

My former partner is delaying property settlement

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A timely and fair property settlement is essential when navigating the complexities of family law matters. However, when your former partner intentionally delays the process, it can be frustrating and financially burdensome.

In such situations, it is crucial to understand your rights and take appropriate steps to ensure a timely resolution and fair outcome. This article aims to provide guidance and practical strategies for individuals facing delays in family law property settlement in Australia.

Seek legal advice if your property settlement is being delayed

If your former partner is intentionally delaying the property settlement process, we recommend seeking legal advice from an experienced family lawyer.

They will be able to assess your situation, review the relevant documents, guide you through your options and recommend the next steps. A lawyer can help you understand your rights, negotiate with your former partner's legal representation, and, if necessary, initiate court proceedings to expedite the resolution.

It is important to remember that all family law matters are unique, and in some circumstances, it may be favourable for you to delay the resolution of your matter. Obtaining appropriate legal advice will ensure you have the information you need to make informed decisions about your next steps.

Early communication and negotiation are key to progressing property settlement

Open, direct and effective communication with your former partner (where appropriate and safe to do so) can help resolve delays amicably.

If you feel comfortable doing so, you can initiate discussions directly or otherwise go through a lawyer to express your concerns and seek clarity on the reasons for the delay. Engaging in negotiation or mediation can encourage cooperation and facilitate an agreement without the need for lengthy court proceedings. By demonstrating a willingness to resolve matters outside of court, you may encourage your former partner to engage in the process more actively.

Providing relevant documentation and financial disclosure in a timely manner

Ensure that you have provided all necessary documentation and financial disclosure in a timely manner.

In property matters, complete and accurate financial disclosure is crucial to assessing and dividing assets fairly. In parenting matters, identifying the issues in dispute and recognising the reasons behind any disagreement is essential to resolving parenting matters and developing an appropriate co-parenting relationship.

By providing comprehensive information in a timely manner and communicating this information with your former partner, you demonstrate your commitment to resolving your family law matter efficiently. If your former partner is withholding relevant documents or information, your lawyer can assist in obtaining the required details through other means, such as subpoenas or court orders.

Providing instructions to your lawyer is also an important step to ensure that your matter is progressing and avoiding any delays. If your lawyer has to wait and chase you up for a response to important matters, your matter may be unnecessarily delayed.

Alternative Dispute Resolution for property settlement

Considering alternative dispute resolution methods, such as arbitration or mediation, can help to move your matter along and expedite the resolution of your matter. These processes provide a neutral and structured environment for resolving disputes outside the court system.

Engaging in alternative dispute resolution can often lead to quicker and more cost-effective resolutions, as they allow for greater flexibility and personalised outcomes. Discuss these options with your lawyer to determine if they are suitable for your situation.

Making an Application to the Court

If negotiations and communication fail to progress your property settlement negotiations or parenting arrangements, it may be necessary to make an Application to the Federal Circuit and Family Court of Australia to move your matter forward.

Your lawyer can guide you through the process of initiating court proceedings, including filing an application for property settlement or parenting orders. While the Court process is not a ‘quick fix’ to resolving property matters, the Court will implement deadlines

and set a timetable for resolution, ensuring that the matter progresses and any delays are minimized.

If necessary, initiating Court proceedings can put pressure on your former partner to cooperate and actively participate in the settlement process. It is important to note that initiating Court proceedings does not preclude you from reaching a negotiated settlement along the way. The Court is focused on assisting parties to reach their own resolution by promoting alternative dispute resolution at every stage of a matter.

When faced with delays in a family law matter, it is essential to take proactive steps to move your matter along and achieve a resolution. Seeking legal advice, maintaining open communication, and engaging in negotiation or alternative dispute resolution methods can help overcome the challenges incurred by a delaying former partner. If necessary, initiating Court proceedings can provide a structured approach to expedite the process.

Get help from a family lawyer

It's important to remember that every family law matter is unique, and it’s important to obtain advice from an experienced family lawyer who can provide advice based on your specific circumstances.

Smith Family Law is able to guide you through the process and help you take appropriate steps to address the delays in your matter and make sure you reach a timely resolution.

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