

Phillips | Family Law Bulletin

What do “separation” and “divorce” really mean?



Often when we meet clients for the first time it becomes apparent there is a general misunderstanding about what the terms “separation” and “divorce” really mean. There is also common misconception in the initial stages following their separation about the implications of separation and divorce on finalising a property settlement.

Separation

Separation occurs when one party to a relationship communicates their intention to end the relationship to the other party to that relationship. It is not necessary that both agree to separate – one party may simply decide this and tell the other. It is possible to be separated but still living together under the one roof.

Divorce

Divorce is a process whereby a formal application is made to the Court to finalise a marriage following separation. A divorce can only be applied for if there has been an ‘irretrievable breakdown’ of the marriage following a period of separation for at least twelve months. When the divorce application is heard, if all of the requirements have been met, the Court will grant what is called a Divorce Order. Effectively this means that the Court is satisfied that all of the legal requirements have been met to finalise the marriage. That Order becomes final one month and a day later and within a few weeks after that date the Court sends a Divorce Order to each party confirming this.

To read the article in full, click [here](#)

Fiona Caulley, Senior Associate



Family Law Section

Sydney Family Law Intensive – February 2016

Earlier this month our Director, Tony Phillips, Senior Associate, Sarah Bastian-Jordon and Lawyer, Olivia Phillips, had the opportunity to travelling to Sydney and attend the Annual Family Law Intensive.

The event was organised by the Family Law Section of the Law Council of Australia (FLS). All the solicitors at Phillips Family Law are members of FLS which is the pre-eminent association of family law professionals in the country.

The Intensive commenced with the Honourable Justice Peter Murphy and Judge Tom Altobelli delivering a discussion on the leading family law cases of the last 12 months. This presentation is always a highlight of the conference and was an interesting and engaging discussion of the cases of particular significance in 2015.

The team also enjoyed the sessions from Michael Kearney SC and Dr Jacoba Brasch QC which explored principles to be applied in determining when legal practitioners have conflicts of interests and the boundaries of privilege in dealing with expert witnesses. Tony and Sarah particularly enjoyed Paul Doolan and Sheridan Emerson's presentation for advanced practitioners examining the proposed changes to Binding Financial Agreement laws currently before parliament. Olivia attended the session presented by Anne-Marie Rice and Joe Box which provided a practical guide to superannuation splitting. The concluding session by presented by psychiatrist Associate Professor Frank Varghese provided the team with new insights. Dr Varghese discussed Personality Disorders in Family Law and the challenges they present to family law cases.

Tony, Sarah and Olivia enjoyed the opportunity to hone their knowledge in facets of family law practice and devise ways to adapt this knowledge to better service our clients.

Olivia Phillips, Lawyer



Phillips Family Law Welcomes back Rebecca O'Brien

We are excited to announce that later this month our Associate, Rebecca O'Brien will be returning to Phillips Family Law.

Bec has been on maternity leave since May 2015, spending some much deserved quality time with her beautiful baby boy Sam. Bec will return 3 days a week being Wednesday to Friday – commencing Wednesday, 30 March 2016.

PFL are very excited to welcome back Bec!

For further information on these or other legal issues please contact:

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