FAMILY SEPARATION PROCESS

PROPERTY: PROCESS TO DECIDE HOW TO DIVIDE YOUR MONEY & ASSETS



YOU AND YOUR EX-PARTNER AGREE

NO PROFESSIONAL ASSISTANCE

Agree with your
ex-partner
on how to divide your
property.

This agreement could
be overturned by
a Court unless
formalised using
a lawyer.

LAWYER

(Optional, but recommended)

Ex-partner can take the agreement to a Lawyer to formalise it into 'Consent Orders' or binding 'Financial Agreement'

MEDIATOR

Your mediator will **help you to agree** about how to divide your money and assets.

Lawyer participation – optional but recommended

AGREE

Your Mediator will refer you to a Lawyer to formalise your mediated agreement.

NOT AGREE

or **You or your ex-partner refuse to mediate**

Your Mediator will refer you to separate Lawyers.

LAWYER

(Optional, but recommended)

Ex-partner can take the agreement to a Lawyer to formalise it into 'Consent Orders' or binding 'Financial Agreement'

LAWYER

You and your ex-partner get separate Lawyers. Your Lawyers will try to **negotiate** agreement.

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AGREE

Your separate lawyers will prepare 'Consent Orders' or 'Financial Agreement'

NOT AGREE

Your lawyers will prepare your individual cases & brief Barristers to go to Court.

Legal fees may range from \$50,000 to \$200,000 plus.

JUDGE IN COURT

A judge decides how your property is divided.
There can be up to 3 years wait for a court hearing

YOU AND YOUR EX-PARTNER

DO NOT AGREE

LAWYER

You and your ex-partner get separate Lawyers. Your Lawyers try to negotiate agreement.

AGREE

Your lawyers will prepare
'Consent Orders' or binding
'Financial Agreement'

NOT AGREE

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Your lawyers will refer you to a Mediator

NOT AGREE

In cases where the extent and value of property is not clear:

Your separate lawyers will prepare your individual cases & brief Barristers to go to Court for orders to determine the extent of property.

MEDIATOR

Your mediator will **help you to agree** about how to divide your money and assets.

Lawyer participation – optional but recommended

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AGREE

Your mediator will refer you back to your separate lawyers to formalise your agreement.

NOT AGREE

You or your ex-partner refuse to mediate

Your mediator will refer you back to your separate lawyers to go to Court.

JUDGE IN COURT

The judge will order full disclosure and valuation of assets. The Judge will order you to mediation.

LAWYER

Your lawyers will prepare
'Consent Orders'
or binding
'Financial Agreement'

LAWYER

Your separate lawyers will prepare your individual cases & brief Barristers to go to Court.

Legal fees may range from \$50,000 to \$200,000 plus.

JUDGE IN COURT

A judge decides how your property is divided.

There can be up to 3 years wait for a court hearing

DEFINITIONS

CONSENT ORDERS:

Are made by a court when ex-partners consent to a financial agreement and proposed orders. They are made by a Court if it is determined that your agreement is just and equitable.

BINDING FINANCIAL AGREEMENT

Your financial agreement can be drafted by your lawyers to become binding. It is not assessed by a Court as to whether it is just and equitable. You will need separate lawyers to prepare this agreement.

Disclaimer: The information on this website and any attachments is provided by way of overview and is not intended to, and does not constitute legal advice.

Legal advice should be obtained from a lawyer experienced in Family Law, who will be able to give you specialist advice, taking into account the particular circumstances of your case.