

The Ultimate Divorce Checklist - A Step-By-Step Guide To Divorce

When your marriage feels like it's crumbling around you and it seems that separation is the unavoidable next step, there is one certainty you can rely on: your divorce will be unique. The circumstances that preceded it, the course it will take, and its aftermath, are not identical to anyone else's experience.

It may therefore seem disingenuous to suggest that there is such a thing as a divorce "roadmap", but many of our past clients have said there was so much they wished they knew before they went through their divorce. It's a confusing, unfamiliar and lengthy process that's difficult to navigate when you are going through one of the most emotional times in your life.

But rather than have you spending hours reading through various blogs and advice columns, we have collated the ultimate and all-encompassing divorce checklist, covering all the steps you need to consider, from pre-communication with your partner about divorce, to post-divorce.

These steps may not exactly align with your circumstances, and that's okay. This is **designed as a guiding path, to give you a sense of what might be around the corner**. If you would like more tailored advice for your situation Nolan Lawyers are always here to help, so feel free to [reach out](#) for a free 30-minute consultation, tailored to your unique circumstances.

Stage One – Pre-Communication With Partner

Before you communicate to your partner your intention to separate, there are a few things you should consider. Making sure you are set up to navigate divorce in a sound and thought-out way will help to make the process smoother. We suggest you take the following steps.

Speak To A Counsellor Or Psychologist

This will help you navigate through your emotions and ensure you are in a sound and clear headspace before speaking with your partner. You may want to discuss with them the best way to talk to your partner about your intentions.

Seek Out Support Groups

You can look for professional support as well as emotional support from your closest friends and family. Create a plan to manage your wellbeing through this process.

❑ Consider Mediation

Mediation may or may not be appropriate for your situation, but it's worth giving it some thought. For more information on mediation, [click here](#).

❑ Protect Your Children

If you have children, consider the best way to approach them about the divorce and maintain their physical and mental wellbeing throughout. This is something you could discuss with your counsellor or psychologist. You may even want to consider beginning to look for a counsellor for them to speak to once the divorce process has begun.

❑ Ensure Communication Privacy

Depending on the type of relationship between you and your spouse, you may want to create a new email address or change your password on your existing email so that you can receive personal documents during the divorce that your spouse won't have access to.

Stage Two – The Divorce

Now that you have decided to divorce, it's time to seek legal advice and inform your partner of your decision. This section includes steps that you will need to take throughout the divorce process.

❑ Speak To A Lawyer

Begin by seeking legal advice. It is not uncommon to take this step before you actually separate. This is extremely important because a solicitor will give you guidance on what exactly to do (and *not* to do) in your particular situation. Although there are online resources (like this one), speaking to a lawyer is vital because everyone's circumstances are unique. At Nolan Lawyers, we offer a [free 30-minute consultation](#) where we will give you real advice, actionable outcomes and an outline of what to expect. Feel free to give us a call at this stage in the process so we can help you navigate through your unique situation.

❑ Communicate The Separation To Your Spouse

The date of separation will be the date that you communicate to your partner that the relationship is over. Write an email or letter to your partner. The date of separation is important and should be documented. Alternatively, you can communicate your intention to separate verbally.

TIP: *If things are not amicable, be sure to keep all communication in writing to ensure it is documented and can be referred to at a later date. This may involve keeping a journal detailing any steps or actions you have taken.*

Adjust Living And Childcare Arrangements

Decide where you and your spouse are going to live, and obtain access to your belongings. It's important to know your partner's address because you will need this information for the divorce process.

If applicable, come up with a plan for who will take care of the children while the divorce is under way. Be sure to keep in mind what is best for the children. If you have difficulty navigating these arrangements yourselves, we recommend that you engage with a suitably qualified Family Dispute Resolution (FDR) practitioner to help you and your partner reach agreement about the parenting arrangements.

Change Your Passwords

Ensure that you are the only one with access to your personal bank accounts, email account, phone, computer, and any sensitive information stored online.

Collect Important Documents

Assemble copies of as much of the following documentation as you can:

- Marriage certificate
- Birth certificates for yourself and your children
- Passports for yourself and your children
- Payslips
- Tax returns
- Bank account statements
- Mortgage statements
- Credit card statements
- Superannuation statements
- Latest financial statements for any business, company or trust you and your partner operate run jointly or individually
- Registration papers (for vehicles, boats)
- Certificates of title for properties
- Property appraisals
- Any other relevant documents relating to your assets or liabilities

Discontinue Joint Accounts And Assets

This will involve opening your own bank accounts and closing any joint bank accounts and credit card accounts.

If you have a jointly-owned home and shared mortgage, one of you may agree to purchase the other partner's share. If you are the purchaser, you may be able to refinance the mortgage in your name alone if you can demonstrate an ability to manage repayments from your own income. Selling the property to a third party and finalising the mortgage may involve a financial penalty if you have a fixed interest rate home loan.

If you cannot reach agreement with your partner about the operation of joint accounts until your property settlement has been formalised, we recommend that you implement a 'two to sign' on [jointly held accounts, including mortgage offset accounts, to preserve the monies held in those accounts](#).

Equitably dividing property and other assets (including superannuation) can be very challenging. You may need the help of a financial advisor.

Review Your Will And Life Insurance & Superannuation Policies

It is [likely](#) you may have common to have nominated your partner as a beneficiary in your Will, [insurance policy and superannuation entitlements](#). You'll almost certainly want to make changes to how your assets will be distributed in the event of your death, we recommend updating these as soon as possible.

Investigate Support Payments

If you have children, you may be eligible for [government child support payments](#). You can find out [how much you may receive](#).

Continue To Rely On Your Support Groups

Surround yourself with people who love and support you. This is a difficult time.

Stage Three - Life After Divorce

When it's all over, give yourself permission to process the pain you have endured and mourn the end of your relationship. Divorce is a significant change in your life and you need to treat it like any other grief you may experience.

Spend time “loving yourself”. This may involve rediscovering former hobbies, linking up with friends, treating yourself and generally healing.

You may want to return to your counsellor or psychologist to work through your feelings and gain closure on the situation. This will help you to build a mental health plan moving forwards.

And don't forget to carry on surrounding yourself with support and love from friends and family.

If you need any help with navigating the complex process of divorce, we are here to help. At Nolan Lawyers we genuinely care about you and we want to assist you in any way possible. Reach out via our [website](#), or call us on (02) 8014 5885.