

Family Law in Australia.

Irrespective of whether you have children or not, are married, are in a de-facto or same-sex relationship, or if you have adopted children, you are covered under the Family Law umbrella in Australia.

Family Law broadly covers the following areas:

1. The divorce process for married couples.
2. All matters relating to where children live, and how and who they spend time with. Although, where children are deemed to be 'at risk' the Department of Human Services may intervene;
3. Property settlements:
These can be for married couples, and can include Spousal Maintenance. The Family Court of Australia will even assist with the division of property for couples who have lived in a de-facto relationship, regardless of having children.
4. Financial Agreements:
This includes well known 'Pre-Nuptial Agreements', and Domestic Relationship Agreements which can be drawn up before, or even during a De-Facto relationship (same-sex or otherwise). Likewise, Separation Agreements can be drawn up in anticipation of, or immediately following a relationship breakdown.

Some terms you may hear when dealing with Family Law in Australia:

Mediation: A way of resolving disputes between two or more parties. A third party, 'the mediator' assists the parties to negotiate their own settlement.

Consent Orders: These Orders can cover children, division of property and financial support of either party. If you are able to come to a final agreement about what arrangements should be made then you can formalise your agreement without a Court hearing by applying for Consent Orders.

Consent Orders for division of property may offer some taxation benefits (e.g. exempting Stamp Duty on the transfer of Real Estate between parties).

Consent Orders oblige the parties to comply with agreed arrangements. This ensures no on going drama or conflict, and helps you move forward.

Spend Time With/Live With: The Family Law Act prefers to focus on 'lives with' as a reference to the primary parent, and 'spends time with' as a reference to the secondary parent.

Disclosure and Financial Statement: In dealing with property matters in Family Law, you must make 'full and frank disclosure' of your financial circumstances. You do this by listing all your financial information on a Family Court 'Financial Statement' and by providing evidence such as bank statements.

75(2) factors: Section 75(2) of the Family Law Act lists a number of factors to be taken into account, along with contributions (both financial and non-financial) of any sort made by each party. An example of the 'factors' are: Commitments of either party to supporting himself/herself and the child/ren, and The ability of each party to reestablish themselves.

For further information please contact the approachable team at HEP Steel.