



About divorce

Women's Legal Centre ACT



Easy English

Blue words



Some words in this book are **blue**.

We write what the blue words mean.

Help with this book



You can get someone to help you

- understand this book

- find more information.



Contact information is at the end of this book.

About this book



This book is from the Women's Legal Centre ACT.



This book is about what happens when you get a **divorce**.

A divorce is when you end your marriage.

Who can get a divorce?



You can get a divorce if

- you or the person you are married to are an Australian citizen or permanent resident

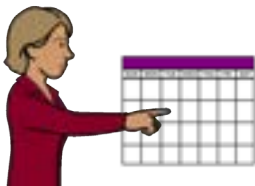
or

- you or the person you are married to have lived in Australia for more than 1 year.

You **must** be **separated** from the person you are married to for more than 1 year to get a divorce.



Separated means you end your relationship.



When you ask for a divorce you must say the date you separated.



The date you separated might be when you

- talked to the person you are married to about separating



- stopped living with the person you are married to



- stopped sharing money with the person you are married to



- told your family and friends you are separated.

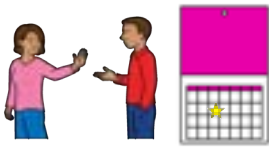


You should talk to a lawyer if you separate.

Can you still live together if you are separated and want a divorce?



You might need an **affidavit** to get a divorce if you still live with the person you are married to.



An affidavit is a note that says

- when you separated

and

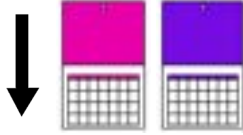


- why you still live together
 - for example, you have children together.



A lawyer can help you write an affidavit.

Can you get a divorce if you have been married for less than 2 years?



You must get a **certificate** from a **counsellor** if you have been married for **less than 2** years.



A certificate is a note that says why you should be allowed to get a divorce.



A counsellor is someone who helps you when you have problems.

Who says if you can get a divorce?



You must ask the Federal Circuit and Family Court of Australia to give you a divorce.

We call it **the court**.

How do you get a divorce?



You can ask the court for a divorce

- with the person you are married to

or



- on your own.



You should talk to a lawyer **before** you ask for a divorce.



You can ask to get a divorce through the **ComCourts Portal**.



The ComCourts Portal is a court website.

We call it **the portal**.



A lawyer can help you use the portal.

Website www.comcourts.gov.au

How do you ask for a divorce with the person you are married to?



You must fill in some documents from the portal with the person you are married to.



You and the person you are married to must print the documents and **sign** them.

Sign means you write your name on the documents.



An **authorised** person must see you sign the documents.



An authorised person could be

- a lawyer



- a **justice of the peace**.

A justice of the peace is someone who helps with legal things.

How do you ask for a divorce on your own?



You must fill in some documents from the portal if you ask for a divorce on your own.



You must print the documents and sign them.

An authorised person must see you sign the documents.



You must ask someone to **serve** the documents to the person you are married to.



Serve means someone gives the documents to the person you are married to.



For example, a friend or a **process server**.

A process server is someone you pay to serve the documents.



The person who serves the documents must

- serve them more than 28 days **before** the court meets to think about your divorce

and



- tell the court that they served the documents.

What other documents do you need when you ask for a divorce?



You need a copy of your marriage certificate.



If you were **not** born in Australia you also need

- a copy of your visa

or



- a copy of your permanent residency certificate

or



- a copy of your citizenship certificate.



You must put **all** of your documents on the portal.

Do you need to talk to the court when you get a divorce?



You need to talk to the court if

- you and the person you are married to have children together



- the person you are married to **contests** the divorce.

Contests means the person you are married to does **not** want to get a divorce.



The court will talk to you on the telephone.

What happens to your property and children when you get a divorce?



You and the person you are married to can decide a lot of things **before** you get a divorce.



For example

- where your children will live
- how you will share your **property** and money.



Property means things like your house.



The law says you must decide how you share your property within 1 year of being divorced.



Talk to a lawyer if you do not think you can decide before 1 year.

What happens to your NDIS payments if you get a divorce?



NDIS is the National Disability Insurance Scheme.

The NDIS gives services and support to people with **permanent disability**.



Permanent disability means a disability that you have for all your life.

A divorce can sometimes change how much **informal support** you get.

Informal support is support you get from someone who is **not** paid.



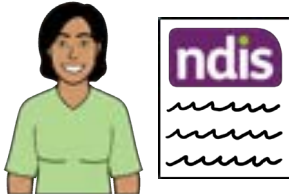
For example

- the person you are married to
- a family member.





Changes to your informal support might change how much money you can get from the NDIS.



You should talk to a disability **advocate** if you have questions about your NDIS plan.

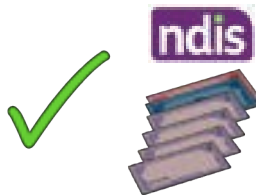


An advocate is someone who can help you

- understand information



- make decisions



- make sure you get the right amount of money from the NDIS.

What happens to your Centrelink payments if you get a divorce?



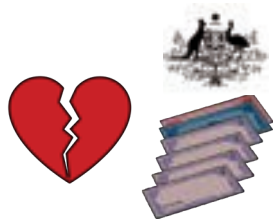
Centrelink is part of the Australian Government.



Centrelink gives money to people who need support.



For example, people who do **not** have a job.



A divorce can sometimes change how much money you can get from Centrelink.



You can ask Centrelink if a divorce will change how much money you can get.



Call 132 717



What should you do if you do not feel safe when you get a divorce?



You can talk to the Domestic Violence Crisis Service if you do **not** feel safe.



Call 02 6290 0900

Support and legal services



ACT Disability, Aged and Carer Advocacy Service or ADACAS.

Call 02 6242 5060

Website adacas.org.au



Women's Legal Centre ACT

Call 02 6257 4377

Website wlc.org.au

dvcs |

Domestic Violence Crisis Service

Domestic Violence Crisis Service

Call 02 6290 0900

Website dvcs.org.au



Beyond Blue

Call 1300 224 636

Website beyondblue.org.au



National Disability Insurance Scheme

Call 1800 800 110

Website ndis.gov.au



Centrelink

Call 132 717

Website servicesaustralia.gov.au/living-with-disability

If you need help with English



Use the free Translating and Interpreting Service or TIS to make a phone call.

You can call the TIS in your language.



Call 131 450

Give the TIS officer the phone number you want to call.

If you need help to speak or listen



Use the National Relay Service to make a phone call.

You must sign up to the service first.



Website accesshub.gov.au/nrs-helpdesk



Call 1800 555 660

Notes

Notes

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