



TOP 5 THINGS TO DO WHEN SEPARATING



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Going through separation can be stressful, upsetting, confusing and scary. Whilst everybody's experience is different, a lot of people share the feeling of not knowing what to do first. There are a lot of things that will need to be taken care of – some more urgent than others.

Here is a 'top 5' list of things to do when you are separating. Not all may be applicable to you, but the purpose of the list is to give some initial guidance about the things you might prioritise.

1. SAFETY FIRST

If there has been domestic violence, or you fear that there might be, then you need to first take steps to protect yourself and your children. You may feel safe just living apart from your spouse. You may need to apply for a Protection Order to help keep you safe. If you are in this situation, you should contact Scope, seek legal advice, or in an emergency phone 000. Safety includes emotional safety. Don't be afraid to seek counselling to help you through this difficult time.

2. CHILDREN'S LIVING ARRANGEMENTS

In deciding children's arrangements, the law says that their "best interests" must be considered. Unless there are domestic violence issues, the best interests of a child is usually best served by the child having a meaningful relationship with both parents. This may not always mean living equally between households. If you cannot agree on a parenting arrangement, then you should seek legal advice and/or arrange a family dispute resolution conference.

3. YOUR LIVING ARRANGEMENTS

A decision needs to be made as to who stays and who leaves the

family home. It is not the case that "possession is nine tenths of the law" in family law. Legal entitlements are recognised regardless of who is living in the house. Often, the best arrangement will be the one that is the least disruptive to the children.

4. GET YOUR FINANCES IN ORDER

Open your own bank account. Ensure that you have enough money to meet the bills, or to move out. If your spouse controls the money and you don't have enough, then seek legal advice, as there may be some options available to you.

5. CHANGE YOUR WILL AND POWER OF ATTORNEY

You may want to reconsider whether your partner should still be your nominated executor and beneficiary as well as your power of attorney should something happen.

We can help you with some advice or guide you through what needs to be done. Once these priorities have been taken care of, we can then discuss with you about finalising your property settlement and perhaps longer term arrangements for the children.

GET STARTED

anywhere,
any time with
our online
questionnaire

working together

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