

Non-Contested Family Law Divorce & Property Settlements

Divorce Orders

A Divorce is the annulment of a marriage, meaning that when the divorce order takes effect the parties are no longer considered married at law. Under Australian Law, it is no longer required to prove fault to establish grounds for a divorce. Instead, it is required to prove a period of separation of 12 months and for the marriage relationship to be considered irretrievable. If a marriage is less than two years old, the parties must attend marriage Counselling and obtain a certificate before applying for a divorce.

One party to the marriage can apply for a divorce one year and one day after a couple have permanently separated. It is necessary to serve the application on the other party to the marriage and to establish to the court's satisfaction that they have been made aware of the application.

Our fee for taking a client's instructions, advising the client, preparing the divorce application, filing with the Federal Circuit Court, attending to service of the application lodging and filing evidence of service with the Court is **\$825 (incl. GST)**. In addition, we pass on to our client any disbursements incurred, including the Federal Circuit Court filing fee for a divorce application (currently \$900) and any costs incurred engaging a process server (if required to effect service).

If there are any children of the marriage under 18 years of age, it may be necessary for the applicant to attend Court. If you want us to attend court with you, then additional fees will apply based on the hourly rate of the solicitor attending (usually between \$300 and \$400 per hour).

Property Settlement – Consent Orders

If the parties to a marriage or de facto relationship that has ended have reached an agreement on how their assets are to be divided, we can assist one of the parties to apply for consent orders from the Family Court to provide finality to the separation of assets.

This process involves documenting all of the assets owned by both parties and demonstrating to the satisfaction of the Family Court that the proposed division of assets is a fair one taking into account all the background circumstances and the future needs of each party. This process works best when each party is represented by a solicitor to independently advise them on how to complete their part of the application form.

Our fee for taking a client's instructions in relation to the agreement already reached, documenting that client's assets/liabilities, preparing that client's portion of the application for consent orders, preparing the consent orders themselves, sending the draft application to the other party or their solicitor, receiving it back signed and lodging with the Family Court is **\$1,500 (incl. GST)**. In addition, we pass on to our client any disbursements incurred, including the Family Court filing fee for consent orders (currently \$165).

Please note that any renegotiation of the terms of a settlement will incur additional fees based on the hourly rate of the solicitor attending (usually between \$300 and \$400 per hour).