



**FORTY FOUR DEGREES**  
Lawyers and Consultants

Level 2, Suite 3, 50 Market St  
Melbourne VIC 3000  
+61 423 495 217  
+61 3 9225 5266

[hello@fortyfourdegrees.com.au](mailto:hello@fortyfourdegrees.com.au)  
[www.fortyfourdegrees.com.au](http://www.fortyfourdegrees.com.au)

---

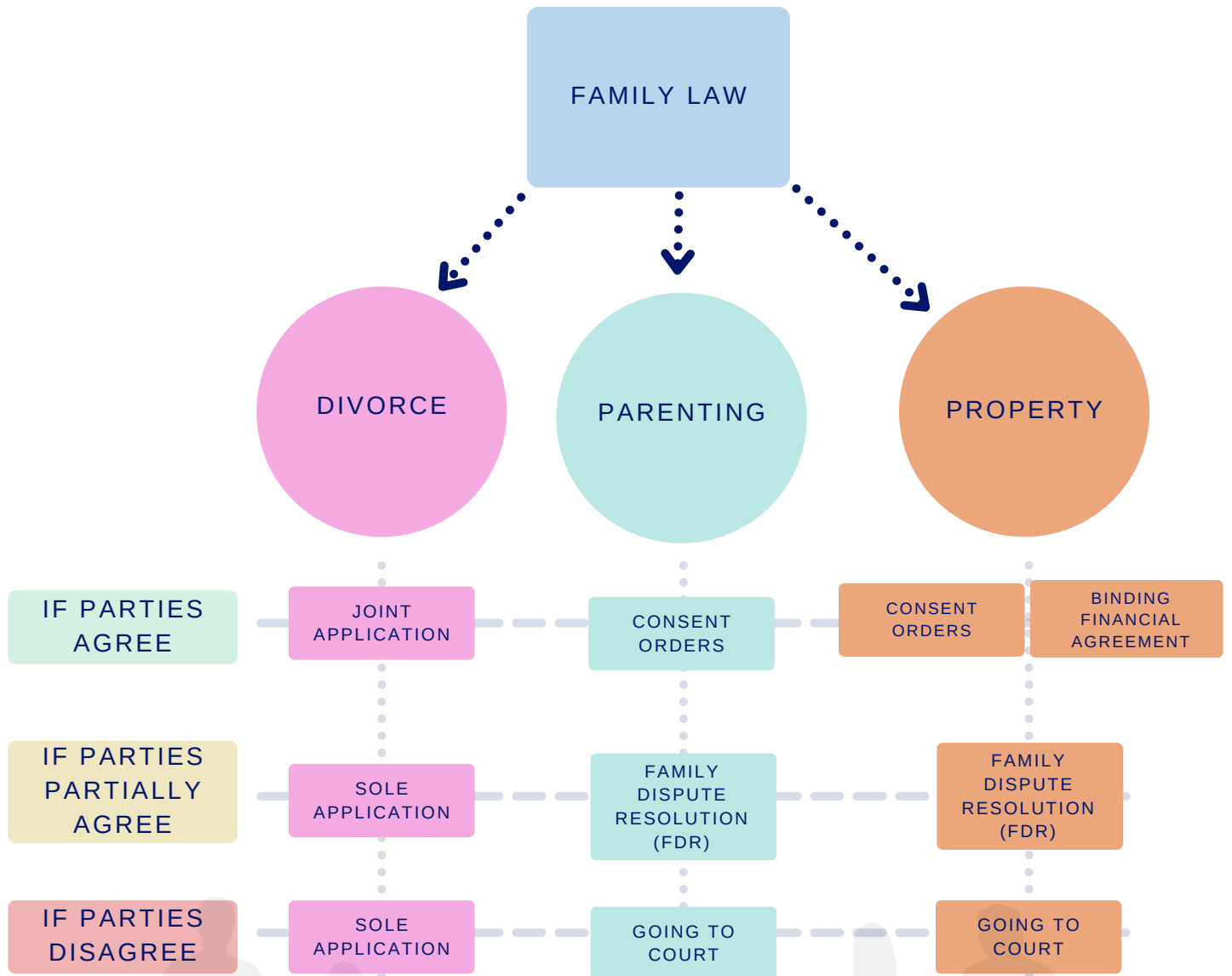
# FAMILY LAW

---



# OVERVIEW

## SERVICES WE PROVIDE





---

**FORTY FOUR DEGREES**  
Lawyers and Consultants

---

Thank you for engaging our firm to assist you with your Family Law matter. Forty Four Degrees Lawyers and Consultants prides itself on the level of service provided and looks forward to assisting you in planning for your future and ensuring your wishes are fulfilled.

In an effort to reduce the amount of paper we use we endeavour, where possible, to communicate with you via either email or telephone. We invite you, where possible, to do likewise.

**For further information please reach out to our team on the below:**

[hello@fortyfourdegrees.com.au](mailto:hello@fortyfourdegrees.com.au)

1300 892 237

[www.fortyfourdegrees.com.au](http://www.fortyfourdegrees.com.au)

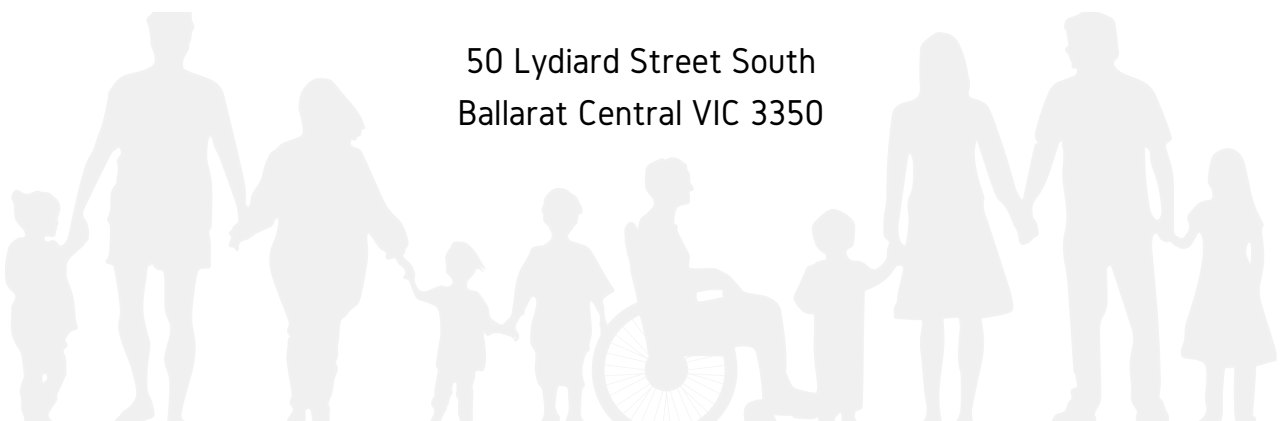
**We have offices at:**

Level 2, Suite 3, 50 Market Street

Melbourne VIC 3000

50 Lydiard Street South

Ballarat Central VIC 3350



# Verification of Identity

We are obliged to verify:



Your identity

That you are a legal person; and

That you have the right to enter into the relevant instrument or dealing.

This means that you will need to attend our office for a meeting with one of our solicitors. You will need to bring to this meeting photo ID.

In some circumstances we may be able to verify your identity via video conference. Please contact us to discuss this option.

Alternatively, if you are unable to attend our office we will provide you with a verification of identity document for Australia Post. With this document and the required ID you can attend one of Australia Post's branches to have the verification of identity done. Please note however not every branch can provide this service, so please call ahead to ensure the verification of identity can be done.



# DIVORCE OVERVIEW



Divorce is the legal end of a marriage (dissolution of marriage).

Australia has '**no fault**' divorce. This means that when granting a divorce, the Court does not consider the reason/s the marriage ended. Neither spouse needs to prove that the other did (or did not) do something which caused the breakdown of the marriage.

The only ground for divorce is that the **marriage broke down** and **there is no reasonable chance that the parties will get back together**.

You can apply for a divorce by yourself (**sole application**) or together with the other party to the marriage (**joint application**). If you file a sole application, **you must serve the application on the other party**.



## Sole & Joint Applications comparison

### Sole

### Joint



You (the applicant) will have to pay the court application fee.



The court application fee is shared between the parties.



You **must serve the application** on the other party. This can be done either by post or by hand.



If you have a child under 18, you must attend the court hearing.



You must attend the court hearing.



The documents must be served at least **28 days before the court hearing**(if in Australia) and **42 days before the court hearing** (if overseas).



# CONSENT ORDER & BINDING FINANCIAL AGREEMENT (BFA)



You have two options for settling property matters; you can do it through a **Consent Order** or a **Binding Financial Agreement (BFA)**.

Both documents reflect an agreement made between you and your partner on how you will handle your property in the event of separation or divorce.

Consent Orders are enforced by the Court, a BFA is only enforceable where both of you have received independent legal advice.

If a BFA is prepared without this independent legal advice, the BFA is void and unenforceable. A Certificate of Independent Legal Advice is required to be prepared and signed to show that both of you have received independent legal advice.



## Consent Order & BFA

### Consent Order



Once Court Orders have been made they are legally binding as they are Orders of the Court.



There is a Family Court filing fee to be paid. There is also a waiting time frame of potentially **one to eight weeks** depending upon the Court work load.



The Registrar at the Court will only approve Consent Orders if they deem it to be just and equitable, taking into account the relevant sections of the Family Law Act 1958.

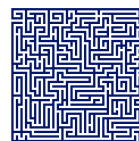
### BFA



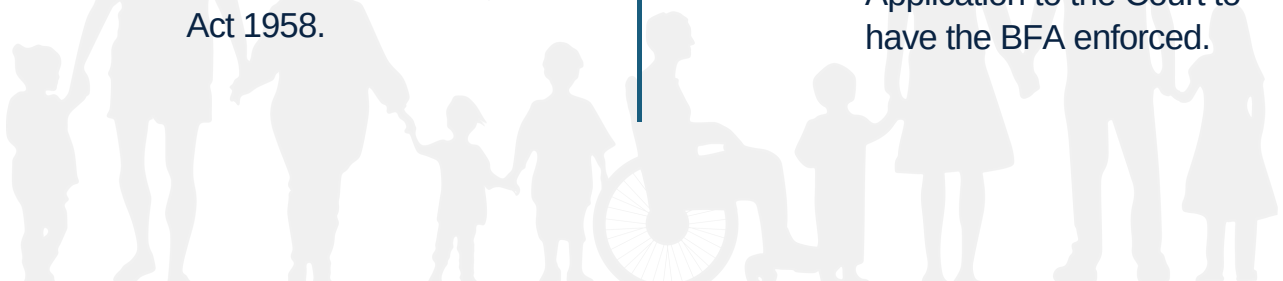
The preparation of a Binding Financial Agreement can be quicker than an Application for Consent Orders.



A BFA can be signed by parties, before living together, during cohabitation, after separation, or after divorce.



If there is an issue with enforceability, ie one of the parties has not done what they are required to do pursuant to the agreement, then the recourse for the other party is to make an Application to the Court to have the BFA enforced.

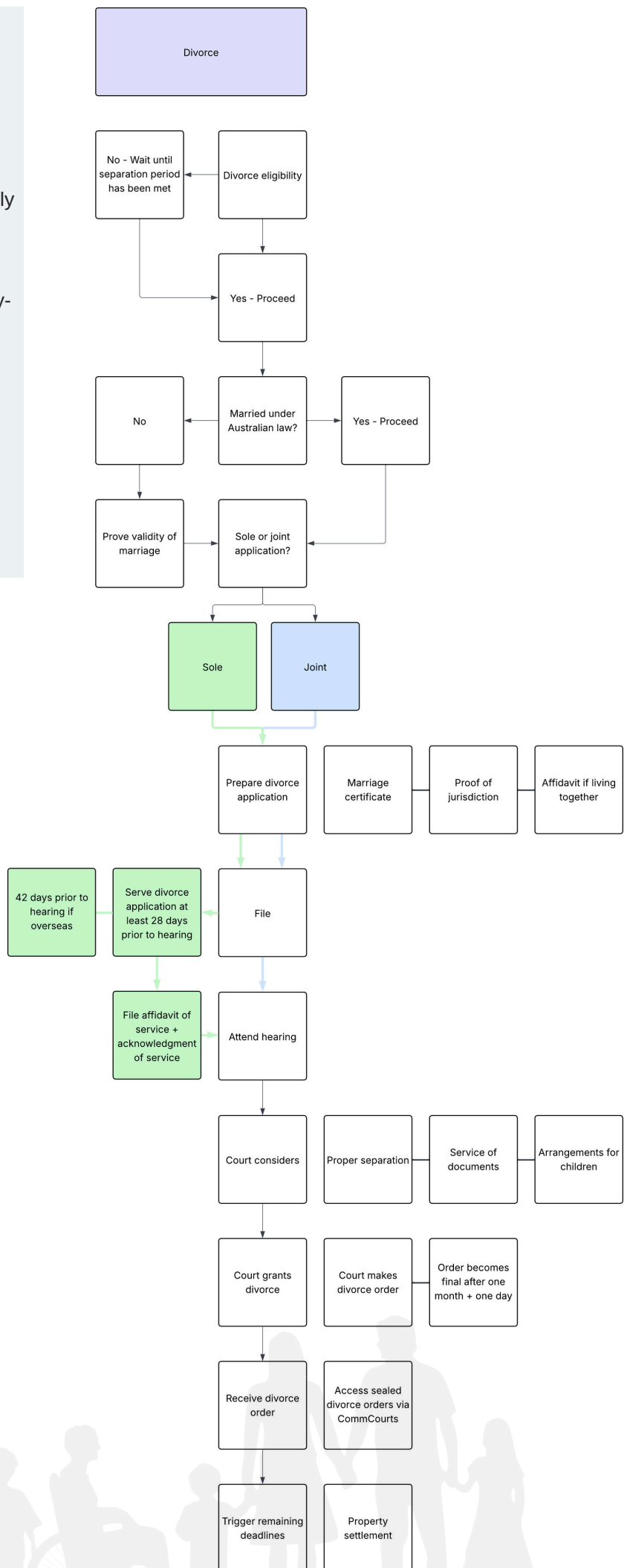


# UNDERSTANDING THE DIVORCE PROCESS

Navigating a divorce can feel overwhelming, especially when emotions are high and legal steps seem complex.

This flowchart is designed to give you a clear, step-by-step overview of what to expect during the divorce process. Whether you're just starting to consider separation or you're ready to apply for divorce, this is designed to help you understand the key stages involved.

Keep in mind that every situation is unique, and this flowchart is a general guide. We recommend seeking legal advice tailored to your circumstances if you're unsure about any step along the way.

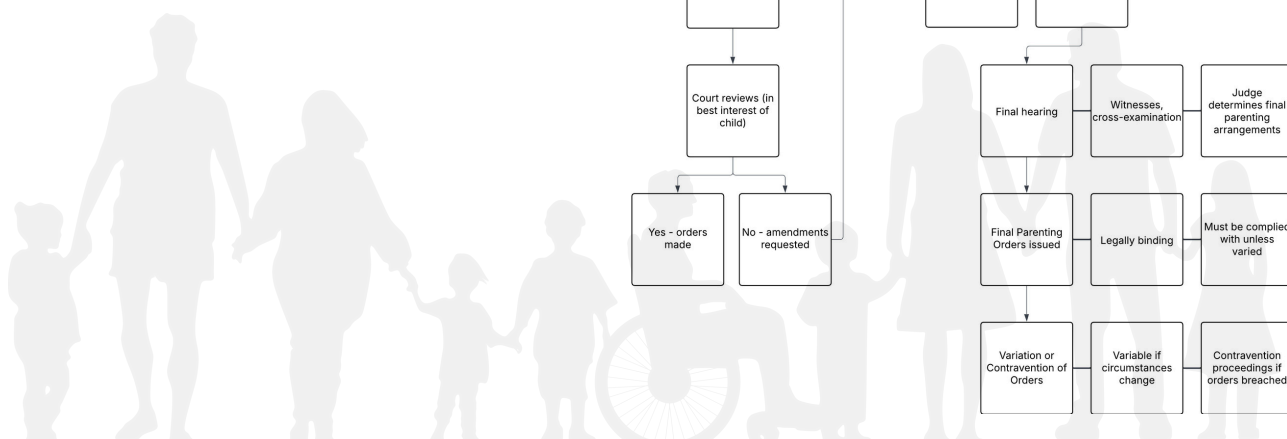
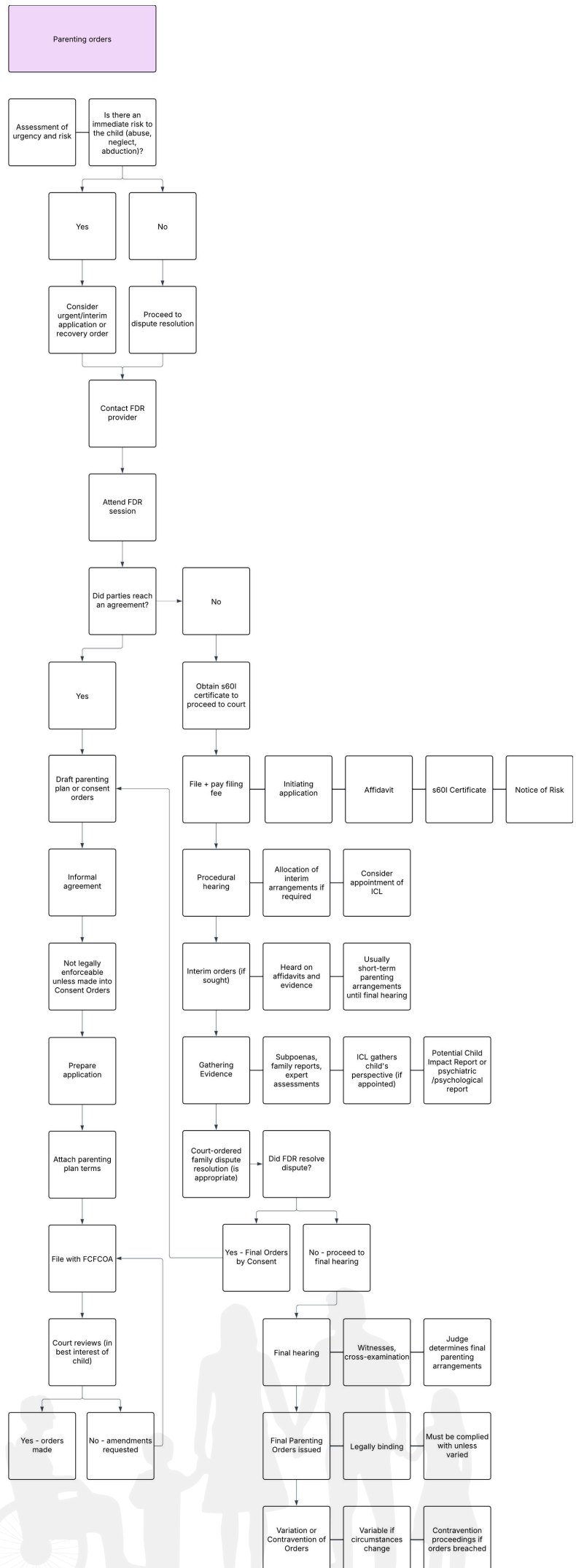


# PARENTING ORDERS

Making arrangements for children after separation can be one of the most emotionally complex parts of the process. It's important to understand the different ways parenting decisions can be formalised, and what steps are involved if agreement can't be reached.

This flowchart provides a practical overview of the pathways to parenting orders, from informal agreements and mediation through to court involvement when necessary. It's designed to help you get a sense of what's ahead and what options may be available at each stage.

Every family is different, and there's no one-size-fits-all approach. This flowchart is a general guide—if you're unsure or have concerns, especially around safety or communication, it's best to seek personalised legal advice.

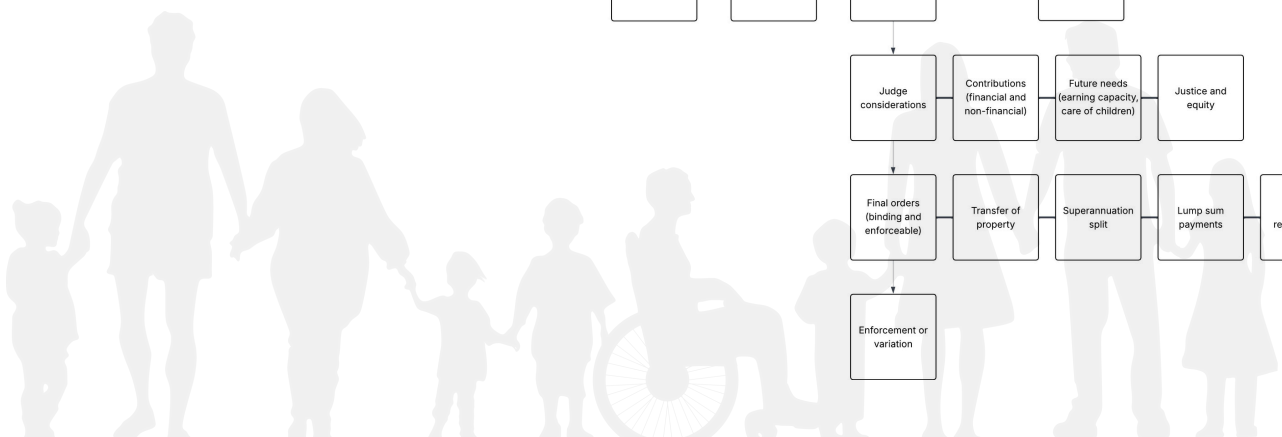
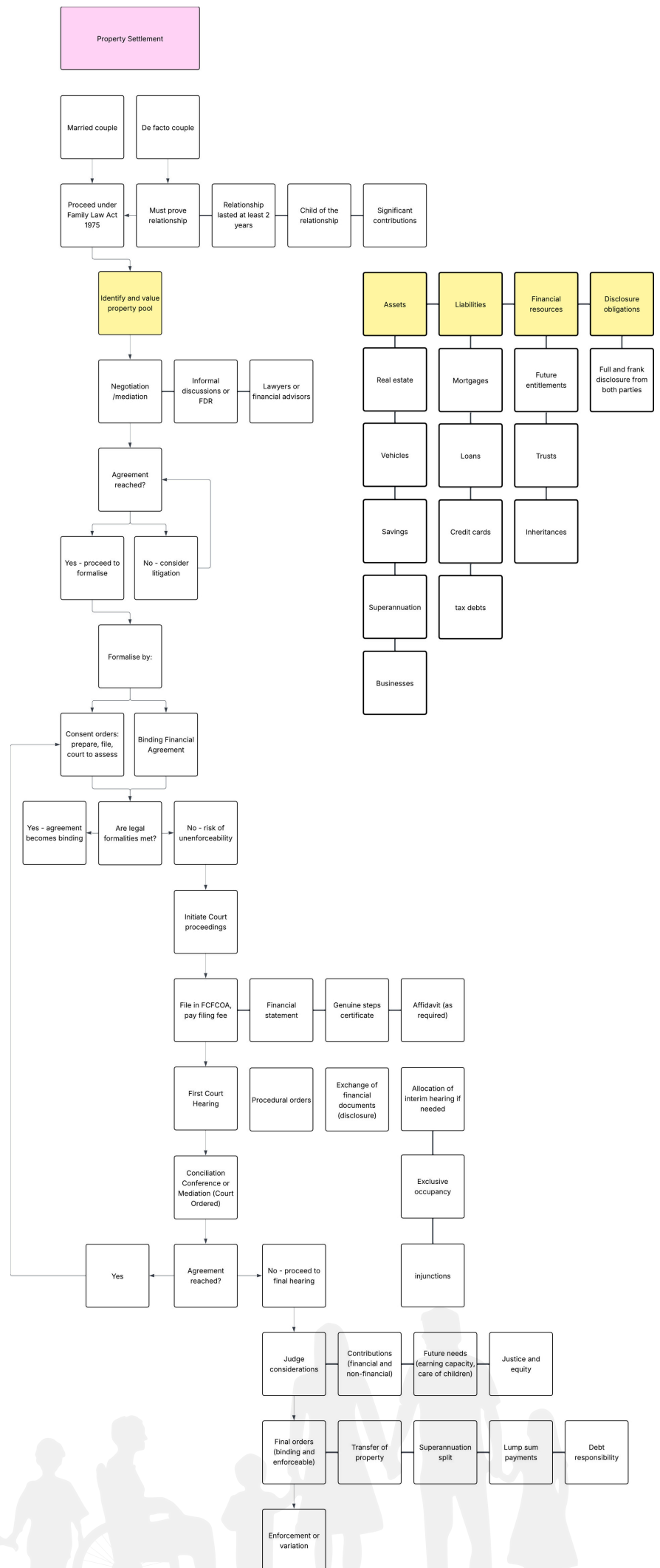


# PROPERTY SETTLEMENT

Sorting out property and finances after separation can feel daunting, especially when there are shared assets, debts, and emotional ties involved. Understanding the process can make it easier to move forward with clarity and confidence.

This flowchart outlines the general steps involved in reaching a property settlement, whether through negotiation, mediation, or court proceedings. It includes the key considerations the law takes into account—like contributions and future needs—and the possible pathways to formalising an agreement.

Because property settlements can vary greatly depending on individual circumstances, this is intended as a general guide only. For tailored advice—particularly where significant assets, businesses, or superannuation are involved—it's important to speak with a legal professional.



## IF THE PARTIES AGREE

	What is it?	What you have to do?
<b>Divorce</b>	<p>Australia has 'no fault' divorce. This means that when granting a divorce, the Court does not consider the reason/s the marriage ended.</p> <p>If you and your spouse agree, you can do a joint application with the court.</p>	<p>Application to be done <b>12 months after separation.</b></p>
<b>Parenting</b>	<p>If you and another relevant person (usually the other parent of your child or children) have reached an agreement about arrangements for a child, you do not need to go to court, however you should formally document your agreement.</p>	<p><b>Consent Orders or Parenting Plan</b></p>
<b>Property</b>	<p>If you and your former partner have reached an agreement about dividing your property and finances, you do not need to go to court.</p> <p>However, you should formally document your agreement.</p>	<p><b>Consent Orders or Financial Agreement</b></p>



## IF THE PARTIES PARTIALLY AGREE

	What is it?	What you have to do?
<b>Divorce</b>	<p>If your spouse does not agree to a divorce, you can apply for a sole application.</p> <p>This requires that you serve the divorce documents on your spouse.</p>	<p>Application to be done <b>12 months after separation</b></p> <p><b>Serve 'application for divorce' on spouse</b></p>
<b>Parenting</b>	<p>If you and another relevant person cannot reach an agreement, you usually have to participate in Family dispute resolution (FDR) counselling – unless an exemption applies.</p>	<p>Attending and participating in <b>FDR</b></p>
<b>Property</b>	<p>The court requires prospective parties to genuinely try to resolve their dispute before starting a case.</p> <p>Therefore you must:</p> <ul style="list-style-type: none"><li>• Participate in dispute resolution services, such as Family Dispute Resolution counselling, negotiation, mediation, conciliation or arbitration.</li><li>• If dispute resolution is unsuccessful, write to the other party (or parties), setting out your claim, and exploring options for settlement.</li><li>• Comply, as far as practicable, with the duty of disclosure.</li></ul>	<p><b>Consent Orders or Financial Agreement</b></p>

# IF THE PARTIES DISAGREE

---

	What is it?	What you have to do?
<b>Divorce</b>	<p>If your spouse does not agree to a divorce, you can apply for a sole application.</p> <p>This requires that you serve the divorce documents on your spouse.</p>	<p>Application to be done <b>12 months after separation</b></p> <p>Serve 'application for divorce' on spouse</p>
<b>Parenting</b>	<p>If you still can't agree after attempting other dispute resolution or mediation, you can apply to the Court for parenting orders.</p>	<p><b>Application for Interim &amp; Final Orders</b></p>
<b>Property</b>	<p>You can apply to the court for orders.</p> <ul style="list-style-type: none"><li>• If the potential proceedings arise out of a marriage, you must apply <b>within 12 months of a divorce order taking effect</b> (or decree of nullity being made) in relation to the marriage.</li><li>• If the potential proceedings arise out of a de facto relationship, you must apply within <b>two years of the breakdown of a de facto relationship.</b></li></ul>	<p><b>Application for Interim &amp; Final Orders</b></p>

# PRICE LIST

	<b>Our fees (incl. GST)</b>	<b>Court fees</b>
<b>Divorce (Joint)</b>	\$2,500	\$1,100 (If both parties have concession cards, a reduced fee of \$365 may apply)
<b>Divorce (Sole)</b>	\$2,750 + Service Fees TBA	\$1,100 (If you have a concession card, a reduced fee of \$365 may apply)
<b>Conciliation Conference and FDR</b>	TBA on a case by case basis	\$480
<b>Parenting Consent Orders</b>	\$4,400	\$200
<b>Financial/Property Consent Orders</b>	\$4,400	\$200
<b>Consent Orders (Financial/Property and Parenting)</b>	\$6,600	\$200
<b>Initiating application to the Court (Parenting final orders only)</b>	TBA on a case by case basis	\$425
<b>Initiating application to the Court (Financial final orders only)</b>	TBA on a case by case basis	\$425
<b>Initiating application to the Court (Parenting, Financial for Final and Interim)</b>	TBA on a case by case basis	\$840

*\*Setting down fees may apply*

# PRICE LIST

	<b>Our fees (incl. GST)</b>
<b>Binding Financial Agreement</b>	\$5,500 inc. discovery
<b>Family Violence Intervention Order</b>	TBA on a case by case basis
<b>Transfer pursuant to divorce family law order</b>	\$2,200

*\*Setting down fees may apply*