



Preparing for separation from your partner

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Separating from a partner can be one of the most difficult and challenging experiences in a person's life. There are many different issues that arise following the breakdown of a relationship, including your living situation, division of your assets (property settlement) and parenting arrangements for your children. Separation usually involves a period of emotional upheaval and you may feel uncertain about what to do next.

If you are thinking of separating, there are some steps you can take to [prepare for your separation](#) which may help make the process less stressful for you and your partner whilst also protecting your family law interests.

Gather your documentation

It is helpful to gather important documents if you are planning on separating from your partner, as it may be difficult obtaining them later on. You can keep the originals in a safe place or scan or take photos of these documents.

Some of these documents include:

- birth certificates for you and your children;
- marriage certificate;
- passports;
- licenses, Medicare cards and other identification documents;
- Wills;

- mortgage documents, titles to any real estate and other significant assets; and
- bank account statements.

Look after yourself

Many people often experience a myriad of heightened emotions during separation, which can take a toll on their overall health. It is important to look after yourself during this time and get the right support around you. Prioritise self-care and do not be afraid to lean on trusted family members or friends for practical support, such as preparation of meals.

It is often beneficial to seek assistance from a professional such as your GP, counsellor or psychologist, who can help address the issues you face and implement some strategies to navigate your way through this turbulent period. This can prepare you for the decisions you need to make during the separation process and to create sound plans for the future.

Speak with a family lawyer

It is crucial to obtain legal advice from a family lawyer early and ideally prior to separating or making any significant decisions.

An experienced family lawyer can provide you guidance about the separation process, provide advice as to your entitlements and options and address any concerns that you may have. Knowing your legal situation can remove some of the stress and uncertainty that you may be experiencing and help you make informed decisions.

Your family lawyer will be able to provide advice on the following:

- [Parenting arrangements](#) for any children of the relationship;
- Preparing for [property settlement](#) negotiations;
- [Spousal maintenance](#) entitlements;
- Reviewing or preparing a [financial agreement](#); and
- Protecting you and your children from any [family violence](#).

Understanding your rights under family law prior to separation can provide you with peace of mind and added security about your future.

Understand your financial position

Many people experience a significant change in their financial situation when they separate from their partner. It is useful to familiarise yourself with your present financial position, including your current assets and liabilities and work out what your living expenses are.

Consider speaking with a financial planner or advisor to discuss your financial position and what your financial needs might be in the long term. Understanding your financial situation and options will assist you in setting up and securing your financial future.

Protect your privacy and safety

It is common in relationships for couples to share accounts and passwords and even a shared cloud. Before separating from your partner, consider changing passwords to any personal accounts you have, including internet banking, social media, cloud and other accounts. You may also want to set up a separate email account to ensure that your personal information remains private, including any communications with your lawyer.

If you are in a situation where there has been [family violence or you are at risk of experiencing family violence](#), it is important to be mindful when changing passwords to accounts your partner has access to, as it may alert your partner that something is unusual or wrong.

We encourage you to speak with a family lawyer who can provide you with advice tailored to your individual circumstances and how you can separate safely from your partner.

How a family lawyer can help

Whether you have separated or are contemplating separating, it is worthwhile speaking with a family lawyer who can equip you with the knowledge you need to confidently take your next steps. Contact us to speak with one of our experienced family lawyers.

Contacting Smith Family Law

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