

A top-down photograph of a wooden table. A hand is holding a white cup of tea. To the left of the cup is a silver Fujifilm camera and a white smartphone. To the right is an open magazine with a picture of sunglasses. The background is a terracotta tile floor.

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**I've just separated...**



# ... What happens from here?

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Feeling overwhelmed? That's not surprising as separation can cause major changes to your life. There are many things to consider going forward. Getting good legal advice can assist you in getting your affairs in order.

Here are the answers to some of the most common questions we get asked after someone has separated from their spouse.

## I want a Divorce...

### How do I get one?

**Divorces** only apply to married couples. You are able to apply for a divorce 12 months after the date of separation, so it is a good idea to keep a note of the day you believe you and your spouse separated. For the Court to grant a divorce, they must be satisfied that your marriage has irretrievably broken down, which basically means that you and your spouse are no longer able or willing to live with each other anymore



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# 12 Months

## My spouse and I have separated but we are still living together. Can I still get a Divorce?

Yes, it is possible for you to get a divorce if you have lived "**separately under one roof**" with your spouse.

However, you will have to provide evidence to the Court to support that you were separated while living together.



### **Does my spouse need to agree to a divorce?**

No. You can apply for a divorce without the consent of your spouse, however your spouse must be notified that you have applied for a divorce and must be served with the divorce application.

Your spouse may only object to the divorce if you have not been separated for 12 months.



### **Do I need to go to Court?**

You will need to attend the divorce hearing at Court if you have made the divorce application by yourself and not jointly with your spouse, and you have children under the age of 18. At the Hearing, the Court will need to be satisfied that proper living arrangements have been made for the children.

### **Do I need to wait until I am divorced before I can consider Parenting Arrangements and a Property Settlement?**

No, and in most cases, we will advise our clients to hold off from getting a divorce until the parenting and property matters are sorted out. The reason for this is that there are time limits in applying to the court for property orders once the divorce has been granted.

If you need to speak to a lawyer about separation, a divorce, or any family law matter, contact us on 02 9569 3000.

At Gowland Legal our commitment is to provide much needed support and reputable legal guidance to our clients and their families.

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