



# 7 STEPS TO TAKE DURING SEPARATION & DIVORCE

## 1. GATHER FINANCIAL INFORMATION AND PUT IT IN A SAFE PLACE

If you and your spouse/former partner are separating you need to understand your financial position and current financial situation. Speak with your lawyer to understand what financial documents you should collate and what your former partner/spouse should provide too. If there are documents that you have authorised access to you should make a photocopy of them and put them in a safe place until you can provide them to your lawyer. Don't hack into emails or online bank accounts or open mail not addressed to you.

## 2. DON'T TRY TO HIDE MONEY

Many people who try to hide assets from their former partner/spouse don't do a very good job of it. If evidence suggests that assets have been shifted or not disclosed then the court can make unfavourable orders for them, including ordering that their share of the settlement be less and/or making costs orders against them or appointing a forensic accountant to review in great detail their financial position.

## 3. DON'T BAD-MOUTH YOUR SPOUSE TO YOUR KIDS OR MUTUAL FRIENDS

It is way too common for separating parents to say negative things about each other in the presence of the children in an effort to get them on their side. The same thing happens when speaking with mutual friends. Psychologists will tell you that this may win the children over temporarily, but eventually they will see through your comments and arrive at the opinion that the other parent who behaved properly is the one with whom they wish to associate when they become adults. Children often see themselves as a combination of half-mum and half-dad. If you say bad things about the parent, the child may see this as you not liking that half of them that is like the other parent. A similar thing happens with the mutual friends of the spouses/partner. Friends will often eventually tire of all the negativity.

## 4. DON'T EXPECT YOUR EX TO BE REASONABLE

Like anywhere in life, we can never change anyone else's behaviour. The only thing we can do is change ourselves. When your expectations are too high, especially if your ex has a track record of contention and hostility, what usually happens is that we crash down low when our expectations aren't met. The only thing you can do to help is to mindfully focus on becoming the reasonable person — and hopefully your ex will notice and improve their behaviour or you will be less reactive to their behaviour and move forward with your life.

## 5. GO SEE A LAWYER

The single biggest mistake people can make is waiting too long to seek legal advice.

If possible, you should see a specialist family lawyer before you separate. An experienced family lawyer can give you guidance surrounding the separation process, including your legal rights and entitlements so that you don't make any hasty decisions that you will later come to regret.

The lawyer will dispel the many myths that exist in the area of family law. Your lawyer will ask questions about your particular situation and walk you through the family law process and advise what your likely outcomes are if you go before a judge and what you can do now to get the best outcome, and alternatives to court. There are also a number of time limits to be aware of, so getting advice early is critical.

## 6. GET SUPPORT

It's important to remember that no matter how isolated you may feel, you are not alone.

Recognise that there are sources of separation counselling that you can use to help you sort through the menagerie of feelings you're experiencing and learn how to deal with them in a healthy and constructive way. Whilst friends and family can provide invaluable emotional support, it is often beneficial to seek support from an independent professional, such as a psychologist or counsellor. When you can control your emotions, you can better prepare yourself for your negotiations and decisions which you may need to make and approach them with a calm, level head.

Other helpful support includes financial advice and planning advice from suitable professionals.

## 7. FOCUS ON THE BIG PICTURE.

The last tip on preparing for a separation is to make sure you stay focused on the big picture.

The decisions you'll need to make during the separation process will affect you and your children for years to come, so don't get bogged down in fighting over semantics or trying to be right.

Nobody wins in separations, but if you focus on what's most important, like the kids and your future, instead of the painful past, you'll have a much better chance of not only separating amicably, but achieving a settlement you can feel comfortable with and that benefits you and your family



### **Brisbane**

[office@nsfsolicitors.com.au](mailto:office@nsfsolicitors.com.au)

Xile House, Level 2A  
181 Elizabeth St  
Brisbane QLD 4000

T (07) 3012 9100

F (07) 3012 9104