

URBAN SEPARATION CHECKLIST



Note the date of separation



- It sounds too simple but this is really important. This is when you make your intentions clear that the relationship is over. You may still be living separately but under the same roof but no longer live as a couple.
- You will need your separation date to advise relevant organisations such as Centrelink, the Child Support Agency and Medicare, to apply for divorce and to finalise your affairs generally.

Make a consultation with an experienced family lawyer



- It is important to get some solid advice ahead of time. Steer clear of well-meaning friends and a rabbit-hole of endless online searches and hear what a lawyer has to say before you start to feel overwhelmed.
- Get an idea of what you want ahead of time. Make notes on anything you want to know and gather any important financial information that may be relevant (see below for more).
- PRO TIP: Make sure your lawyer regularly practices family law. Don't go to the lawyer who helped you out on drink driving charge 5 years ago – you need specific and strategic legal advice.

Privacy is key



- Make sure you change your email, phone and social media account passwords for privacy. You don't want your ex snooping where he/she shouldn't be.
- Do not post anything you wouldn't want your ex to see. Better yet –do not post anything you wouldn't want a judge to see (even if you don't go to court) – just keep this as your social barometer.
- Consider making a new and private account for close friends.
- Be careful of any unusual items, in some circumstances, airtags have been used to track children.
- Double check location and sharing settings to ensure that your spouse cannot track you
- You will be required to exchange financial material and have access to your paper trail – if you have privacy concerns speak to your lawyer about it.

Start saving



- Begin building up some cash in this separate account for divorce-related or future-related expenses such as rent, moving costs and/legal advice – an account in your sole name.
- PRO-TIP: Both parties are obliged to share financial information with the other party. So your ex will see what you have done with your savings and that you have it. This is okay if you use it for living costs and incidental expenses BUT don't start sending funds overseas or to a family member's bank account for safe-keeping because it will need to be accounted for.



- BONUS PRO TIP: If you do have savings in a joint account transfer 50% of the funds to your own personal account to use for your living expenses. So long as you use that money reasonably to support yourself and your family, you will not get into legal trouble doing it.

Also consider:-

- Any automated direct debit payments that are in place on any joint accounts or credit cards;
- Cancel/move the direct debit pays to individual accounts or credit cards;
- Close any joint accounts or credit cards;
- You may wish to purchase some gift cards and leave them aside from a rainy day.

Build your credit



- If up until now you've shared all of your credit card accounts, get a new card in your own name – you may find this handy in case of emergency.
- Make sure that you continue to make minimum payments on loans, debts and credit cards so your credit rating isn't negatively impacted – you may need to apply for a loan in future to buy your own property or pay out your ex if you are keeping the family home.

Gather your documents



- If up until now you've shared all of your credit card accounts, get a new card in your own name – you may find this handy in case of emergency.
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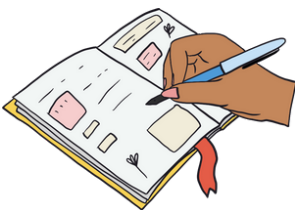
As for documents, the first thing your lawyer would do is request the following documents from you and your former partner. If you can get on the front foot and collate the following, you are already a step ahead.

- Three most recent taxation returns and assessments;
- Current superannuation statements;
- Bank statements for bank accounts such as savings accounts (business and personal), term deposits, credit cards, mortgages for the last three years;
- Market appraisals of property if available, including real estate, fine jewellery, collectible artwork;
- Details of any shares held;
- For a corporation, business, trust or partnership, the following documents are helpful:-
 - Financial statements for each, including balance sheets, profit and loss accounts, depreciation schedules and taxation returns, for the three last financial years;

- Any business activity statements for the previous 12 months;
 - For any corporation, its most recent annual return, listing directors and shareholders and the corporation's constitution;
 - For any trust, the trust deed;
 - For any partnership, the partnership agreement;
- All documents containing evidence about:
 - Any initial contributions;
 - Any purchase or disposal of property in the 12 months prior to and since separation;
 - Any increase or reduction of liabilities since separation;
 - Any agreements to be relied on: and
 - Any gifts, inheritances or windfalls during the relationship or post separation.
 - Any other relevant documents.

The biggest challenges we have in advising our client's about their rights and entitlements early on in the process is because clients don't often have or provide a clear picture of the current financial situation.

Keep a diary



- This will make it easier to recount events and conversations to your lawyer at a later date.
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Work out your budget



- Finance is one of the biggest stressors
- Use a budget planner to work out your income, expenses and debts
- Contact Services Australia to see if you can qualify for any government benefits
- Consider how you will make mortgage or rent payments

Wills & Powers of Attorney



- Make sure you make a new Will, if you are married and die without, your former spouse may inherit your estate;
- Revoke any Powers of Attorney you may have made prior to separation which may have given your ex power to make financial decisions on your behalf.

Learn more about Wills & Powers of Attorney here:

<https://urbanfamilylawyers.com.au/wills-and-estate-planning/>

Superannuation



- Contact your superannuation fund to find out who the benefits from your super when you die. You want to ensure that you change it if it is your former spouse in favour of who you want it to go to upon your passing. So many people forget to do this until it is too late!
- Try and determine figures in relation to your superannuation at critical points in time such as:
 - at commencement of cohabitation or marriage (whichever is earlier)
 - on separation
 - at present date

Itemise any superannuation payouts you may received during Covid

If you have a self-managed fund that owns properties, valuations may be necessary for the purpose of negotiation

Living arrangements



If you stay living in the former matrimonial home:

- You might consider changing the locks.
- This will help to stop your ex from returning to the home to remove items, without your consent.
- Come up with a plan for mortgage repayments or rent.

If you are moving out of the former matrimonial home:

- Take all your personal and sentimental belongings including your financial documents. You may not be able to go back to collect them. Keep these items in a safe place.
- Contact your real estate agent or landlord if you are renting, to take your name off the lease.
- Remove your name from all utility bills.

Look after yourself



It is imperative that you look after yourself physically, mentally and emotionally.

If you need support or someone to talk to, contact your GP for a mental health plan, a psychologist or counsellor. If you fear your safety and/or experience family violence, seek professional help from:

- **1800Respect:** Call 1800 737 732 or visit <https://www.1800respect.org.au/> for counselling and support
- **Hopefield:** Call 02 9545 0299 or visit <https://hopefield.org.au/services/clinical-services/> for information about their services

Talk to your children



- If you haven't already, talk to your children about the separation. Try to keep your discussion age appropriate and explain future arrangements.

Keep your children's documents safe



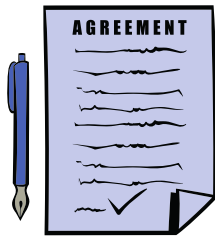
- You may consider keeping hold of your children's passport, if you worry your ex will take them overseas without your consent.

Tell the school



- It might be useful to tell your children's school and teachers about your separation. You can provide them with your updated contact details.
- There may be school counselling programs available for them to access.

Formalising agreements



- If possible, try to discuss parenting and/or financial issues with your ex and reach an agreement. You can record parenting arrangements in a parenting plan – ask your lawyer if you should apply for consent orders to make these binding.

Mediation



- If it is safe to do so, mediation is a great starting point for negotiating for either parenting or property issues. It is always best to make you sure you know your rights, entitlements and responsibilities prior to mediation. You should book a strategy session with Urban Family Lawyers to discuss.
- Mediations can be done with or without a lawyer, depending on the circumstances.
- To commence any parenting matters in the Federal Circuit and Family Court of Australia, you will be required to obtain a section 60I certificate. These certificates are provided by a family dispute resolution practitioner.

Domestic Violence



- Call the Police to report domestic violence, to obtain an Apprehended Violence Order (ADVO) or report a breach of an ADVO
- You may be able to access Centrelink's emergency crisis payment, see [here](#) for details.
- **Victim Services:** Call 1800 633 063 for the Victims Access Line or visit <https://www.victimsservices.justice.nsw.gov.au/victims-services/how-can-we-help-you/victims-support-scheme/counselling.html>