

Separation Checklist

Warning: Family Law issues are extremely time-sensitive. A slight delay in your access to proper legal advice can affect your legal position and create significant problems.

Our Separation Checklist is not intended to replace timely legal advice specific to your circumstances.

1. GET SPECIALIST FAMILY LAW ADVICE ASAP

Get on-the-spot legal advice in our Smart Start appointment: an initial 90-minute appointment with a Specialist Family Lawyer for \$350.00 (GST incl).

- Book a Smart Start Appointment with one of our Specialist Family Lawyers. Call 02 4952 3901

2. ORGANISE YOUR PAPERWORK

Collect important financial documents

To understand what you and your ex own together, start by gathering and sorting all your documents. This should include your:

- Marriage Certificate
- Bank statements
- Insurance policies (including home & contents, car and health insurance)
- Tax Returns, Tax File Number and Notices and Assessment for the past 3 years
- Pay slips for the past 3 months
- Car registration details/certificate
- Bank account, credit card and consumer credit statements
- Loan statements for any home loan and/or personal loan
- Rates & utilities bills (rates, electricity, gas, water, strata levies, phones and internet)
- Property documents (Certificate of Title, Residential Tenancy Agreement)
- Superannuation account statements
- Statements for any investments (for example, dividend statements for shareholdings)
- Child Support documents
- Government benefit documents
- Your Will, Power of Attorney, Appointment of Enduring Guardian
- Trauma and life insurance policies

Collect your Children's important documents

- Birth Certificate
- Passport
- Prescriptions
- Medical reports
- Government benefit documents

Store your documents safely

- Change online passwords to your email accounts, bank accounts, superannuation and social media accounts
- For a secure location for your mail, set up a new email account and/or PO Box

Update your Estate Planning documents

Consider the effect of your Estate Planning documents and whether they should be updated including your:

- Will
- Power of Attorney
- Appointment of Enduring Guardian
- Superannuation Binding Death Benefit Nomination
- Life insurance policies

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3. MANAGE YOUR BANKING AND ACCOUNTS

Separate your money from your ex's

- Open a separate bank account in your name (for your income)
- Change your PIN and online banking passwords
- Close joint bank accounts or ask the bank to require both signatures for a withdrawal/transfer
- Cancel joint credit cards
- Cancel any redraw facilities on accounts or ask the bank to require both signatures for a withdrawal/transfer
- Remove your name from agreements, loans and bills where possible
- Update all your insurance policies
- If you are renting, contact your Landlord to amend your Residential Tenancy Agreement

4. MAKE ARRANGEMENTS FOR YOUR MORTGAGE

Work out how you will make mortgage repayments until your property division is settled. To do this:

- Notify your Lender – let your Lender know that you have separated
- Cancel redraw – cancel your home loan redraw facility or ask the bank to require both signatures to redraw/transfer funds
- Plan your repayments – work out how you will cover mortgage repayments until you've finalised your property division
- Request assistance if needed – enquire with your Lender whether you are eligible for any hardship relief on your repayments
- Legal protection – if your home is only in your ex's name, talk to your Family Lawyer about whether you need to protect the property with a caveat
- Protecting your property in the event of your death – if your home is in joint names, talk to your Family Lawyer about whether you need to protect your interest in the property in the event of your death by severing the Joint Tenancy.

5. MANAGE YOUR INCOME AND EXPENSES

Separating can mean that your income changes considerably. In order to manage your spending moving forwards:

- Do a budget – work out your income and expenses (include all debts you are responsible for)
- Talk to Services Australia to find out whether you are entitled to any Government payments and services
- Get help with debts – if you are finding it hard to keep up with your loan repayments or bills, contact the National Debt Helpline (ndh.org.au or 1800 007 007) to find a financial counsellor near you. It's free and confidential and can help you get your finances back on track
- Talk to your Family Lawyer about whether any financial assistance is available to you for legal fees and living expenses through a legal financier. This can provide you with much-needed cash in the short term with nothing repayable until the finalisation of your property division.

6. CONSIDER PARENTING ARRANGEMENTS

- Develop a plan for how children will spend time between you, their other parent and extended family during term time, holidays and on special occasions
- Will the children need an additional set of furniture/equipment/clothes for spending time with the other parent?
- How will you communicate with the other parent to convey child-related information?
- How will the children spend time with grandparents and other family members?

Notify your children's school and extra-curricular activities

Update your contact details and ensure that all documents and reports for your children will be provided to you.

Child support

Contact Services Australia to find out about Child Support. Services Australia provides an online child support estimator to help you work out how much Child Support is likely to be paid in your situation. You should also speak to one of our Specialist Family Lawyers about what you can do to improve your Child Support situation.

Government payments

Visit the Services Australia website to find out if you are eligible for any government payments for separated parents.