

The separation checklist

A considered list of the practical, financial, and legal steps to take in the first sixty days of a separation in New South Wales.

Before you tell anyone

Separation is rarely a single decision. By the time most people sit down with a lawyer, they have been thinking about it for months. The work done in the weeks before either of you names the decision out loud will shape the rest of the matter.

Preparation matters because the first month after a separation is the period in which the most consequential mistakes are made. Documents go missing. Assets are moved. Conversations are had that are difficult to retract. None of this needs to happen, and almost all of it can be avoided by doing the substantive groundwork early.

This checklist is not a substitute for advice on your matter. It is a list of the practical, financial, and legal steps that, taken together, put a separating person in a position to take advice usefully. The matters it points to are the matters an experienced family lawyer will ask you about in the first meeting.

A note on tone

We have written this for adults making a considered decision. There are no promises here, and no platitudes. Family law in New South Wales is governed by the Family Law Act 1975 (Cth) and the work of the Federal Circuit and Family Court of Australia. The framework is knowable. The decisions inside it are yours.

Documents, dates, and restraint

Before any conversation with the other party, gather the following. Copies are sufficient; originals stay where they are. If documents are stored digitally, export PDFs and store them in a location only you can access.

Documents to take copies of

- Bank statements for all accounts, joint and sole, for the last twelve months.
- Superannuation member statements for both parties, current and prior years where available.
- Personal tax returns and notices of assessment for the last three financial years.
- Business financial statements, BAS returns, and tax returns for any entity either of you controls.
- Mortgage statements and current loan account balances for all property.
- Certificates of title or current title searches for all real property.
- Insurance policies — home, contents, life, income protection, private health.
- Marriage certificate, or evidence of de facto cohabitation (joint lease, joint utilities, statutory declarations).
- Wills, powers of attorney, and any existing binding financial agreements.

Other practical steps

- Photograph valuables, artworks, and items of personal significance, with dates.
- Note the date of separation. Write it down. The date matters for property and for divorce.
- Do not move significant assets, transfer property, or restructure entities. These steps look like dissipation later.
- Be cautious with joint accounts only insofar as the law allows. Never withdraw the joint balance.
- Change passwords on personal email and devices to a password the other party does not know.

Banking, residence, and urgent steps

The first thirty days are administrative. The decisions are small individually, consequential together. Take them in order.

Banking

Open a bank account in your sole name if you do not already have one. Most major banks will open an account online in under an hour. Redirect your salary into this account if appropriate to your circumstances and only after taking advice on the implications. Keep the joint account operating in the ordinary course; do not empty it. The court takes a dim view of unilateral movements of joint funds, regardless of who earned them.

Residence

Consider whether to separate under one roof or for one party to move out. Each has legal consequences. Separation under one roof is recognised in Australia and can be evidenced, but it requires care. Moving out does not forfeit any interest in the property, but it shapes the practical and parenting arrangements that follow. Take advice before either party leaves the home.

Urgent steps

Speak with an experienced family lawyer early about whether your situation calls for urgent steps. Where there are concerns about asset dissipation, applications for financial restraint can be made. Where one party intends to deal with real property, a caveat may be lodged with NSW Land Registry Services to protect a caveatable interest. Where parenting arrangements are unstable, interim orders may be sought in the Federal Circuit and Family Court of Australia. None of these steps should be taken without advice.

Parenting arrangements, briefly

Parenting arrangements in Australia are decided by reference to the best interests of the child. The Family Law Act 1975 (Cth) sets out the considerations the court applies, with the safety of the child and the benefit of a meaningful relationship with both parents at the centre.

Three ways arrangements are recorded

A parenting plan is a written agreement signed and dated by both parents. It is not enforceable as a court order, but it carries weight and is the right starting point for most separating parents.

Consent orders are orders of the Federal Circuit and Family Court of Australia made by consent of the parties, without a contested hearing. They are enforceable as orders of the court.

Parenting orders are orders of the court made after contested proceedings. They are the option of last resort and the one we work to avoid where it can be avoided.

Practical first decisions

- Where the children will live in the short term, and on what schedule.
- How school drop-offs, pick-ups, and out-of-hours care will be handled.
- How communication between parents will happen — telephone, email, a parenting app.
- What each parent will tell the children, and when. Agree the words in advance where possible.
- Holidays, religious observance, and travel — even if these are months away.

Identifying the matrimonial pool

In Australian family law, the matrimonial pool is identified before it is divided. It includes all assets and liabilities of both parties, regardless of in whose name they are held, and regardless of when they were acquired. Superannuation is included. So are interests in companies, trusts, and businesses. The pool is identified first, then the court (or the parties, by agreement) assesses contributions and future needs to arrive at a just and equitable division.

Worksheet — record what you can

Use the lines below to record the principal items in the matrimonial pool as best you currently understand them. Approximate values are sufficient at this stage. The detail comes later. An expanded version of this worksheet, with prompts for trusts, businesses, and contribution analysis, is available as the firm's Property & Asset Disclosure Worksheet.

REAL PROPERTY — ADDRESS AND APPROXIMATE VALUE

REAL PROPERTY — MORTGAGE BALANCE

BANK ACCOUNTS — SOLE

BANK ACCOUNTS — JOINT

SUPERANNUATION — YOUR FUND AND BALANCE

SUPERANNUATION — OTHER PARTY'S FUND AND BALANCE

BUSINESS INTERESTS — ENTITY, OWNERSHIP, VALUE

TRUSTS — NAME, ROLE, TYPE

PERSONAL PROPERTY OF SIGNIFICANCE

LIABILITIES — CREDIT CARDS, PERSONAL LOANS, TAX

A short list, with honest notes on timing

Most people overshare in the first weeks of a separation and regret it later. The list below is not exhaustive, but it covers the people who need to know in the order in which they need to know.

Your accountant

Early. Your accountant holds the records of your structures and is likely to be asked to produce them. Tell your accountant the separation has occurred and ask them to expect requests from the lawyer.

Your financial adviser

Early, if you have one. The adviser will need to consider whether existing instructions remain appropriate, particularly on joint accounts and binding death benefit nominations.

Your employer

Only when necessary. Many separations resolve without the employer being involved. Where salary redirection, leave, or scheduling adjustments are needed, an HR contact may need to be told. The substantive details are not their concern.

Centrelink (Services Australia)

If you receive any Centrelink payment, you are required to notify a change of relationship status. If you are not receiving a payment, you do not need to advise Centrelink.

The children's school

In due course. Schools handle separations regularly and would generally rather know than not. The appropriate person is the year coordinator or principal, not the class teacher.

Friends and extended family

Tell whom you must. Resist the impulse to tell whom you can. Information shared at speed in the first weeks tends to outlast the circumstances that produced it.

Early. Substantively. Once.

Take advice early. The most expensive mistakes in a family law matter are made in the first few weeks, before lawyers are engaged. Funds moved without thought, conversations had without advice, documents signed without review — these are the matters that resurface months later, when they are harder to correct.

The first meeting with an experienced family lawyer is substantive. It is not a sales call. An experienced lawyer will ask about the structure of your assets, the history of the relationship, the children if there are children, and the outcome you want to reach. They will set out the framework that applies and the options open to you. By the end of an hour you should know what the next step is and what it is likely to cost.

Bring to the first meeting

- This checklist, completed as far as you have been able to.
- Copies of the documents listed in Section one.
- A short written summary of how the relationship has been structured financially — who earned, who paid, who held.
- Your questions, written down. The meeting will move quickly.

What to expect

An experienced lawyer in family law will run your matter from first meeting to last. Routine tasks that do not require senior judgement are handled by junior lawyers and legal assistants working under their direction, which keeps fees proportionate to the work being done. Fees are quoted at the outset and discussed candidly throughout.

About the firm

Urban Family Lawyers is a Sydney boutique acting on family law, wills and estate planning, estate disputes, and Supreme Court property matters. Every matter is run by an experienced lawyer in the relevant practice area, who handles the file from first meeting to last. The firm is deliberately small and takes on a limited number of new matters each year.

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