



Changes to Divorce Applications from 10 June 2025

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The [Family Law Amendment Act 2024](#) (the Amendment Act) passed Parliament on 10 December 2024 and most of the amendments will take effect in relation to all family law matters after 10 June 2025.

The Amendment Act contains a number of amendments that will alter the *Family Law Act* (the Act) and change the way the Federal Circuit and Family Court of Australia deal with applications for divorce.

Applying for a divorce

[Divorce](#) is the formal legal ending of a marriage. It means you are no longer legally married to your ex-spouse and allows you to legally get married to someone else.

It is important to note that the granting of a Divorce Order has flow-on effects (some with time limitations) that you should discuss with a lawyer before applying for a divorce.

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The granting of a Divorce Order does **not**:

- resolve [parenting matters](#);
- resolve [property settlement](#);
- automatically amend or override [Powers of Attorney](#); or
- amend or override any insurance policies.

In Victoria, a Divorce Order may revoke any appointment of a former spouse as your executor, as well as any gift made to them in your Will. The remainder of your Will would then remain valid. You should obtain legal advice from an experienced Wills and Estates lawyer in relation to your Will after a divorce.

If you have any questions or concerns about any of these issues, it is important that you engage a lawyer to fully understand your rights and responsibilities.

For general information about applying for a divorce in Australia, read our blog 'How to apply for a divorce without using a lawyer'.

Changes to divorce procedures after 10 June 2025

Removing the limitations on when parties can apply for a divorce

Prior to the 10 June 2024 amendments, spouses had to remain married for a period of 2 years before they could apply for a divorce.

Parties seeking to obtain a divorce prior to this 2-year time period were required to attend relationship counselling and file a certificate with the Court stating they had considered reconciliation with their spouse.

If parties did not want to see a counsellor or consider reconciliation, they were required to make a separate application to the Court seeking to dispense with the 2-year time period. The Court could only consider granting permission in extreme circumstances.

With the changes that are effective from 10 June 2025, parties are able to apply for a divorce as soon as they wish after their marriage. However, parties are still required to be separated for a minimum of 12 months before making an application.

Requirements for attending divorce hearings

The Amendment Act has made changes to the requirement for parties to attend their divorce hearing.

Most divorce hearings are heard via telephone, and while they do not usually require a physical attendance from the parties in a courtroom, parties are sometimes required to 'dial in' and attend the divorce hearing via telephone.

Prior to the changes, parties were required to attend court if:

1. They applied jointly and had children of the marriage;

2. They applied solely and had children of the marriage;
3. They applied solely and did not have children of the marriage.

The June 2025 changes mean divorcing parties will have the same Court attendance requirements regardless of whether they file solely or jointly or there are children of the marriage, as set out below. In the absence of the below circumstances, parties are no longer required to attend Court for their Divorce Hearing.

Parties may still be required to attend Court in special circumstances or if requested to by the Court. Circumstances where parties may be required to attend their divorce hearings include:

- If either party has objected to the divorce being heard without the parties appearing;
- If the respondent files a 'Response to Divorce' opposing the application; or
- If you are also making an application for substituted service or a dispensation of service.

An application for substituted service or dispensation of service is made when a party is seeking to deviate from the usual obligations and rules required when serving a divorce application on the respondent. For example, if you do not know where your former spouse is living, and do not know where to send the documents to.

If you want to attend your divorce hearing, you can still elect to do so when you file your application.

If you are concerned about having to attend Court, you may prefer to engage a lawyer so that they can attend with you or on your behalf. They can make sure you have representation at Court so that you do not have to speak at the hearing if you do not want to.

Get help from a family lawyer

Get in touch with one of our family lawyers for a free initial consultation to discuss what these changes mean for your specific circumstances.

Contacting Smith Family Law

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This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.