

What Happens Next

A plain language guide to the separation process

If you are considering separation — or have made the decision — one of the most unsettling things is not knowing what the process actually looks like. What happens? In what order? Who is involved? How long does it take?

The honest answer is that it varies. But it varies within a structure — and understanding that structure, even loosely, means you won't be caught off guard by what comes next.

Most separations focus on three matters

They can be dealt with together or separately, but each one needs to be addressed.

MATTER 1

The Financial Settlement

Dividing what you have, what you owe, and what you've each built — including superannuation. For most women, this is the matter with the most significant long-term consequences, and the one worth understanding most clearly. It is governed by the Family Law Act 1975 and applies to both married and de facto couples.

MATTER 2

Parenting Arrangements

If there are dependent children — how care, living arrangements, and decision-making will work going forward. Parenting arrangements can be part of the same process as the financial settlement, or handled separately.

MATTER 3

Formalising the Agreement

Whatever is agreed needs to be put into a legally binding form — otherwise it is not enforceable. An agreement that isn't properly formalised can be revisited by either party at any time. How this is done depends on the approach taken, and is covered below.

Some separations also involve spousal maintenance — ongoing financial support from one party to the other. Whether this applies depends on individual circumstances. A solicitor can advise.

These are usually approached in one of five ways

Most separations don't reach a courtroom. Most are resolved somewhere in the middle, with professional help on both sides.

APPROACH 1

Negotiation Between Solicitors

Each party engages their own solicitor, who negotiates on their behalf. This is the most common approach for separations where there is some goodwill but also complexity — significant assets, superannuation, or disagreement about what is fair.

Worth knowing: engaging a solicitor does not mean going to war. It means having someone who understands the process, knows what a fair outcome looks like, and is working only for you.

APPROACH 2

Family Dispute Resolution (Mediation)

A trained, independent mediator helps both parties work through the issues and reach their own agreement. The mediator does not decide the outcome — they facilitate the conversation. Both parties may still have their own solicitors advising them throughout.

Worth knowing: in Australia, mediation is generally required before applying to the court. It is often faster and less costly than solicitor-led negotiation, and any agreement reached still needs to be formalised to be binding.

APPROACH 3

Collaborative Law

Both parties and their solicitors commit to resolving the separation without going to court. The process involves structured meetings — sometimes with financial advisers or other specialists — to work through all issues together.

Worth knowing: if the collaborative process breaks down, both solicitors must withdraw and the parties start again with new legal representation. It works best when both parties are genuinely committed to resolution.

APPROACH 4

Direct Agreement — with a Solicitor to Formalise

Some couples reach agreement between themselves and engage a solicitor only to check and formalise what's been agreed. This works in straightforward situations — short relationships, limited assets, clear agreement on both sides.

Worth knowing: even in the most amicable separation, having a solicitor review any agreement before it is signed is worth the cost. Knowing what you are entitled to before you agree to something is not the same as being adversarial.

APPROACH 5

Court Proceedings

When no agreement can be reached through any other means, either party can apply to the Federal Circuit and Family Court of Australia. The court then determines the outcome, based on the framework set out in the Family Law Act.

Worth knowing: court is slow, costly, and the outcome is in the hands of a judge rather than either party. It is almost always the path of last resort — but it exists, and it is accessible when it is needed.

Going to a solicitor does not mean you are about to go to war. It means having someone in your corner who understands the process, knows what a fair outcome looks like, and can help you get there — by whichever path makes sense for your situation. That first conversation is confidential, and it does not commit you to anything.

If you feel ready to speak with someone, I can make that introduction — someone I trust, so you can too. Nothing moves faster than you want it to.

Disclaimer: The information here is general in nature. It reflects common questions and considerations that arise during life transitions — it does not constitute legal, financial or professional advice, and it is not tailored to your individual circumstances. Where your situation is complex or the stakes are high, speaking with a qualified professional is likely to be worthwhile. Use what is useful. Leave what isn't.

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