

FAQ's | Empower Family Law & Mediation

Canonical: <https://staging-empowerfamilylaw.yottadigital.net/faqs/>

Details:

What assets are included in a property settlement?

This may include real estate, investments, savings, superannuation, vehicles, businesses, and liabilities.

What are parenting orders?

At Empower Family Law and Mediation we take the right to receive expert advice, strategy and representation of the LGBTIQA+ community seriously. We are members of Pride in Law, Australia's National LGBTIQA+ Law...

Can a child choose which parent they live with?

A child's views may be considered depending on their age and maturity, but they do not make the final decision.

How is child support calculated?

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What is considered family violence?

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Do I need a lawyer to get divorced?

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How is property divided after separation?

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What is the difference between separation and divorce?

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What is the process once I contact Empower Family Law & Mediation?

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What should I bring to my first appointment?

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Do de facto couples have the same rights as married couples?

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How quickly can I get an appointment?

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Can de facto partners seek property settlement after separation?

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Can family law matters be resolved without going to court?

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At Empower Family Law and Mediation, we can help you to ensure that your Financial Agreement clearly sets out your agreement and meets all legal requirements.

From your very first conference with us you will know where you stand, what your options are and what to expect.

That is why your first 30-minute consultation with us is FREE.

Contact us

Speak with us

Your first 30-minute consultation is free. Call (03) 7020 6542 or contact our team to discuss your circumstances and next steps.

What are the first legal issues to consider after separation?

Start with safety, children's immediate arrangements, housing, access to money and preservation of records. Record the separation date and keep copies of current orders, financial information and important communications. If accounts, property or digital assets may change, download your lawful records. Do not sign a settlement document or make an irreversible transfer without understanding its effect. The longer-term issues may include divorce, parenting arrangements, child support, property settlement, superannuation and spousal maintenance. They use different processes and deadlines. A divorce does not resolve the others. Early advice can identify which matters are urgent, which information must be exchanged and whether negotiation, mediation, consent orders, a financial agreement or Court proceedings are appropriate.

How are parenting arrangements decided when parents disagree?

The child's best interests guide parenting decisions. Relevant issues include safety, the child's needs and relationships, the practical effect of proposed arrangements, the parents' capacity to meet those needs and the child's views where appropriate. There is no automatic right to equal time, and the correct arrangement depends on the particular child and family. Parents commonly attempt family dispute resolution before applying to Court, unless an exemption applies for matters such as urgency, family violence or child abuse. Any proposal should address ordinary routines, school, health, communication, holidays, transport and decision-making. A parenting plan and consent orders have different legal effects, so obtain advice about how an agreement should be documented.

How is property divided and why is disclosure important?

The process generally identifies and values assets, liabilities, superannuation and financial resources; considers financial and non-financial contributions; evaluates relevant future circumstances; and asks whether the overall outcome is just and equitable. There is no universal percentage that applies to every relationship. Full and frank disclosure allows each person and the Court to work with a reliable

financial picture. Statements, tax records, superannuation information, company or trust material and evidence of significant transactions may be required. Where an asset is disputed or complex, valuation or specialist advice may be needed. An informal division can leave debts, superannuation or future claims unresolved, so the outcome should be formalised correctly.

What family law time limits should I know about?

A divorce generally requires at least 12 months and one day of separation before filing. After a divorce takes effect, a former spouse generally has 12 months to commence property settlement or spousal maintenance proceedings. A former de facto partner generally has two years from separation for those financial applications. Other urgent applications and procedural dates can arise from existing proceedings or orders. Late applications may require the Court's permission and are not automatically allowed. Do not wait for a divorce before obtaining property advice, and keep evidence of the separation date where it may be disputed. Different rules apply to parenting and child support processes. Obtain current advice for the particular issue and jurisdiction rather than relying on a remembered deadline.