

YOUR SEPARATION CHECKLIST

14 TIPS TO FOLLOW
WHEN YOU HIT 'THE SPLITS'



**GET ORGANISED AND
SEPARATE WITH DIGNITY**

The information you need to move forward and stay focussed on
living your best life
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This checklist is designed as an aid for you if you are going through a relationship breakdown. In family law, the Director of O'Loan Family Law, Bron O'Loan, has seen it all. She knows what to do and what not to do and importantly, how to protect yourself and avoid common mistakes. Use these tips as a guide to make the early stages of your separation as smooth as possible.



TIP #1

SORT OUT YOUR SUPPORT NETWORK

You might think you can do this alone, but acknowledge that you will probably need some support. Your support network can be a trusted friend or a close family member, who can be there for you to talk with. Reach out to your person when you feel you need support.

TIP #2

GET SOME PROFESSIONAL SUPPORT

It can be extremely helpful to connect with a psychologist, counsellor or therapist. Your family lawyer can help to make recommendations if you're not sure who to contact. This kind of support creates a protected space for frank and honest conversations about your separation. While friends and family are good listeners, a professional has skills to help you manage your situation. They can help you with strategies to process your emotions and to manage the impact of your emotions on your daily life and your decision making.

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TIP #3

GET YOUR FINANCIAL INFORMATION TOGETHER

Often it's the case that one partner in a relationship has little or no information about financial stuff and the other partner has complete control of that information. The exchange or extraction of this information can be costly and delay a settlement. So, any information you can get before separation, whether that be copies of bank or credit card statements, superannuation details, share documents, property documents, company documents (you get the drift), will be very useful. This is so whether you are negotiating with your ex directly or whether you are instructing a family lawyer to take those steps for you.

TIP #4

BE YOUR OWN GATEKEEPER

You simply must put in place appropriate boundaries to manage other people's experiences, stories and opinions. Learn what you can from them - the take homes of what to do and what not to do during your separation - but realise that your circumstances and your relationship are unique. Take well meaning advice with a smile and a grain of salt and trust your gut.

TIP #5

KEEP A DIARY

You may need to recount events and conversations later on, when it's difficult to remember the details. Keeping a diary will make it so much easier for you to recall when events and conversations happened and what was said.

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TIP #6

SORT OUT YOUR SHORT TERM LIVING EXPENSES

If you don't have a bank account in your own name with sufficient funds to meet your necessary living expenses for a couple of months (at least), is there a joint account from which you can withdraw funds? Of course, you will account for those funds to your ex, but it is a much better position to be in having to account for them, rather than not being able to put petrol in the car or buy the groceries.

If you don't know what accounts there are, go to the bank and ask what personal accounts you are authorised to transact on. But ...it is important that you do not access company accounts without first seeking legal advice.

You should think about applying for a credit card if you do not have one with available funds, so that you have access to an 'emergency' fund.

It might be that you decide to delay separation for a short time to put appropriate arrangements in place for your short term living arrangements.

TIP #7

MAKE A NOTE OF YOUR SEPARATION DATE

The date of your separation is when you formed the intention to separate, told your partner and acted on that intention. For example, moving to a different bedroom or moving out of the home. This date is an important one when it comes to filing for divorce (if you are married) and may become important when negotiating a property settlement.

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TIP #8

LEAVING HOME

Whether you should leave home is a difficult decision. Generally, you should avoid vacating the home until you get some legal advice about the implications of doing so. Whilst your legal rights will likely not be impacted if you move out, your occupation rights will. It can also delay a settlement if your ex is content to stay at home and isn't keen to change things. Vacating the home should, unless your safety or the safety of your children is at risk, be something you only do after considering all of your options.

TIP #9

IF YOU LEAVE, WHAT SHOULD YOU TAKE?

Some separating couples can reach agreement about how to divide personal and household things without conflict. But, if you decide to leave the home, you can't know for sure how your ex will react. Sadly, ex partners can hold on to personal items as a way to retaliate.

It's a good idea to think about personal things that you have a sentimental attachment too and take them with you such as gifts from family, photographs, jewellery and memorabilia which are things that are usually irreplaceable, and if those things weren't returned to you, it might be hard to accept. So, if you have the chance, remove these items from the home before you leave, so that they are safe and you don't have to worry about negotiating their return to you.

There is also no harm in taking a reasonable share of crockery, cutlery and linen. These are expensive to replace and if your funds are tight, it's best not to have to spend hundreds of dollars buying replacement items.

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TIP #10

BE CAREFUL WITH YOUR SOCIAL MEDIA

You should carefully consider what you post to social media after you separate. There have been circumstances where social media posts have been used as evidence and read by a Judge. Keep a check on your personal life and don't share too much. You might also consider changing your security settings for your social media accounts to 'private' and reviewing your 'friends'.

TIP #11

CHANGE YOUR PASSWORDS

You should seriously consider changing all of your passwords to ensure your ex cannot access any important and personal information without your consent. Passwords you might like to consider changing include internet and telephone banking passwords, credit and debit card PINs, email and internet passwords and social media passwords. Remember, it's sensible to ensure that your ex does not have access to your email account that you are using to communicate with your lawyer as that information is confidential and for your eyes only.

TIP #12

OPEN A SEPARATE BANK ACCOUNT

If you only have joint bank accounts, you should consider opening a bank account in your own name and arrange for your income and any Centrelink payments to be paid into this account.

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TIP #13

KEEP COMMUNICATING

Communication is key to reaching a settlement with your ex so try to keep doing it. This is especially important if you have kids. Try to have a conversation with your ex about how the kids will be told about the separation. It really helps to be on the same page with this. Agree on what arrangements will be in place for the short term so the kids have some certainty. Talk to your kids' teachers and let them know what is going on.

TIP #14

REMEMBER, YOUR KIDS ARE SPONGES

It's likely that your kids have picked up on the feelings at home - even if you have both done all you can to shelter them from the separation. Your kids may be feeling insecure. Involve them in looking for your new home, if that's something that you need to do. Let them decorate their new bedroom and make the home their own. Assure your kids that both you and your ex love them. Let them know that they will continue to be loved and supported, and that they have nothing to worry about.

For a child, speaking badly about the other parent or another family member can feel like an attack on them. Kids feel secure when they don't feel as though they are being interrogated about the other parent or where they are free to express their feelings about the other parent. So, do your best to keep conversations civil and stay away from making derogatory comments.

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IMPORTANT

IF YOU ARE EXPERIENCING DOMESTIC VIOLENCE

Domestic violence can be physical, sexual, emotional, verbal or financial abuse.

If you or your kids are feeling unsafe, call 1800 RESPECT (1800 737 737) 24 hours a day. You'll speak to a domestic violence counsellor from the national sexual assault and domestic violence counselling service.

Protect yourself

Call 000 if you are in danger or need help with a protection order like an Apprehended Violence Order (AVO).

A photograph of a young woman with curly hair and an older woman with short grey hair hugging each other warmly. The young woman is wearing a light blue button-down shirt, and the older woman is wearing a grey sweater. They are both smiling and looking down at each other. The background is a soft-focus indoor setting.

AND REMEMBER

you've got this

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