resulting from your separation.
- Do not alienate your children from the other parent. This is not only harmful to your children's long term emotional health and wellbeing but is an action which is viewed very negatively by the courts. It may result in you losing time with your children as a result of your actions (i.e. the court ordering the child to spend more time with or to live with the other parent).
- Consider attending relationship counselling with your spouse in an attempt to reach agreement on parenting arrangements for the children post separation.
- Contact a lawyer to seek legal advice which is tailored to your personal circumstances.

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## Property Checklist



- Try and agree on who will vacate the family home and be practical when deciding whether you are able to live separately under one roof.
- Consider how you and your spouse will support yourself following separation.
- If either party was reliant upon the other's income, try and reach agreement on one party assisting the other financially until such time as the property settlement is finalised.
- Try and reach agreement on who will continue to pay the mortgage and/or other joint marital bills and expenses until a property agreement is reached.
- Try and reach agreement as to the value of the assets that each of you will retain and who will be responsible for the joint or sole liabilities accrued during the marriage.
- Try and agree on the distribution of the furniture and personal effects in the family home.
- Tell your bank and other lenders that you have separated and try and negotiate reduced payment of your liabilities in the short term so as to try and prevent a default occurring on any of your loans due to a lack of access to funds.
- Consider converting any bank account or mortgage redraw account from 'either to sign' to 'both to sign' so as to prevent your spouse from making any unauthorised large withdrawals from those accounts.
- Consider whether your wages or other income will continue to be paid into a joint account or whether you should have those funds paid into an account in your sole name to avoid your spouse making unauthorised use of those funds.
- Contact a lawyer to seek legal advice which is tailored to your personal circumstances, which may include taking urgent action seeking spousal maintenance or orders to prevent your spouse disposing of property.

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