The Basics of a Divorce

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By Andrew Banna, a Principal of Matthews Folbigg, in our Family Law Group

Our Family Law Group consists of 7 family law lawyers. We have 4 Accredited Specialists in the area.

We have been recognised as one of the leaders in the Family Law market through Doyles rankings.

We specialise in all aspects of family law such as divorce.

A lot of clients come to our family law lawyers for assistance with a divorce. Despite the common misconception, a divorce actually does not involve sorting out your parenting or property matters. A divorce simply means dissolving your marriage because you want to remarry or you just would like to formalise what is happening in your life.

You can't apply to the Court for a divorce until you have been separated for at least 12 months. There are special rules where you can be separated under the one roof which requires extra documentation. However, unless you have been separated for 12 months you can't commence the process.

Once a divorce application is filed at the Court, it takes about 3 months to conclude from the time you file the application, the court hears it and makes a final order.

The Registrar hears the divorce and they will want to be satisfied that there are proper arrangements for any children of the relationship. They will consider whether the children are seeing their parents and whether the parents are contributing financially to their upbringing.

In most cases, you will not need to attend Court for the divorce if you have family law lawyers. If there are no children to your marriage the court does not require you to attend personally but will look at the application on the date that it is allocated.

Once you are divorced then there are time limits that apply about when you must file and commence an application for property or spousal maintenance. Accordingly, once you are divorced you need keep in mind those limitations.

Not only is it important to consult a lawyer with specialised advice in this area of law, it is equally as important to ensure your lawyer is able to progress your matter in a cost effective manner.

The family law lawyers at Matthews Folbigg can assist either in the divorce or to give some information about your rights and obligations for property or parenting issues.

For advice about negotiating a Property Settlement Agreement contact us on 1800 300 170 or email us at famlaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.