

# SOLICITOR



## Suzanne Boyle

*Introducing Family Law Solicitor, Suzanne Boyle. Sue has been a Law Society of NSW Accredited Specialist in Family Law for over 20 years. Sue has recently commenced practising at Sharon Moore, Solicitor, at 14/478 The Esplanade, Warners Bay. Contact Sue for expert advice .*

### **Do I have to wait 12 months after my separation before I can commence family law proceedings?**

No. If you wish to commence proceedings relating to property settlement or children's issues it is not necessary to wait 12 months after separation.

### **Do I have to be separated 12 months prior to making an application for Divorce?**

Yes, you must be separated for 12 months prior to filing an Application for Divorce.

### **Do I have to attend the hearing of my Divorce Application?**

If you do not have children under the age of 18 years you can elect not to attend the hearing. If you do have children under the age of 18 years then you must attend the hearing if you are the person applying for the divorce.

### **If I am divorced, is there a time limit for me to start a property settlement?**

Yes, ordinarily you must file any application for a Property Settlement in the Court within 12 months from the date that your Divorce becomes final (which is termed the decree nisi becoming absolute) being a date which is one month after the date that your divorce is heard and granted by the court.

### **If I am in a de facto relationship, is there a time limit on when I can bring a property settlement claim against my former partner?**

Yes, time starts to run from the date of your separation and a claim must be brought prior to the expiration of two years from your separation date.

### **What happens at my first consultation with a Solicitor?**

The first consultation is the opportunity for your solicitor to take your instructions regarding the background and facts of your matter to then provide to you advice on your options and obligations.

### **What do I take with me when I see my Solicitor for the first time?**

It is helpful if you prepare some notes to take with you to the appointment which outline the history of your relationship, financial affairs and a copy of any documents which show your current financial position including a current superannuation statement. It is also helpful to take copies of your marriage certificate and births certificates for you, your former partner and your children.

### **If I reach a settlement do I have to go to Court?**

No. A settlement achieved by the consent of both parties may be formalised in a Binding Financial Agreement or by Consent Orders without the need for a formal court hearing.

### **Is it possible for my former partner to receive some of my superannuation?**

Yes, if appropriate, the Court can make an order splitting superannuation either by the consent of the parties or by the Court's own determination.



Sharon Moore  
S O L I C I T O R

**Sharon Moore Solicitor**  
**Level 1, The Bay Arcade,**  
**478 The Esplanade Warners Bay**  
**P: (02) 4947 2600 | F: (02) 4947 2601**