



Divorce

Who Can apply for a Divorce?

You- if you are applying for a Divorce by yourself (sole applicant)

You and Your partner-if you are applying together (joint application)

To be eligible to apply for a Divorce in Australia, you or your spouse must:

- Regard Australia as your home and intend to live indefinitely in Australia
- Australian Citizen by birth or decent
- Ordinarily live in Australia and have done so for 12 months immediately before filing for Divorce

When can I apply?

To file an Application for Divorce:

You must be separated for at least 12 months

At least one spouse must regard the marriage as over on the date of separation and in some way communicated this to the other spouse

You have been married for more than 2 years*

You have been married for less than 2 years and want to apply for Divorce you must either:

- Attend counseling with a family counselor or nominated counselor to discuss the possibility of reconciliation
- If you do not attend counseling, seek permission of the Court to apply for Divorce

Do both parties have to agree to the Divorce?

No. You can either lodge a joint application or a sole application for Divorce. Your spouse does not need to agree with the Divorce application.

Do I have to go to Court?

If there is no child of the marriage under 18, you are **not** required to attend the hearing. This applies for both sole and joint applications. If you are required to attend the hearing and fail to do so, the Court may adjourn or dismiss your application.

After the Court grants a Divorce how long before I can legally remarry?

Divorces are usually finalized one month and one day after the Court grants a Divorce. You cannot remarry until after the Divorce is finalised.

Arrangements for Children, Property and Child Support.

The granting of a Divorce does not decide issues about property, child support and parenting arrangements for Children. These issues will need to be dealt with separately with your lawyer.

Fees

Generally fees are payable by the party/parties applying for the Divorce. If you suffer from financial hardship or are on a Centrelink benefit you may apply for fee exemption for a Divorce.