

SEPARATED? NOT SURE WHAT TO DO NEXT?

The end of a marriage or de facto relationship is one of the most difficult periods in a person's life. It is not unusual to feel anxious and overwhelmed. It is a time when you need support and guidance.

Each relationship breakdown is different, and there are different factors to consider when separating. Here I have given you eleven tips to assist you when separating. There may also be other relevant factors to be addressed in your particular circumstances.

1. Consider the care arrangements for your children. Family dispute resolution can help if it is difficult for you to speak to your spouse/partner direct. Tips received from an experienced family lawyer with a conciliatory approach may be helpful. Remember that how parents handle a separation can impact children. Consider this when speaking to or about your spouse/partner in front of your children.
2. If there has been family violence (the definition of which is not limited to physical violence), seek an intervention order.
3. Look after yourself. Get the support that you need. People often engage the services of a psychologist or family therapist to help them get through this time. Friends are great, but sometimes it helps to speak to someone independent. Exercise – endorphins are a great thing! Rest and be kind to yourself.
4. Contact the Child Support Agency and/or view their website (<http://www.humanservices.gov.au/customer/dhs/child-support>) to find out about child support. Notify Centrelink about the change in your relationship status. This may determine whether you are entitled to any payments.
5. Change your passwords for all bank accounts and financial institutions, email addresses, and social media.
6. Review your Will and your Power of Attorney as well as checking your superannuation, insurance and other death benefit nominations.
7. Ensure that all of your financial documents and any other important documents have been put away for safe keeping.
8. Review your transactions for all joint accounts and loans you have with any financial or banking institutions to ensure that there have not been any large withdrawals of funds. Notify your bank or financial institution in writing that you and your spouse/partner have separated and that there are to be joint signatures for any withdrawal or redraws of funds.
Alternatively, contact the bank/financial institution and notify them in writing that you do not agree to funds being withdrawn from any joint bank accounts and/or redrawn from any joint loans.
9. If you own property with your spouse/partner and it is held in joint names as joint proprietors, consider whether you wish to sever the joint tenancy. Joint proprietors/joint tenants means that if one owner predeceases the other, the surviving owner will retain the whole of the property – it will not form part of their estate to be distributed in accordance with their Will.
10. Arrange title searches. If there are any properties held in your spouse/partner's sole name, and you have concerns that he/she may dispose of the property, lodge a caveat.
11. Seek advice from an experienced family lawyer.

It is important to surround yourself with people who can support and guide you. Remember that every separation is different. What happened to your friend and/or neighbour, or the way they worked out issues, may not be relevant to your circumstances. Friends are an important source of support. However, it is also important that you receive assistance from suitably qualified professionals who can impartially assist you.

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This article is not an alternative to obtaining independent legal advice and does not constitute independent legal advice. Similarly attendance at information sessions does not constitute independent legal advice, nor does it constitute a solicitor-client relationship.

Lucy is running two events in November to raise funds for the Safe Steps Family Violence Response Centre.

The Empower me family fun day, Sunday 29 November 10am-3pm at 5th Footscray Scout Hall, 1A Bellairs Ave Seddon. Enjoy the stalls, art, dance and music activities, jumping castle, face painting, show bags, hot dog and coffee vans, silent auctions, raffle, guest cartoon character and more. The day will raise awareness about and make a stand against family violence. Gold coin donation for entry.

The Empower me information session, Friday 27 November at Village Real Estate, Hall Street Spotswood. There will be sessions on steps to take if separating or considering separation, finances and small businesses, intervention orders and family dispute resolution.

\$20 per session if you book online or \$25 at the door. Keep an eye on her Facebook page for more details.

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