

How a Divorce Lawyer can assist when you have been married for less than two years but seek a divorce

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A divorce lawyer will be unable to lodge your application for divorce orders if you have been married for less than two years unless you satisfy the counselling requirement. Parties married for less than two years must provide a counselling certificate with their divorce application in order for it to be considered by the Court.

What is a counselling certificate?

A counselling certificate must be signed by an approved counsellor. This certificate sets out that the parties with the counsellor's help have considered reconciliation without success.

Exceptions to the counselling requirement

The requirement for a counselling certificate can be waived if the Court is satisfied that special circumstances exist that warrant the divorce application to continue regardless.

It is not clear what scenarios will fall into the category of special circumstances affording dispensation. In the case of *Nuell and Nuell (1976)*, Justice Fogarty held that it was enough that both parties were not interested in attempting counselling. Contrastingly, in other cases such as *Philippe and Philippe (1978)* and *Malyszko and Malyszko (1979)*, the Judges have held that special circumstances are facts that are peculiar and depart from the norm.

It is evident that what will be considered as a special circumstance will vary on a case by case basis. For this reason, seeking specialist advice from a divorce lawyer that is catered to your individual circumstance will be able to give you a clearer indication of if it is likely that you will be able to fit this category of exception.

[For more information, visit our page on Separation and Divorce.](#)

For advice in relation to your divorce, contact a divorce lawyer from our team on **1800 300 170** or email us at familylaw@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.