



DAWSON
FAMILY LAW

DIVORCE: AN OVERVIEW

In 2024 it is difficult to believe that divorce is still illegal in some countries. The Australian Government passed "no fault" divorce legislation in 1975 and it was a breath of fresh air.

Prior to that it was common for spouses to take the stand and share unnecessary information about one another and often private investigators were engaged to prove circumstances such as adultery.

These days it is relatively simple to get a divorce. You must be separated for at least 12 months. Some people stay living together for a period of the same time they are separated for a variety of reasons, including the time it sometimes takes people to sell a home.

Following separation, you should take steps to get legal advice so you understand the process and the timeline to get divorced if you are married, and the time limitation periods that apply to married or de facto spouses.

A common myth is people thinking they have to wait to get a divorce before they can separate their assets. You do not need to wait. You can start the process immediately to financially extract yourself from the other person.

If there are no prospects of reconciliation, we often recommend you start negotiating as soon as possible so that you can start your new life.

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A fresh start



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If you have been married for less than 2 years you will need to participate in a counselling session and obtain a certificate confirming that you participated, or file an affidavit explaining why you have not attended counselling. As it is such a short marriage, the Court wants to ensure there are no prospects of reconciliation.

A joint divorce can be filed by both spouses and this is quite common. It does not need to be served because it is a joint divorce.

A sole divorce can be filed without the other spouse co-signing, and we can arrange to have them personally served, and the relevant paperwork filed in the Court.

If you are unsure on how to contact your former spouse, or cannot locate them, we can engage a process server to help find and serve your former spouse. If your former spouse cannot be personally served, or is refusing to accept service, an application can be made to the Court, requesting an order to allow another method of service, or dispense with the requirement for service. These cases are more complex and we strongly recommend you seek legal advice for assistance in such cases.

Unless your case is complex, we charge a fixed fee for a divorce. Call us now on 4722 2733 to discuss your particular circumstances.

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