



The Essential Guide to Separation & Divorce in Victoria

A Quick Reference for Your First Steps

01

02



•

•

•

•





Introduction

Separation is one of life's toughest transitions—emotionally, financially, and legally. But taking clear, early steps can protect your rights, reduce stress, and set you up for a smoother path forward.

This guide cuts through the confusion and gives you exactly what to do in your first 30 days. No jargon—just practical actions you can take today.

01

02





Do You Meet the Requirements?

Before applying for a divorce in Australia, you must meet legal separation requirements:

12-month separation rule

- ☑ You and your partner must have lived separately for at least 12 months before filing for divorce.

Separation under one roof is allowed

- ☑ You can still be “separated” while living in the same home (but you’ll need proof).

“Separated” means:

- ☑ You’ve stopped behaving as a couple (e.g., no shared meals, finances, or intimacy)
- ☑ At least one of you intended the relationship to end
- ☑ You’ve communicated that decision (even if your partner disagrees)

Action: Write down the date you separated—and note 2–3 changes that show you’re no longer a couple (e.g., “Stopped sharing bank accounts on [date]”).

01

02





Your First 30 Days: Priority Actions



Week 1 – Do This Now

- ☉ Confirm your separation date – Be specific (day/month/year).
- ☉ Open a separate bank account – Protect your income and avoid joint spending confusion.
- ☉ Change passwords – Email, banking, Centrelink, MyGov.
- ☉ Secure important documents – Birth certificates, passports, property deeds.
- ☉ Tell your super fund – Update your beneficiary if needed.
- ☉ Pause major financial decisions – No selling assets, taking out loans, or changing wills yet.

01

02



Week 2–4 – Get Organized

- ☉ List all assets & debts – Include property, cars, savings, loans, credit cards.
- ☉ Gather 12 months of financial records – Payslips, tax returns, bank statements.
- ☉ Draft a parenting schedule (if kids are involved) – Even informally, note pickup/drop-off days.
- ☉ Calculate living expenses – What do you need monthly to get by?
- ☉ Research mediation services – Many are low-cost or free (e.g., Family Relationship Centres).
- ☉ Update your emergency contact – At work, school, and with your GP.



DON'T Do These Things

- ⊗ Post about your separation or partner on social media.
- ⊗ Move out without a plan (you may weaken your property claim).
- ⊗ Sign anything your partner gives you without legal advice.
- ⊗ Withhold children or deny contact (unless safety is at risk).
- ⊗ Assume “50/50” applies automatically—it rarely does.



Children: What You Need to Know

The law focuses on what's best for the child, not what either parent wants. Courts consider:

- ☑ The child's relationship with both parents
- ☑ Each parent's ability to provide care and stability
- ☑ The child's views (if old/mature enough)
- ☑ Any history of family violence or abuse
- ☑ Practical factors (distance, school, routines)

Your Two Options:

- ☑ **Parenting Plan:** Informal, written agreement (not court-enforceable but useful).
- ☑ **Consent Orders:** Legally binding—filed with court, enforceable if broken.

Child Support Basics:

- ☑ Usually paid by the parent who spends less time with the child.
- ☑ Calculated by Services Australia using income, care %, and number of kids.
- ☑ You can arrange private payments—but formal assessment protects both sides.
- ☑ Child support ≠ parenting time—it's about financial responsibility.

Action: Use the Child Support Estimator on servicesaustralia.gov.au to get a rough idea.

01

02





Property & Money: The Basics

01

02

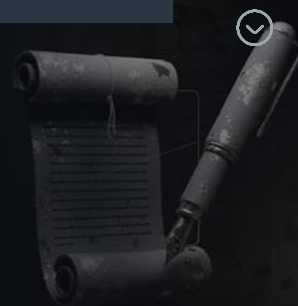


Victoria follows a 4-step process for dividing property:

- 01 Identify** all assets, debts, and super (yours, theirs, joint).
- 02 Value everything** (use recent statements or market estimates).
- 03 Assess contributions** – Financial (income, gifts) and non-financial (homemaker, parenting).
- 04 Consider future needs** – Age, health, income, care of children.

What Counts as “Property”?

- ☑ House, investment properties
- ☑ Cars, boats, furniture
- ☑ Bank accounts, shares, businesses
- ☑ Debts (credit cards, loans, mortgages)
- ☑ Superannuation (yes—even if not accessible yet)



Super tip: Super is treated like any other asset. You can split it without cashing it out.



Your Options for Moving Forward

DIY (Do It Yourself)

✓ Works if:	✗ Avoid if:
You agree on kids and property	There's family violence or power imbalance
Finances are simple and transparent	Assets are complex (businesses, trusts, overseas property)

Mediation

- ⊙ Neutral third party helps you negotiate
- ⊙ Usually faster and cheaper than court
- ⊙ Required before applying to court (unless urgent/safety risk)
- ⊙ Many services offer free or low-cost sessions (e.g., FRCs)

Court

- ⊙ Needed if you can't agree after mediation
- ⊙ Urgent if there's risk of asset hiding or child removal
- ⊙ Strict time limits apply (12 months after divorce for property claims)

01

02

⊙

•

•

•

•

⊙



Essential Documents Checklist



Personal

- ☐ Marriage certificate
- ☐ Birth certificates (you, partner, children)
- ☐ Passports



Financial

- ☐ Last 3 payslips + 2 years' tax returns
- ☐ Bank, credit card, loan statements (last 12 months)
- ☐ Superannuation statements



Property

- ☐ Property deeds or mortgage statements
- ☐ Vehicle registration & valuation
- ☐ Business financials (if applicable)



Children

- ☐ School enrolment records
- ☐ Medical/healthcare details
- ☐ Current care schedule (even informal)

Action: Store copies in a secure folder (digital + physical).

01

02





Next Steps

Talk to a lawyer if:

- ✓ You're unsure about your rights or options
- ✓ Your partner is hiding assets or being threatening
- ✓ You need help filing court documents
- ✓ You want to formalise an agreement (to make it legally binding)

Bring to your first appointment:

- ✓ This checklist (completed)
- ✓ Separation date + key events
- ✓ List of questions or concerns

You don't have to figure this out alone.

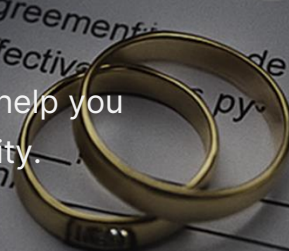
DSA Law offers a free 15-minute initial consultation to help you understand your next best step—no pressure, just clarity.



(03) 8595 9580



www.dsalaaw.com.au



01

02



•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•