

separation checklist



Gather your information

Collect necessary documents while you still have access, take notes and keep your information secure

Important documents include: marriage certificate, birth certificates, passports (including the children's), bank & super statements, insurance policies, tax returns & notices, car registration papers, rates notices, valuation or appraisal documents, share certificates/statements & any documents associated with entities including businesses, companies & trusts.

Make notes about:

- all of your property (including super) – what it's worth and any money you owe, including everything you own together and individually. Also consider taking photographs of movable property items especially valuables/collectables;
- current financial circumstances including income & expenses (for both you and your ex);
- your relationship history including financial information (including employment and salary information, prior asset and debt accumulation), care and parenting arrangements, and important dates (including date of separation);
- names, contacts and details about members of your family unit (including for children their medical and schooling information).

Ensure your information is kept secure:

- Change the passwords and security questions on your computers and mobile phones (including any apps which may track location or share data), your banking services, your email, social media and messaging accounts (or set up new accounts if you need to).
- Consider redirecting your mail (get a PO Box if you need).



Your home and mortgage

Prevent further drawings, manage repayments & secure your interests

Let your lender know you have separated and:

- Ask about any options available including financial hardship;
- Consider cancelling any redraw options or ask the bank to require joint signatures for any transactions;
- Obtain information about all loans and guarantees which include your name (and seek further legal advice about where you stand)

Manage repayments during the property settlement process by planning how loan repayments will be met (and seek further advice if agreement can't be reached with your ex).

Housing

- if any properties are held in your ex's sole name, get urgent legal advice about further protections (e.g. a caveat).
- if renting, request your agent/landlord to update the lease to reflect the new circumstances (and contact Consumer and Business Services for more information, or seek further legal advice).
- Don't rely on your ex maintaining any policy of insurance and ensure that a valid policy is and remains in place.

Bank accounts & credit cards

Ensure independent access to funds and prevent further drawings



Access & download bank statements as far back as possible via online banking before making any changes to bank accounts.

Have your own bank accounts:

- If you don't have one, open a bank account in your name only and have your pay and any benefits paid into this account.
- Cancel any secondary cards and consider changing your PIN, online banking password and security questions if you think your ex may know or be able to guess them.

Deal with joint accounts

- If your ex is likely to misuse or prevent your access to funds, consider transferring to your own account to preserve funds, and keep records. If you believe your ex will act reasonably, try to agree a fair division of funds or to pay agreed expenses from joint accounts.
- Think about closing off joint accounts.
 - Both of you will need to agree, including how any overdrawn amounts will be paid off or where the account balance is to be paid.
 - If you can't agree, contact your bank to advise them of a dispute – they may be able to put a temporary stop or require joint authorisation for transactions to occur. You should follow this up in writing and seek confirmation that the account has been closed, or what other measures they have taken.
- Request a list from your bank of all direct debits and credits and make arrangements with those providers to cancel or provide new bank details.

Deal with credit cards

- Contact your bank to advise them of your separation.
- Cancel any secondary cards.
- Consider cancelling joint credit cards:
 - Both account holders need to agree any balance will need to be paid off as arranged between you – if you cannot agree, contact your bank to advise them of a and have them put a stop on further transactions. You should follow this up in writing and seek confirmation that the account has been closed, or what other measures they have taken.
 - It is often the case that a credit card is not actually held jointly but instead one of you is the primary account holder and the other is only a secondary card holder. You should then try to reach agreement with your ex about closure of the credit card by the account holder and how any balance will be paid off between you.
- Request a list from your bank of all direct debits and credits and make arrangements with those providers to cancel or provide new bank details.

Secure your banking – Consider changing your PIN, online banking password and security questions if you think your ex may know them or be able to guess them.

separation checklist



Car loans and other debts

Sort out loans and guarantees and manage repayments

Obtain information from your lenders about all loans and guarantees (and seek further advice about where you stand).

Manage your bills

- ensure that you have access to all bills by updating your contact details including billing preferences;
- where possible have your name removed from any liabilities for which you are no longer responsible (e.g. if you are moving out of a rental property);
- plan how repayments will be met during the property settlement process (and seek further advice if agreement can't be reached).
- if you are having trouble paying, talk to your providers about their financial hardship provisions (and seek financial counselling and/or legal advice).

Secure property

- where possible, ensure that maintain or take possession of property (such as vehicles) especially when those items have loans secured against them, to prevent unauthorised disposal.
- where sale of items is preferable, try to reach agreement with your ex for sale of property items and for proceeds to be applied in repayment of loans.



Your income and expenses

Post-separation finances

Make a post-separation budget (free online tools available).

Contact **Centrelink** to notify them of a change of circumstances and find out what Centrelink benefits you may be entitled to.

Contact **Child Support** to find out what payments you might receive or be required to pay toward support of your children – online calculators are available (& consider getting legal advice).

Get legal advice about whether you are likely to be entitled to receive from, or liable to pay **spousal maintenance** to, your ex.



Next steps for dividing assets

Legal advice is essential but you can get prepared and protect your wishes

Talk to a lawyer to understand your rights and options and discuss any urgent matters (including time limits) – early is best!

Update as a matter of urgency: Your Will, Power of Attorney, Advanced Care Directive, superannuation beneficiary nominations and life insurance policies including beneficiaries

See the Legal Advice Box for how Kin Lawyers can assist you.



Care for your kids

Work out arrangements in the best interests of the children

Access resources and information for separating families – see our resources page at kinlawyers.com.au.

Work out care arrangements for your children by agreement where possible and get assistance to formalise arrangements by way of parenting plans or consent court orders.

Where care arrangements can't be agreed, or urgent issues arise, seek immediate legal advice.



Get legal advice

Even if things are amicable, you should get your own independent legal advice – the earlier the better!

Kin Lawyers Pty Ltd offers:

- **Free 15-minute phone consultations** for us to assess your situation.
- **Initial Consultation Conference** – outline your situation, receive preliminary advice & develop a plan moving forward (at discounted fixed fee of \$550 inclusive of GST for up to 90 minutes).
- **Fixed fee options** for many stages of work.
- Advice from an **Accredited Specialist in Family Law** as recognised by the Law Society of South Australia.
- **Collaborative Law** services.

Make an enquiry today:

- Phone 7076 9333
- Email connect@kinlawyers.com.au
- Visit kinlawyers.com.au or our Facebook page (@kinlawyers) to make an online booking or enquiry.



Seek other advice & assistance

You don't have to do it alone.

Phone, online and in-person support is available – see our resources page at kinlawyers.com.au for a comprehensive list.

You should consider accessing services as relevant, including:

- Counselling for your own wellbeing
- Separating Family Services including programs and services for both children and adults
- Family Dispute Resolution and other mediation services
- Financial counselling
- Accounting and/or financial planning advice
- About Centrelink and Child Support from the Department of Human Services
- Family violence services including seeking police assistance