

Separation: the dos and don'ts

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Separation: the dos and don'ts

Separation can bring urgent decisions about safety, children, housing and money. A few careful steps at the beginning can preserve important information, reduce conflict and make later negotiations easier.

This checklist is general information only. It cannot account for every relationship, and safety should always take priority over record-keeping or communication with a former partner.

Do put safety first

If you or a child is in immediate danger, call 000. If family violence is present, seek advice before telling the other person you are leaving, changing access to shared property or agreeing to a meeting.

Consider a safety plan, secure access to your phone and email, and keep important documents somewhere safe. A lawyer or family violence support service can help you plan the next steps.

Do record the separation date

The date of separation can affect divorce eligibility, evidence about post-separation contributions and time limits for some applications. Where it is safe, confirm the separation in writing and keep the message.

Couples can be separated while living under the same roof, but additional evidence may be needed. Keep a factual record of changes to sleeping arrangements, finances, household tasks and how the relationship is presented to family and friends.

Do preserve financial information

Make copies of records you are lawfully able to access, including:

recent bank, mortgage and credit-card statements;

tax returns and payslips;

superannuation statements;

company, trust and business records;

documents for property, vehicles and investments;

insurance policies and significant liabilities; and

records of cryptocurrency or other digital assets.

Parties to a financial or property case have an ongoing duty of full and frank disclosure. Organised records can reduce delay and help both parties negotiate from a more accurate picture.

Do make short-term arrangements clear

Write down any interim agreement about children, bills, the home, vehicles or pets. Be clear about whether an arrangement is temporary and whether it is intended to change legal rights.

For children, focus on safety, predictable routines and practical communication. Keep adult financial disputes away from them and give schools or carers the information they genuinely need.

Do obtain advice before signing

Informal arrangements can have lasting consequences. Get advice before signing a transfer, refinancing a loan, withdrawing from a joint asset, entering a financial agreement or treating a property division as final.

A practical first appointment should identify urgent risks, likely deadlines, documents to gather and options for negotiation or mediation.

Don't hide, destroy or move assets to defeat a claim

Do not conceal property, empty accounts, transfer assets to another person or destroy relevant records. Those actions can create serious disclosure problems, increase costs and affect the final outcome.

Protective steps may be appropriate where there is a real risk that an asset will be sold or removed, but obtain legal advice about the safest and lawful response.

Don't use children as messengers

Children should not be asked to carry legal or financial messages, report on the other household or choose between parents. Use a suitable adult communication channel and keep messages brief, factual and focused on the child.

Don't make major social-media posts about the dispute

Messages and social-media posts can become evidence. Avoid publishing allegations, private documents or information about children. If communication is difficult, use a method that creates a clear and respectful written record.

Don't ignore deadlines or existing orders

Property and spousal-maintenance time limits can apply. Married people generally have 12 months after a divorce becomes final to apply for property adjustment, while de facto partners generally have two years after separation. Parenting orders and intervention orders remain binding until changed.

Act early if a deadline is approaching or an order is no longer workable. Applying out of time or responding to a breach is usually more complex than obtaining advice beforehand.

How Empower Family Law & Mediation can help

We can help you identify the immediate priorities, understand your options and plan a path through negotiation, mediation or Court proceedings where required.

Read about separation , property settlement , parenting and child custody or contact our team .

Your first 30-minute consultation is free. Call (03) 7020 6542 .

For official information about financial records and obligations, see the Court's duty of disclosure guidance .

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What should I do first after separation to protect safety and important evidence?

Safety comes first. If you or a child is in immediate danger, call 000. Where family violence is present, obtain advice before announcing plans, changing access to shared property or agreeing to a meeting. Consider a safety plan, secure your phone and email, and keep essential documents somewhere safe. Do not expose yourself to risk merely to collect records. When it is safe, record the separation date and preserve lawful copies of financial information, including bank, mortgage and credit-card statements, tax returns, payslips, superannuation records, company or trust documents, property records, liabilities and digital-asset information. Keep a factual chronology and copies of key communications. Organised contemporaneous evidence can reduce later disputes about separation, contributions, assets and parenting arrangements.

How should short-term arrangements for children, bills and the home be recorded?

Write down any interim agreement in clear, factual language. Identify what applies to the children's routine, handovers and communication, and who will meet particular bills or use the home, vehicles and other shared property. State whether the arrangement is temporary and when it will be reviewed. Avoid language that implies a final legal settlement unless that is intended and has been advised upon. For children, prioritise safety, predictable routines and practical adult communication. Do not ask children to carry messages, report on the other household or choose between parents. Give schools or carers only the information they genuinely need. An interim arrangement may not have the same legal effect as consent orders or another formal instrument. Obtain advice where enforceability matters, current orders apply or the arrangement could affect later negotiations.

What financial actions should I avoid after separation?

Do not conceal property, empty accounts, transfer assets to another person to defeat a claim, destroy records or omit relevant information. Parties to a financial or property matter have an ongoing duty of full and frank disclosure. Improper transactions can create serious evidentiary problems, increase legal costs and affect the final outcome. Also obtain advice before signing a transfer, refinancing, withdrawing from a joint asset, entering a financial agreement or treating an informal division as final. A protective step may be appropriate if there is a genuine risk that an asset will be sold, removed or dissipated, but the response should be lawful and proportionate. Preserve available records and seek prompt advice about injunctions or other interim options rather than taking unilateral action that may worsen the dispute.

What deadlines and existing orders should I check after separation?

Check all current parenting orders, intervention orders, financial agreements and Court dates because they remain operative until changed or discharged. If an order is unsafe, unworkable or being breached, obtain advice rather than assuming separation cancels it. Also record the separation date and, for married people, the date any divorce becomes final. Property and spousal-maintenance time

limits can apply. Married people generally have 12 months after a divorce becomes final to begin those applications, while de facto partners generally have two years after separation. Divorce itself generally requires at least 12 months of separation. Applying out of time may require permission and is more complex. Early advice allows time for disclosure, negotiation and mediation before a deadline, and helps identify any urgent parenting, safety or asset-preservation issue.