

Women and separation

Managing new horizons



Relationships Australia[®]

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About this book

If you are a woman going through separation or divorce, this book is for you.

It was written to:

- help you make sense of your feelings
- provide options that may be useful
- raise your awareness of some services that may help.

The book was developed by Relationships Australia.

Relationships Australia has extensive experience working with women.

- We listen to women, both on the phone and face-to-face.
- We facilitate women's groups.
- We are familiar with research findings that can help explain the process of separation.

Separation presents many challenges for women. We would like to thank the women whose experiences and advice contributed to this book.

This book was not written to advocate separation or divorce, nor do we wish to diminish the distress that many people experience. Separation is an extremely difficult time for all concerned.

How to use this book

This is a book to be read and re-read. When you re-read it, consider how your feelings may have changed since the last time.

You *will* get through separation and life will get better.

“Follow the path to healing even though you don't believe you will heal.”

B.G., aged 37, three years after separation

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Separation and women's experiences

Separation and divorce are among the toughest experiences you will ever have.

Women report a range of intense feelings at various stages of separation, including feeling:

- scared about the responsibility for their economic future and that of their children
- sad about the break-up of the family unit
- nervous about how they will juggle work and home commitments
- resentful about career sacrifices they may have made in their role of home-maker
- hateful towards their former partner
- bitter about their new circumstances
- worried about dealing with bureaucracies and the legal system
- fearful of making the same mistakes in another relationship
- concerned that the relationship with the former partner may remain in conflict
- relief that things are out in the open.

These responses, many of which are painful and distressing, are perfectly normal. You probably have other feelings you can add to the list.

The good news is that most women face these intense feelings and go on to live fulfilling and happy lives. The not-so-good news is that it takes time.

“Separation provides the opportunity for personal growth, but you don't have to go it alone.”

F.L., aged 48, three years after separation

Separation and grief

It's the simple things that still take me by surprise. Like when I see his car parked somewhere, it all comes flooding back again.

F.L., aged 48, three years after separation

You may already know what it feels like to grieve the death of a close friend or relative. It has been suggested that separation or divorce is like this, but some women report that separation is even harder to manage.

Separation is complex and can involve the loss of:

- the family structure and routines you've been used to
- daily contact with your children
- the family home
- friends and social life
- support and approval from your family and community
- meaning and identity
- the opportunity to have children
- financial security.

These losses are particularly difficult if you:

- didn't want the separation
- are still unrealistically hoping for reconciliation
- feel betrayed by your former partner
- do not have a support network or are ostracised by your friends and/or other people in the community
- fear a future of living alone.

In addition, separation may mean:

- practical issues become more difficult, e.g. full-time responsibility for your children
- changes in the nature of some of your adult relationships.

Separation is extremely difficult and you can expect to experience intense emotions as well as sometimes thinking that you are unable to cope.

Women's grieving

The path through separation is unlikely to be a neat straight line. You will find yourself experiencing the highs and lows that come with grief and loss including anger, numbness and despair.

The emotional impact will test your strength and your capacity to look after yourself properly.

Be prepared for 'triggers' that may set off the feelings and memories all over again.

How should you be feeling?

There are no rules about how you should be feeling. We all progress through the separation process at different rates. The trick is not to give yourself a hard time or use unhealthy ways of coping.

Don't let anyone tell you how you should feel. Identify what helps you. You may choose to:

- divert feelings into normal routines (work, hobbies, clubs)
- let off steam by exercising
- express feelings in humour
- develop strategies for dealing with practical concerns
- join a group with others going through the same experience.

“At first I felt paralysed. I managed to get up every morning and get through the day, but now I am starting to feel alive again.”

R.M., aged 55, two years after separation

Separation and depression

Women who are separated are more likely than others to experience mental health problems, including depression. Everyone feels sad, unhappy or down once in a while, but clinical depression is different.

Depression is more than just a low mood – it's a serious illness. People with depression find it hard to function every day and do not enjoy activities that they used to enjoy. Depression has serious effects on both physical and mental health.

Some feelings you may experience

It's normal to feel upset or sad following separation, or to lose pleasure in your usual activities.

Common behaviours, thoughts, feelings and physical symptoms you may experience include:

- no longer going out
- not getting things done at work
- withdrawing from close family members and friends
- an inability to concentrate
- thoughts such as: 'I'm a failure' or 'Life's not worth living.'
- feeling overwhelmed, guilty or irritable
- feeling frustrated, unhappy or indecisive
- tiredness, headaches and muscle pain
- sleep problems
- loss or change of appetite
- feeling sick and run down
- significant weight loss or gain.

Everyone experiences some or all of these symptoms from time to time, but when symptoms occur together and are severe or lasting, it's time to seek professional help.

What to do if you think you're depressed

It's important to seek help as soon as possible. Many women feel embarrassed or feel that they're letting the family down if they admit to being depressed. However, women should remember that depression is common and treatable.

A General Practitioner (GP) is a good person to discuss your concerns with in the first instance. A GP or another health professional will be able to help you decide whether treatment is needed and what treatments are suitable. Different types of depression require different types of treatment and support. This may range from physical exercise for preventing and treating mild depression, through to psychological treatments and drug treatments for more severe depression.

If you don't have a regular GP or clinic, you can:

- visit *mindhealthconnect* for information mental health services - www.mindhealthconnect.org.au/mental-health-services
- visit *beyondblue* to search national health professional directories and find support in your local area - www.beyondblue.org.au/find-a-professional
- call the *beyondblue* Support Service on 1300 22 4636 (cost of a local call).

Remember:

- help is available
- with the right treatment, most people recover from depression
- don't dismiss the signs and symptoms of mental health problems in yourself because you are too busy caring for others
- seek help early – the sooner the better.

“Once I realised I was depressed, getting the right treatment helped me adjust to the loss of my relationship.”

T.L., aged 38, one year after separation

Choices you can make

Knowing you have choices allows you to assert some control over your life.

You may not be able to see choices easily when you are overwhelmed by intense feelings, but options do exist. In time, you will begin to notice the choices that are available.

Some of the important choices other women have made during and after separation may help you.

You can choose to:

- accept that your relationship is over and plan for the future
- survive – one day at a time
- learn new skills or polish up your old skills
- seek help
- be there for your children
- not be the victim
- not be hooked into fighting
- not be the one who drives an unnecessary legal battle
- recover and rebuild your life.

Try to be a reasonable woman in an unreasonable situation.

Counselling – talking to someone

Counselling can help you clarify your thoughts and assist you to develop new strategies. It's okay to ask for help. Most women who seek counselling say that they found it helpful and wish they'd done it sooner.

Relationships Australia: 1300 364 277

Family Relationship Advice Line: 1800 050 321

Family Relationships Online: www.familyrelationships.gov.au

Your changing role

For some women, practical matters and economic planning were taken care of by their former partners. If this was the case for you, don't despair. Learning to do these things yourself can help you feel independent and more confident about the future.

Information and support services are included on pages 39 - 43 of this booklet.

Face each day as it happens, deal with each fear as it comes up.

A.G., aged 35, one year after separation

The separation

Who initiated the separation?

Of the 49,498 registered divorces in Australia in 2014, one third were initiated by women.¹

Initiators of divorces

Wife	32.5%
Husband	26.0%
Joint agreement	41.5%

If you were the initiator, you may have already gone through the emotional 'roller coaster' of distress (see page 11) and be ready to move on. It may seem that your former partner has fallen into a hole and is unable to move on. You may feel:

- you are more in control of the situation
- guilty about the break-up
- worried about the effect on the children
- anxious about the financial implications
- fearful of your partner
- fearful for your partner.

If you were not the initiator, you may be struggling while your former partner seems to be coping much better. You may feel:

- powerless about your social and economic future
- betrayed, as if something has been taken away from you through no fault of your own
- shocked or confused
- desperate to be given another chance.

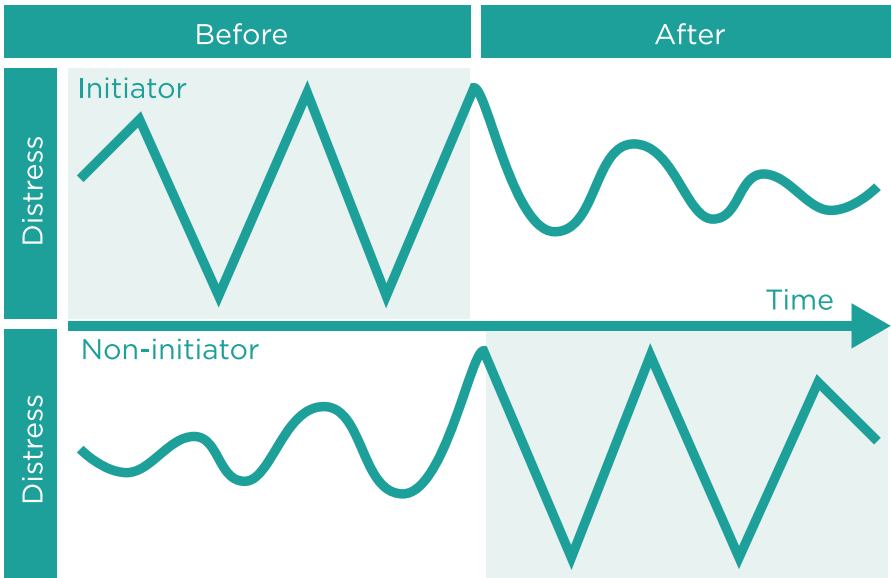
‘I am the one who left and I hurt as much for him as I did for myself.’

J.H., aged 49, seven months after separation

Differences between the initiator and the non-initiator

Both the initiator and non-initiator have intense feelings, but they may have them at different times, either before or after the separation.

In the diagram, you can see that the initiator has the most distress before separation, while the non-initiator has the most distress after separation. You may feel you're on an emotional roller coaster.

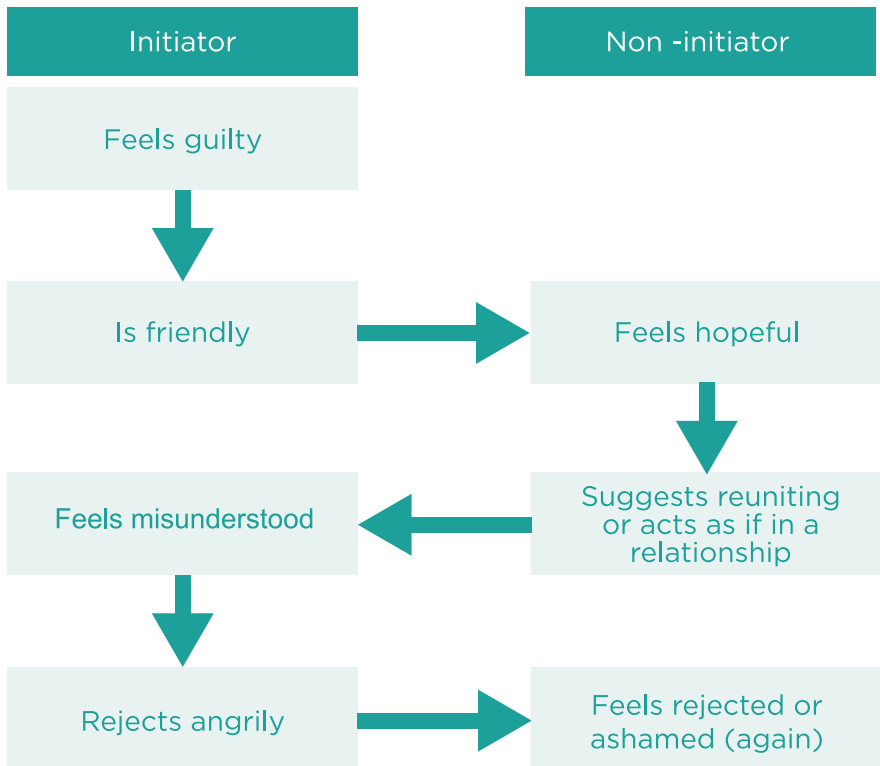


‘I thought the ride would never end.’
J.K., aged 27, two years after separation

Mixed messages

Some women find it hard to understand why their former partner does not accept that the relationship is over, despite the fact that they have made this clear. On the other hand, some women find it hard to let go and accept that a relationship has ended. They hope their former partner will change his or her mind. They may misread the signals and express an inappropriate level of intimacy.

Once one person begins to misread the signals, it can set off a chain of misunderstandings which ends in arguments and distress. You may be able to recognise yourself and your former partner in the chain of events in this diagram.



How to avoid mixed messages

Some women who have found themselves feeling guilty about ending the relationship recommend that you make it very clear that the relationship is over.

They suggest that you:

- restrict contact with your former partner if practical (e.g. one call per week, fortnight or month)
- restrict socialising or going out together
- restrict doing things for your former partner
- do not have sex with your former partner
- avoid intimate discussions with your former partner
- ensure your former partner has support available from people other than you
- give a clear and unambiguous answer if asked about the possibility of reconciliation.

If you are the one who hopes for reconciliation, remind yourself that there is no evidence that your former partner wants to get back together unless he or she specifically says so.

Separated people do sometimes rebuild a friendship together, but this may take a long time, if it happens at all, and it usually follows a long period of non-contact. The emotional bonds created by the original relationship take a long time to disentangle. It can be more realistic to aim for a business-like relationship, so that issues can be discussed and decisions made in a respectful way.

Blame and guilt

If you ended the relationship, you may feel it was all your fault and experience guilt or cycles of shame and anger. Remember, it usually takes two to make or break a relationship.

If your former partner ended the relationship, it's very easy to find yourself blaming them. Blaming takes attention away from the pain. It gives a sense of justice in what feels like an unjust situation, but stops people moving on. Some couples get so caught up in blame and anger that it affects the children.

Blamers become victims because they:

- are powerless
- become helpless and hopeless
- look backwards instead of forwards
- don't take opportunities to help themselves.

If you find yourself constantly blaming:

- try not to dwell on it
- think about new ways of responding
- understand you have the resources to get through this experience
- look for constructive choices
- be wary of extreme views.

Looking after yourself

Ideas that have helped other women

- Understand that you need time to deal with separation.
- Be honest with yourself and take responsibility for your life.
- Be clear about where you have choices and where you don't.
- Ask for help to deal with guilt, self-pity, hopelessness or feelings of revenge.
- Don't blame yourself or others.
- Commit to looking after yourself – continue to do the things you enjoy.
- Don't use your children as your sounding board.

Strategies that have worked for other women

- Talk to people about how things are for you.
- Seek help for things that you don't know much about such as financial counselling or home maintenance.
- Be open to trying different ways of approaching things to find out what works for you.

Maintain your health and wellbeing

- Accept help, support and encouragement from family members and friends.
- Reduce isolation by becoming involved in social activities.
- Eat healthily and include a wide variety of nutritious foods.
- Exercise regularly.
- Achieve and maintain a healthy weight.
- Get enough sleep.
- Limit alcohol intake.
- Allow yourself time to relax and reduce your stress.
- Keep a check on your physical health.
- Watch for signs of stress or depression (for more information, see pages 6 - 7).

Ask for help

Many women find it difficult to ask for help. They may feel stretched meeting children's needs, or may think that counselling is only for people who have a diagnosed mental health condition.

Support is available from:

- friends and family members
- work colleagues and employee assistance programs
- your local doctor or health centre
- your community centre or counselling service
- parenting or separation groups
- Family Relationship Centres
- Family Relationship Advice Line (see page 40).

If you need help with babysitting, don't be afraid to ask.

Stay in touch with friends

Maintaining your social networks may not be so easy now that you have separated, but they are still important for support and future relationships. Make the effort, even if you feel you don't have the time.

Withdrawing socially may leave you feeling more isolated and alone. It is important to keep in touch with your existing friends, and also think about making some new connections with others in similar situations.

I knew that some of my old friends were only trying to help, but saying 'You are better off without him' or 'There are plenty of fish in the sea', didn't make me feel any better.

J.L., aged 57, five years after separation

Your financial situation

“After we separated, my financial situation changed dramatically. I needed help to sort it all out.”

W.H., aged 45, 18 months after separation

Look after your finances

Financial hardship is often one of the most significant challenges of separation. You may manage to juggle your finances most of the time, but worry constantly about unpredictable expenses.

The Department of Human Services (DHS) administers income support and family assistance payments. To find out what services you may be eligible for, call 13 61 50 or visit www.humanservices.gov.au. Tell them about your new situation, such as changes in income or care arrangements.

Child support payments and family assistance are closely linked. The more child support you receive, the less Family Tax Benefit you may receive. Similarly, if you receive less child support, you may be entitled to a greater Family Tax Benefit. To discuss how you might manage your child support call 13 12 72 or visit www.humanservices.gov.au/customer/themes/child-support-and-separated-parents

Financial counselling can help you

Government financial counselling services and some private welfare organisations provide information, advice and practical support for people experiencing financial difficulties.

They are useful if you are:

- unable to pay for rent or electricity
- having difficulty budgeting
- needing advice on pension entitlements
- having problems with debts.

See *Where to get further assistance* (pages 39 - 43).

Child support

The Australian Government's Department of Human Services (DHS) provides support and assistance to parents, including calculating, collecting and transferring child support payments.

Several factors are taken into account in calculating child support, including:

- each parent's adjustable annual income (this is calculated according to the DHS Child Support formula and includes taxable income, supplementary income and reportable fringe benefits)
- the number of children you have and their ages
- how many nights per year they spend with each parent.

DHS Child Support has an online calculator to help you work out the level of child support in your case. You can find this at

<https://processing.csa.gov.au/estimator/About.aspx>

DHS Child Support also information on choices available to parents going through separation, and services available to assist parents. Visit www.humanservices.gov.au/customer/subjects/parents-guide-child-support

Organising your own payments

If you and your former partner can agree on the amount, you may be able to organise direct payments without DHS Child Support doing this on your behalf. This means drawing up an agreement, usually with legal advice. Call 13 12 72 or visit www.humanservices.gov.au/customer/dhs/child-support for information on all aspects of child support.

If you are in dispute over child support your legal aid office may be able to offer advice (see page 42).

Returning to the workforce

If you have not worked for a period of time prior to separation, you may find it daunting to get back into the workforce. Talking to a careers counsellor or a job network provider is a good way to start. You may also like to consider volunteer work to help prepare for a return to paid work.

DHS can refer you to the appropriate services. Visit www.humanservices.gov.au/customer/subjects/looking-work

Children and separation

Children react to separation in different ways. The way your children react will depend on:

- family relationships before separation
- your child's age and personality
- how both parents manage the situation.

Most children will be vulnerable and have many fears – some realistic, some unfounded. Most will express strong feelings and younger children will often experience separation anxiety and fear of abandonment. This can be triggered by particular events such as saying goodbye. These are normal reactions to an extremely stressful time.

Generally, children are resilient in the face of major changes and once their situation has stabilised, mothers report that most children manage well. Occasionally, some children take a while to settle down. Seek professional help if needed, particularly if there are other difficulties in their lives such as problems at school.

A major factor in children's adjustment to their parents' separation is the level of conflict that exists between the parents.

Helping your children accept separation

Explain what is happening in ways that they can understand. Reassure them that both parents love them and the break-up is not their fault.

See *Being there for your children* (page 22).

Parenting arrangements

The law presumes that it is in the best interests of a child for parents to have equal, shared parental responsibility. This means that both parents have an equal role in making decisions about major long-term issues such as schooling and healthcare. This does not automatically mean that your child will spend equal time with each parent. If the matter goes to court, the court will consider what is in the child's best interests.

However in certain circumstances, equal shared parental responsibility may not be considered to be in the best interests of the child, and a court may award sole parental responsibility to one of the parents. This may be the case if:

- there is high conflict
- there has been significant family violence and/or child abuse
- one parent has drug or alcohol issues
- one parent has mental health issues.

Living arrangements

Ensure that the new arrangements are safe. You might want to take into account the relationships that your children have with other significant people, such as grandparents and extended family members.

It is important that living arrangements reflect the needs and ages of the children, the capacity of both parents to care for them and how the family worked before separation. Children can:

- spend equal time with both parents
- spend substantial and significant time with both parents
- spend specified time with one parent in accordance with court orders
- spend supervised time with one of the parents
- spend no time with a parent if it is deemed to be not in the child's best interests (for example, if there are serious safety concerns).

Parents are encouraged to set out arrangements in a signed Parenting Plan (see page 33).

Always a parent

Separation should not mean the end of a relationship with your children for you or your former partner. The family will continue, but in a different form. Your children may have two homes.

New rituals and routines will be established. If you were the primary carer before the separation, you may now spend some time away from your children. This can be rewarding once you have adjusted to the situation.

Contact with both parents is important for stable and happy children so, where it is safe to do so, encourage your children to remain involved with their other parent.

In a study undertaken by the Australian Institute of Family Studies, 50% of children from separated families said they wanted to spend more time with the parent with whom they did not live.²

Any changes are difficult for children, so keep change to a minimum and involve them as much as possible. While you can't prevent change, you can assist them to cope with it. Children will adapt if they are given structure and stability.

Different doesn't have to be worse.

For books with useful advice on parenting, see *Suggested Reading* (page 44).

Being there for your children

Being there for your children is very important. Keep important routines, and develop new ones together. The challenge is to find time to do it all without falling in a heap. It may be difficult at first because of all that is happening in your life.

Inform the school of the changes and stay involved with the children's activities and their friends.

- Don't expect your children to look after you emotionally (you are the parent).
- Don't talk negatively about your former partner to the children.
- Don't ask your children to play 'messenger' between parents.
- Don't quiz your children about the other parent and what he/she is doing.
- Be alert to any signs of distress including physical illnesses or changes in behaviour.
- Encourage your children to attend counselling if they need to talk to someone outside the family.

Even adult children may experience intense emotions at this time.

Kids Helpline provides free, confidential telephone and online counselling for children and young people aged 5 to 25. Call 1800 55 1800 or visit www.kidshelpline.com.au

Consider getting help with your parenting

There are many good courses and books that can assist you with your changed parenting role (see page 44).

You can also seek advice from Relationships Australia, Family Relationship Centres or the Family Relationship Advice Line (see pages 37 - 42).

Grandparents may also be available to provide support and assistance with parenting.

Relating to your former partner

Some people believe when they separate, they will no longer have to deal with their former partner. However, if you have children this is usually not the reality – you remain linked as parents.

The challenge is to make the ongoing parenting relationship as manageable and constructive as possible.

Be civil to your former partner, irrespective of how he/she approaches you, but never compromise safety.

Constructive co-parenting, where it is possible and appropriate in the circumstances, involves establishing a business-like relationship with your former partner. Some practical tips to help you are provided below.

- Focus on the children, not the past relationship.
- Hold meetings at a neutral location if possible.
- Use the telephone, email or a communication book if face-to-face discussion is a problem.
- Consider legal advice, family dispute resolution or counselling if you have difficulties.
- Be flexible – children have commitments and special occasions will arise.
- Consider special days in advance, such as Christmas and children's birthdays.
- Do not breach or allow any breach of a court order that prohibits contact with your former partner.

What if there isn't a good working relationship?

In some situations, a business-like interaction may not be possible. Some parents, for a variety of reasons, are not supportive of the children's relationship with the other parent. In these situations, the other parent can feel distressed, powerless and angry and may feel their children are being denied the right to a relationship with them.

If you are in such a situation:

- do not use the children as a way of getting even
- view your conflict 'through the eyes of the children'
- consider family dispute resolution with your former partner and focus on practical issues
- examine your own behaviour and what you can do to help the situation, such as speaking with a counsellor
- debrief with friends or family members
- consider legal advice and action
- remain realistic
- use family relationship services and children's contact services.

No matter how hostile the situation, many women find strength in maintaining their position and dignity.

- Stop any negotiation if the discussion becomes abusive.
- Stay away from your former partner if either of you is affected by alcohol or other drugs.

You must obtain legal advice if you are not going to comply with a court order.

Violence and abuse

Violence and abuse are never acceptable.

- One in three Australian women has experienced violence and abuse from someone they know.³
- One in four Australian women has experienced violence and abuse by a current or former partner.³
- Women are at least three times more likely than men to experience violence from an intimate partner.³
- Of those women who experience violence, more than half of them have children in their care.^{3,4}
- The time of separation is a high risk period for women and children who are victims of family violence.^{5,6}
- The time of separation can also be a time when family violence first occurs.^{5,6}

Violence and abuse may include:

- physical and sexual assault
- verbal, emotional, psychological and financial abuse
- deprivation of liberty, such as preventing you from seeing family, friends or maintaining connections with your culture or religion
- coercion
- intentionally causing injury or death to a pet
- threats to you, your family or pets
- damage to property
- stalking.

Family violence and children

Children can be exposed to violence and abuse in many ways.

A child is exposed to family violence if they are the target of, or if they witness, hear or otherwise experience the effects of the violence on other family members.

Being exposed to family violence may include (but is not limited to):

- a child overhearing threats by one family member to another
- comforting or providing assistance to a member of the child's family after that member has been assaulted by another family member
- cleaning up after a member of the child's family has intentionally damaged another family member's property
- being present when police or ambulance officers attend an incident involving violence against one of the child's family by another family member.

Keeping you and your children safe

If your relationship involves family violence, your safety and the safety of your children must come first.

If your former partner is violent or abusive:

- keep contact to a minimum
- limit face-to-face communication
- meet in a public place
- be accompanied by a friend
- avoid retaliation
- keep a record of abusive incidents, including stalking
- call the police
- seek legal advice about other options.

Remember, you are not responsible for your former partner's abusive behaviour.

Seek support for you and your children. Family violence services can provide assistance and refuge (see page 41).

Read: *Safe from violence - A guide for women leaving or separating*. See *Suggested Reading* (page 44).

If you are being violent or abusive, seek professional help. It is not acceptable, may be unlawful, affects children and may reduce your contact with them.

Making formal arrangements

Parenting arrangements are decided in the 'child's best interests'.

Property division is based on several factors including direct and indirect financial and non-financial contributions and future needs.

Legislation gives separating de facto couples and those in same sex relationships similar property entitlements to married couples.⁷

Agreeing

The best outcomes generally occur where couples negotiate their own mutually-acceptable agreements about:

- property settlement – how your cash and assets including superannuation will be split up
- parenting arrangements – who the child will live with and how much time a child will spend with each parent
- child support payments – who will pay how much to assist with child-related costs.

You may need to use lawyers or family dispute resolution (see pages 39 - 43) to help with agreements, arrangements or Parenting Plans. These may need to be formalised by a court.

Some couples are unable or unwilling to reach an agreement in this way. Arrangements may have to be decided by a judge, and it may add to the confusion, stress and powerlessness you already feel.

However, it is worth noting that the majority of cases that start in the court are not actually decided by a judge. Between 2014 and 2015, 71% of family law applications filed in the Federal Circuit Court of Australia were resolved without a final court hearing, with the help of external family dispute resolution services, court conciliation conferences or negotiations between the parties' lawyers.⁸

Do your legal homework

Because of the legal issues involved, particularly in property and finance matters, it is wise to get legal advice.

Legal advice is not the same as a court battle. It should provide sound information and options for settlement that need not involve legal action. Many lawyers experienced in family law will give you an initial free or reduced-rate consultation and negotiate on your behalf about property, finance and the children. Check to see if you are eligible for Legal Aid.

Contacts

- Contact your state law society or law institute for family law specialists.
- Call the Family Relationship Advice Line.
- Visit the Family Court of Australia website.
- Find your nearest Women's Legal Service.
- Find the Legal Aid office in your state or territory.

See *Where to get further assistance* (pages 39 - 43).

Preparing for legal advice

Lawyers cost money – do your research first.

- Think about the information your lawyer will need.
- Prepare some written questions.
- Seek help/advice to understand the system.

When you visit your lawyer, ask:

- a friend to take notes
- for an estimate of costs at each stage
- for the likely outcomes.

If you are dissatisfied with the advice you get, seek a second opinion.

Read: *A Fair Share, Negotiating your property settlement*. See *Suggested Reading* (page 44).

Negotiation methods

Negotiation is hard work, but if you don't attempt it, you may find that:

- parenting arrangements don't work for you
- child support payments don't reflect your former partner's income accurately
- you face expensive legal processes
- you feel exploited or resentful.

Sometimes, it's impossible to discuss things directly with your former partner. Family dispute resolution can assist you to make decisions about your relationship and develop a workable plan for the future.

This can include sorting out assets and financial matters, as well as future parenting responsibilities through the preparation of a Parenting Plan (see page 33).

Family dispute resolution

Family dispute resolution (also referred to as mediation or FDR) can assist you and your former partner to make decisions about your children, your relationship and future plans without going to court.

Family dispute resolution practitioners do not take sides. They do not represent either party or provide financial or legal advice. Their role is to help you and your former partner reach agreement. This can assist you to:

- make your own decisions
- reduce the financial and emotional costs of legal proceedings
- improve your working relationship as parents
- improve your communication with your former partner
- resolve future disputes.

Family dispute resolution with a registered practitioner is a requirement before you can apply to the court for a Parenting Order (for further information see page 33). There are some exceptions to this, such as cases involving family violence or child abuse, or where the matter is urgent.

Family dispute resolution is offered by Relationships Australia, Family Relationship Centres, private family dispute resolution practitioners and some lawyers. Contact them for more information, including fees (see pages 39 - 43).

To find a list of registered family dispute resolution practitioners and their locations visit www.fdr.ag.gov.au or contact the Family Relationship Advice Line on 1800 050 321 or visit www.familyrelationships.gov.au.

Appropriateness of family dispute resolution

You have other options, however, such as 'shuttle' or 'shuttle' telephone family dispute resolution. In these processes you do not have to be in the room with, or speak directly to your former partner. If you have a lawyer they can negotiate on your behalf.

Don't give away too much too soon

- Don't commit to an agreement immediately after separating just to get it over and done with.
- Don't sell yourself short – or go for too much.
- Be clear and realistic about what you want.
- Get legal advice before signing any document.

Formalising property arrangements

Using a lawyer

Proceedings for the division of property must start within 12 months of the divorce order becoming final.

It's wise to seek legal advice prior to negotiating any agreement with your former partner about property. This way, you know what your rights are.

If you can then reach agreement about the property split, you can instruct your lawyer to prepare formal 'consent orders' for the court. These are formalised and become 'court orders' which are binding. Your lawyer can usually do this without the need for you to attend court personally.

Preparing your own consent orders

If you don't want to use a lawyer, you can file consent orders on your own behalf.

Applications must be in the required form, explaining how the assets and debts will be divided between you and your former partner. After you have both signed, the orders are processed by the court and are legally binding. You may need to provide further written information if the court is not satisfied with either the information or the asset division.

Consent orders for property are necessary, otherwise your former partner may ask to change your property settlement in the future.

If you're unable to come to an agreement over property, your lawyer will negotiate on your behalf with your former partner's lawyer. This may involve going to court, which can be costly and take some time (see page 34).

Read *A Fair Share, Negotiating your property settlement*. See *Suggested Reading* (page 44).

Formalising parenting arrangements

There are two ways of formalising your arrangements.

1. Parenting Order (an order, filed in court)

While court orders for property are final, Parenting Orders are not, as children's needs may change over time.

It's best if Parenting Orders are flexible and contain general agreements about the children's care. However, if there is a high level of conflict in your relationship, you may need to obtain orders with more detailed arrangements. You will then have to apply to the court for new orders each time your children's needs change.

2. Parenting Plan (an agreement, not filed in court)

Family law reforms from July 2006 encourage parents to set out arrangements in a signed Parenting Plan.

The plan may cover:

- who the child lives with
- the amount of time the child spends with each parent
- how parents share the parenting responsibility
- financial maintenance of the child
- length of time for which the plan is valid.

Plans can be changed easily according to changing needs and your circumstances, but any changes must be mutually agreed upon.

Parenting Plans are not legally enforceable. However, if you have to go to court at a later date, the court may consider the terms of the most recent Parenting Plan and the extent to which both parents have complied.

Family dispute resolution (see page 31) assists separating couples to make decisions and to develop Parenting Plans without going to court.

Family dispute resolution enabled us to work out a parenting plan and from then on, things seemed to settle down.

M.R., two years after separation

What happens if you can't reach agreement?

If you are unable to reach agreement on particular issues, you may need to make an application to the Federal Circuit Court of Australia or the Family Court of Australia.

The Court will continue to encourage you to come to agreement to avoid a trial. Sometimes an order is made to attend family dispute resolution if the Court considers it will be helpful, or the parties themselves decide to try it. However, if you still cannot reach an agreement, a trial may be needed where a judge will determine the parenting or property issues in dispute.

In a parenting matter, you must file a certificate stating that you have attempted family dispute resolution, unless you fit within one of the exceptions. You may need to consult a lawyer, a Family Relationship Centre or a family dispute resolution practitioner to work this out.

Court proceedings happen in only a few cases. It means asking someone who does not know you to decide what is best for your children and what is fair in financial terms. Think carefully beforehand. Sometimes, the fight can be more damaging than the issue. Once the Court action is over, you will need to co-parent again.

Going to trial can be costly and stressful, but sometimes it is the only option. Consider attending the Federal Circuit Court of Australia as an observer to get a feel for how the Court system operates.

Dealing with institutions

When seeking assistance from government agencies, I always took my knitting and my lunch.

L.C., aged 45, six years after separation

Remember that all institutions are acting according to legislation, not trying to make things difficult for you.

- Be courteous and respectful with the employees of institutions you deal with – this often results in helpful responses.
- Ask questions if you don't understand – understanding new information is especially difficult if you're under stress.
- Avoid blame or recriminations either towards your former partner or 'the system'.
- If the service is unsatisfactory, speak to a supervisor or use the customer complaints procedure.
- Gather all relevant information before you act or make decisions.
- Seek advice from the Family Relationship Advice Line (1800 050 321) or your lawyer.
- Talk about family dispute resolution with Relationships Australia (1300 364 277) or your lawyer.

Remember

The more you can agree on with your former partner, the more you will minimise your engagement with 'the system'. However, do not jeopardise your personal safety or that of your children, or be pressured into making an agreement that you think is unfair.

The future

Many women report positive and healthy changes in their lives and discover aspects of themselves that they never knew existed.

They recognise that life changes, and many talk of finding inner strengths, new friends and new resources.

New relationships and moving on

Close relationships are important to everyone. Often, after separation, there is a great need to reconnect and to feel wanted and cared for once more.

Some women shy away from starting another relationship and find it hard to trust again. Others move straight into a new relationship which may ease the pain initially. While this can often be a healing experience, it may not allow sufficient time for you to work through past issues.

Whatever occurs for you, take it slowly.

- Give yourself time to grieve the loss of the relationship.
- Take time to re-establish your own identity.
- Look after yourself.

Some women join interest groups and enjoy companionship, but remain unattached. Some establish a committed relationship that includes children from other relationships.

Choose wisely and find out what works for you.

Read *Partners - A Guide to Successful Relationships*. See *Suggested Reading* (page 44).

“When the clouds finally lifted, I could see the sunshine.”
A.S., aged 38, 12 years after separation

Research about separation

Separation and divorce

- 29.6 years was the median age for women to marry.¹
- 42.5 years was the median age for women to divorce.¹
- 58.6% of women who divorced were under 45 years of age.¹
- 47% of divorces involved children aged under 18 years.¹
- 41.5% of divorces were from joint applicants (mutual agreement) while the majority of single applicants were women (32.5%).¹
- The average length of marriage at the time of divorce was 12 years.¹

Women and their children after separation

- 19% of all families with resident children aged under 17 years are one parent families.⁹
- 16% of all families with resident children are single mother families.⁹
- 88% of all single parents are women.¹⁰
- 22% of single mothers work in full-time and 30% work in part-time paid employment.¹¹
- 63% of single mothers receive a government pension as their principle source of income.¹¹
- 24.7% of single mothers have a mortgage.¹¹
- 7.7% of single mothers own their own home (without a mortgage).¹¹
- 65.1% of lone mothers rent.¹¹

The impact of separation and divorce on women

- Women are more likely to experience financial hardship after divorce than men.¹³
- After separation or divorce, women experience a 21% drop in household incomes compared to their pre-divorce incomes.¹³
- Separation and divorce are recognised as factors contributing to anxiety and depression.¹⁴

New partners and new families

Different families coming together can place a strain on parent-child relationships.

- Women are less likely than men to re-marry after divorce.¹⁴
- Re-marriages following divorce have the highest risk of divorce.¹⁵
- Blended families, with natural or adopted children of both parents, and children of one parent only, make up 4% to 5% of all family types.¹⁶
- Step-families, with step-children only, make up 5% to 6% of all family types.¹⁶

Where to get further assistance

The following national organisations can refer you to services in your area.

Relationships Australia

Australia-wide relationship support services for individuals, families and communities. Call 1300 364 277 or visit www.relationships.org.au

beyondblue

Learn more about anxiety, depression and suicide prevention, or talk through your concerns with our Support Service. Our trained mental health professionals will listen, provide information and advice, and point you in the right direction so you can seek further support.

beyondblue Support Service

Call 1300 22 4636 or visit www.beyondblue.org.au/getsupport

Australian Parenting and Relationship Helpline

Free telephone counselling, and information about parenting, separation and other relationship issues. 1300 365 859

Australian Women's Health Network

Provides details of women's health services in each state and territory. www.awhn.org.au/organisations

Carers Australia

Family carer support and counselling in each state and territory. www.carersaustralia.com.au 1800 242 636 (free call from landlines).

Centrelink

Employment services. www.centrelink.gov.au

Centrelink Families and Parents Line

Payment information for people on family assistance.

www.humanservices.gov.au/customer/themes/families

13 61 50

Community Legal Centres – National Office

Provides legal assistance to disadvantaged people. www.naclc.org.au

Department of Human Services Child Support

Helps separated parents to provide the necessary support for their children's wellbeing. The website includes information about legal services, services in your local area and calculators for child support.

www.humanservices.gov.au/customer/dhs/child-support

13 12 722

Department of Human Services Multilingual Service (Centrelink)

13 12 02

Department of Social Services

www.dss.gov.au

1300 653 227

Domestic Violence – see Family Violence

Family Court of Australia (except Western Australia)

Information and procedural advice, forms and brochures, and referral advice to community and support services. The website includes a free chat. www.familycourt.gov.au

1300 352 000

Family Court of Western Australia

www.familycourt.wa.gov.au

(08) 9224 8222

Family Relationship Advice Line

A free helpline to assist with family law problems for those unable to attend a Family Relationship Centre. Provides information about options and location of family services for separating families.

1800 050 321

Family Relationships Online

Provides information about and services to assist all families to manage relationship issues, including agreeing on appropriate arrangements for children after parents separate. www.familyrelationships.gov.au

Family Relationship Services Australia

The national peak body for family and relationship services provides a directory of member services and locations. www.frsa.org.au

Family Violence

Assistance and refuge for victims of family violence.

1800 RESPECT

1800Respect is a confidential, national sexual assault, domestic family violence counselling service for people experiencing, or at risk of, sexual or family violence, their family and friends, and frontline workers and professionals.

1800Respect also provide information on family violence, legal, housing and finance and other support services in your state or territory.

A confidential, free interpreter service is available either on request, or by calling the Telephone Interpreter Service on 131 450 and asking them to contact 1800Respect.

www.1800respect.org.au

1800 737 732

Daisy

A mobile app that connects women to family violence services in Australia. Download Daisy from www.1800respect.org.au/daisy.

Financial counselling

Financial & Consumer Rights Council

Free, independent, impartial financial counselling services for people with low incomes or who are experiencing financial crisis. The website includes a counsellor directory. www.fcrc.org.au/About/About_Financial_Counsellors.htm

MoneyHelp website

Free information on managing bills and debt, debt options, and tools and tips. www.moneyhelp.org.au 1800 007 007

Consumer Affairs Victoria 1300 55 81 81

Financial Counsellors' Association of NSW
www.fcan.com.au 1300 914 408

Financial Counsellors' Association of WA
www.financialcounsellors.org 1800 007 007

Jean Hailes Foundation for Women's Health

Health information, research and services for Australian women. www.jeanhailes.org.au

Kids Helpline

Free, confidential telephone and online counselling for children and young people aged 5 to 25. www.kidshelpline.com.au 1800 55 1800

Legal services

Legal Aid www.nationallegalaid.org

Women's Legal Services Australia

Information on Women's Legal Services in each state and territory. www.wlsa.org.au/members 1300 914 408

Lifeline

24/7 crisis support and suicide prevention services. www.lifeline.org.au 13 11 14

Mental Health in Multicultural Australia

Mental health support for Australians from culturally and linguistically diverse backgrounds. www.mhima.org.au (02) 6285 3100

Parenting SA

A wide range of useful factsheets for parents. www.parenting.sa.gov.au

Parentline

A confidential telephone service providing counselling and support for parents and carers of children in Queensland and the Northern Territory. www.parentline.com.au 1300 30 1300

Parentlink

Information for parents in the ACT and region. www.parentlink.act.gov.au

Suicide Call Back Service

24-hour, nationwide telephone and online counselling for people at risk of suicide, their carers and those bereaved by suicide. www.suicidecallbackservice.org.au 1300 659 467

Telephone Interpreter Service

A confidential, free interpreter service for people who may not understand or speak English fluently. 13 14 50

Youthbeyondblue

beyondblue's website for young people, providing information on depression and anxiety and how to help a friend. www.youthbeyondblue.com 1300 22 4636

Suggested reading

There are a range of books and resources available to help you with parenting and separation. Some are available online, while others can be borrowed from a local library or community centre, or purchased from a bookshop.

beyondblue have a range of fact sheets and information materials on depression and anxiety available to download or order from www.beyondblue.org.au/resources or by calling *beyondblue* on 1300 22 4636.

A Fair Share, Negotiating your property settlement – Relationships Australia. Call 1300 364 277 or visit www.relationships.org.au for details.

Adult Children of Divorce: How to Overcome the Legacy of Your Parents' Breakup and Enjoy Love, Trust and Intimacy – J. Zimmerman and E.S. Thayer

Creative Parenting After Separation: A Happier Way Forward – E. Seddon

Good Parenting Through Your Divorce – M. E. Hannibal

Happily Ever Parted – B. Marquardt

Helping Children Cope with Divorce – E. Teyber

Making Divorce Easier on Your Child: 50 Effective Ways to Help Children Adjust – N. Long and R. L. Forehand

Men and Separation: Navigating the Future – Relationships Australia, Crisis Support Services and *beyondblue*. Call 1300 364 277 or visit www.relationships.org.au for details.

Mom's House, Dad's House: Making Two Homes for Your Child – I. Ricci

Partners – A Guide to Successful Relationships – Relationships Australia. Call 1300 364 277 or visit www.relationships.org.au for details.

Rebuilding: When Your Relationship Ends – B. Fisher and R. E. Alberti

Safe from violence – A guide for women leaving or separating – Relationships Australia. Call 1300 364 277 or visit www.relationships.org.au for details.

Shared Parenting. Raising your children co-operatively after separation – J. Burrett and M. Green

Surviving your Parents' Divorce: The Bright Side – M. Sindell

The Everything Parents Guide to Children and Divorce – C. E. Pikhard

What about the Children? – Relationships Australia.
Call 1300 364 277 or visit www.relationships.org.au for details.

References

1. Australian Bureau of Statistics. (2016). *Marriages and Divorces, Australia, 2014*. Cat. No. 3310.0.
2. Australian Institute of Family Studies. (2015). *The Longitudinal Study of Australian Children Annual Statistical Report 2014*. Melbourne: AIFS.
3. Our Watch. (n.d.). *Facts and Figures*. Retrieved, 8 August 2016, from www.ourwatch.org.au/understanding-violence/facts-and-figures; Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth. (2015). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*. Melbourne: Our Watch.
4. Cox, P. (2015). *Violence against women: Additional analysis of the Australian Bureau of Statistics' Personal Safety Survey 2012* (Horizons No. 1). Sydney: Australia's National Research Organisation for Women's Safety.
5. Dunkley, A., & Phillips, J. (2015). Domestic violence in Australia: a quick guide to the issues. Parliamentary Library (Australia). Retrieved, 17 August 2016, from www.apo.org.au/node/53885.
6. Family Court of Australia and Federal Circuit Court of Australia. (2013). Exposure to family violence and its effect on children. Reports and Publications: Fact Sheet. Retrieved, 17 August 2016, from www.familycourt.gov.au/wps/wcm/connect/fcoaweb/reports-and-publications/publications/family+violence/exposure-to-family-violence-and-its-effect-on-children
7. Commonwealth of Australia. (2016). *Family Law Amendment (De Facto Financial Matters and Other Measures) Act, 2008*.
8. Commonwealth of Australia. (2015). Federal Circuit Court of Australia: Annual Report 2014-2015.
9. Australian Bureau of Statistics. (2015). *Family Characteristics and Transitions, Australia, 2012-13*, Cat. No. 4442.0.
10. Wilkins, R. (2015), The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 12. Report commissioned by the Australian Government Department of Social Services. Melbourne Institute of Applied Economic and Social Research, Melbourne.
11. Australian Bureau of Statistics. (2013). *Measures of Australia's Progress, 2010*, Cat. No. 1370.0.
12. Australian Bureau of Statistics, Australian Social Trends 2007, Cat. No. 41020.

13. de Vaus, D., Gray, M., Qu, L., & Stanton, D. (2015). *The economic consequences of divorce in six OECD countries* (Research Report No. 31). Melbourne: Australian Institute of Family Studies.
14. Hughes, J. (2000). Repartnering after divorce: Marginal mates and unwedded women. *Family Matters*, 55 (Autumn), 16-21.
15. Department of Family and Community Services. (2000). *Australian Families: Circumstances and Trends*. Research FaCS Sheet 6. Department of Family and Community Services: Canberra.
16. Qu, L., & Weston, R. (2013). *Australian households and families*. Australian Family Trends No. 4. Australian Institute of Family Studies: Melbourne.

Relationships Australia is a leading provider of relationship support services for individuals, families and communities. We aim to support all people in Australia to achieve positive and respectful relationships. We are a community-based, not-for-profit Australian organisation with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances.

A network of over 80 Relationships Australia offices is spread throughout all Australian states and territories.

Relationships Australia.

www.relationships.org.au

1300 364 277