What You Need to Show the Court to Obtain a Divorce

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In order to obtain a divorce, there are certain requirements depending on whether you have children under the age of 18 years. If you do have children under the age of 18 years, your divorce lawyer will need to demonstrate to the Court that:

1. Proper arrangements in all the circumstances have been made for the care, welfare and development of the children, or
2. That there are circumstances by reason of which the divorce order should take effect even though the court is not satisfied that such arrangements have been made.

There is a positive obligation on the Court not to allow divorce orders to take effect unless proper arrangements have been made for the children. Your divorce lawyer will consider the following factors when advising you: whether any child support is being paid, whether both parents are spending time with the children, the health of the children and whether they are attending and progressing in school.

Noting that an application for parenting orders and an application for a divorce are separate applications, during an application for a divorce, the Courts role is not to effectively conduct a hearing in relation to the issues of contact, residency and/or child support. It is sufficient that the arrangements have been made or are able to be made. In some circumstances your divorce lawyer can seek an alternate declaration from the Court.

For more information visit our page on Separation and Divorce.

For advice about our family law matter, please contact one of our family law lawyers 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.