

# PLAIN ENGLISH GUIDE

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LAWYERS

## DIVORCE

### WHEN CAN YOU GET A DIVORCE

You can get a divorce if your marriage has broken down beyond repair. Generally, you must have been separated for at least 12 months. You do not have to be living in different houses to be considered separated. If you have children under the age of 18 years, you will need to have proper arrangements in place for the children.

### DOCUMENTS NEEDED

There is a number of supporting documentation that you will require in order for your lawyer to process your application which include:

1. Marriage Certificate (with translation if not in English)
2. If neither party is born in Australia, proof of citizenship, residency or visa with passport proof evidencing you have been in Australia for the last 12 months

### TIME LIMIT: PROPERTY

Your divorce takes effect one month and one day after the divorce Order is made. After that, you will generally have 12 months to bring an application to Court to divide your property.

### YOUR DIVORCE APPLICATION

Your application for divorce can be made on your own (single application) or, together with your ex-partner if you both agree (joint application). If you are making a single application and there are children involved, you or your lawyer will need to attend Court either in person or by telephone.

#### *Single Applications*

Step 1: Complete and file an Application for Divorce

Step 2: Serve your divorce Application on your ex-partner no less than 28 days before the hearing date.

Step 3: Have your ex-partner complete an acknowledgment or affidavit of service

Step 4: Divorce Hearing (attend if you have children)

#### *Joint Applications*

Step 1: Complete and file a Joint Application for Divorce

Step 2: Divorce Hearing

Note: The steps involved may vary slightly depending on individual circumstances

For advice about getting 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.