



The Basics of Getting a Divorce

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Divorce is the process of terminating a marriage. After 12 months of separation, your separation lawyer can assist you to make either a sole application or a joint application for divorce. If you are making a sole application that is, applying on your own, your separation lawyer will be required to serve the application on the other party and must attend your divorce hearing if you have children under the age of 18 years. If you are making a joint application with your former partner, you will not be required to attend the divorce hearing.

Grounds for Divorce

The only ground for getting a divorce is that the marriage has broken down irretrievably. This is demonstrated if the parties have lived separately and apart for a continuous period of 12 months. Separation does not require that the parties live physically apart, they may well be living separately but under the same roof. Rather, separation is demonstrated when one party forms an intention to sever the relationship and to act on that intention. Alternatively, separation is proven if one party has acted as if the relationship has been severed.

Marriages Less Than Two Years

If you are seeking a divorce within two years of marriage, you will generally need to file a certificate from an approved family counsellor stating that you have considered reconciliation.

Children to the Marriage

If there are children to the marriage, your separation lawyer will need to satisfy the Court that proper arrangements have been made for the children including who is caring for the children and whether child support is payable.

Effects of a Divorce Order

A divorce Order takes effect one month after it is made.

Once your divorce Order has taken effect, it is important to keep in mind that there is a time limit of 12 months for filing applications for property and spousal maintenance.

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

For advice about how to get a divorce 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.