



Women and separation

Managing new horizons



beyondblue
the national depression initiative
www.beyondblue.org.au

Relationships Australia

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About this book

If you are a woman going through separation or divorce, this book is for you.

It was written to:

- help you make sense of your feelings
- provide options that may be useful
- raise your awareness of some services that may help.

The book was developed by Relationships Australia and *beyondblue: the national depression initiative*.

Relationships Australia has extensive experience working with women.

- We listen to women both on the phone and face-to-face.
- We facilitate women's groups.
- We are familiar with research findings which can help explain the process of separation.

beyondblue provides:

- information for women about depression, anxiety and related disorders
- referrals for women to health professionals through its information line, website and information materials.

Separation presents many challenges for women. We would like to thank the women whose experiences and advice contributed to this book.

This book was not written to advocate separation or divorce, nor do we wish to diminish the distress that many people experience. Separation is an extremely difficult time for all concerned.

How to use this book

This is a book to be read and re-read. When you re-read it, consider how your feelings may have changed since the last time.

'Follow the path to healing even though you don't believe you will heal.'

B.G., aged 37, three years after separation

You *will* get through separation and life will get better.

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Separation and women's experiences

Separation and divorce are among the toughest experiences you will ever have.

Women report a range of intense feelings at various stages of separation, including feeling:

- scared about the responsibility for the economic future of themselves and the children
- sad about the break-up of the family unit
- nervous about how they will juggle work and home commitments
- resentful about career sacrifices they may have made in their role of homemaker
- hateful towards their former partner
- bitter about their new circumstances
- worried about dealing with bureaucracies and the legal system
- fearful of making the same mistakes in another relationship
- concerned that the relationship with the former partner may remain in conflict
- relief that things are out in the open.

These responses, many painful and distressing, are perfectly normal. You probably have other feelings you can add to the list.

The good news is that most women face these intense feelings and go on to live fulfilling and happy lives. The not-so-good news is that it takes time.

'Separation provides the opportunity for personal growth, but you don't have to go it alone.'

F.L., aged 48, three years after separation

Separation and grief

'It's the simple things that still take me by surprise. Like when I see his car parked somewhere, it all comes flooding back again.'

F.L., aged 48, three years after separation

You may already know what it feels like to grieve the death of a close friend or relative. It has been suggested that separation or divorce is like this, but some women report that separation is even harder to manage.

Separation is complex and can involve the loss of:

- the family structure and routines you've been used to
- daily contact with your children
- the family home
- friends and social life
- support and approval from your family and community
- meaning and identity
- the opportunity to have children
- financial security.

These losses are particularly difficult if you:

- didn't want the separation
- are still unrealistically hoping for reconciliation
- feel betrayed by your former partner
- do not have a support network or are ostracised by your friends and/or other people in the community
- fear a future of living alone.

In addition, separation may mean:

- practical issues become more difficult, e.g. full time responsibility for the children
- changes in the nature of some of your adult relationships.

Separation is extremely difficult and you can expect to experience intense emotions as well as sometimes thinking that you are not coping.

Women's grieving

The path through separation is unlikely to be a neat straight line. You will find yourself experiencing the highs and lows that come with grief and loss including anger, numbness and despair.

The emotional impact will test your strength and your capacity to look after yourself properly.

Be prepared for 'triggers' that may set off the feelings and memories all over again.

How should you be feeling?

There are no rules about how you should be feeling. We all progress through the separation process at different rates. The trick is not to give yourself a hard time or use unhealthy ways of coping.

Don't let anyone tell you how you should feel. Identify what helps you. You may choose to:

- divert feelings into normal routines (work, hobbies, clubs)
- let off steam by exercising
- express feelings in humour
- develop strategies for dealing with practical concerns
- join a group with others going through the same experience.



'At first I felt paralysed. I managed to get up every morning and get through the day, but now I am starting to feel alive again.'

R.M., aged 55,
two years after separation

Separation and depression

Women who are separated are more likely than others to experience mental health problems, including depression. Everyone feels sad, unhappy or down once in a while, but clinical depression is different.

Depression is more than just a low mood – it's a serious illness. People with depression find it hard to function every day and do not enjoy activities that they used to enjoy. Depression has serious effects on both physical and mental health.

Are you depressed?

You may be experiencing depression if, for more than two weeks, you have felt sad, down or miserable most of the time or lost pleasure in most of your usual activities.

Common behaviours, thoughts, feelings and physical symptoms associated with depression include:

- no longer going out
- not getting things done at work
- withdrawing from close family members and friends
- relying on alcohol and sedatives or other drugs
- inability to concentrate
- thoughts such as: 'I'm a failure.' 'Life's not worth living.'
- feeling overwhelmed, guilty or irritable
- feeling frustrated, unhappy or indecisive
- tiredness, headaches and muscle pain
- sleep problems
- loss or change of appetite
- feeling sick and run down
- significant weight loss or gain.

Everyone experiences some or all of these symptoms from time to time, but when symptoms occur together and are severe or lasting, it's time to seek professional help.

What to do if you think you're depressed

It's important to seek help as soon as possible. Many women feel embarrassed or feel that they're letting the family down if they admit to being depressed. However, women should remember that depression is common and treatable.

A General Practitioner (GP) is a good person to discuss your concerns with in the first instance. A GP or other health professional will be able to help you decide whether treatment is needed and what treatments are suitable. Different types of depression require different types of treatment and support. This may range from physical exercise for preventing and treating mild depression, through to psychological treatments and drug treatments for more severe depression.

If you don't have a regular GP or clinic, you can contact *beyondblue* for a list of GPs with expertise in treating common mental health problems – visit www.beyondblue.org.au and click on 'Find a Doctor or other Mental Health Practitioner' or call the *beyondblue* info line on 1300 22 4636 (local call cost from a landline).

Remember:

- help is available
- with the right treatment, most people recover from depression
- don't dismiss the signs and symptoms of mental health problems in yourself because you are too busy caring for others
- seek help early – the sooner the better.



'Once I realised I was depressed, getting the right treatment helped me adjust to the loss of my relationship.'

T.L., aged 38, one year after separation

Choices you can make

Knowing you have choices allows you to assert some control over your life.

You may not be able to see choices easily when you are overwhelmed by intense feelings, but options do exist. In time, you will begin to notice the choices that are available.

Some of the important choices other women have made during and after separation may help you.

You can choose to:

- accept that it is over and plan for the future
- survive – one day at a time
- learn new skills or polish up your old skills
- seek help
- be there for your children
- not be the victim
- not be hooked into fighting
- not be the one who drives an unnecessary legal battle
- recover and rebuild your life.

Try to be a reasonable woman in an unreasonable situation.

Counselling – talking to someone

Counselling can help you clarify your thoughts and assist you to develop new strategies. It's OK to ask for help. Most women who seek counselling say that they found it helpful and wish they'd done it sooner!

Relationships Australia: 1300 364 277

Family Relationship Advice Line: 1800 050 321

Family Relationships Online: www.familyrelationships.gov.au

Your changing role

For some women, practical matters and economic planning were taken care of by their former partners. If this was the case for you, don't despair. Learning to do these things yourself can help you feel independent and more confident about the future.

Information and support services are included on pages 37-42 in this booklet.

'Face each day as it happens, deal with each fear as it comes up.'

A.G., aged 35, one year after separation



The separation

Who initiated the separation?

Of the 47,209 registered divorces in Australia in 2008, almost 40% were initiated by women.¹

Initiators of divorces

Wife	37.3%
Husband	27.5%
Joint agreement	35.2%

If you were the initiator, you may have already gone through the emotional 'roller coaster' of distress (see page 11) and be ready to move on. It may seem that your former partner has fallen into a hole and is unable to move on. You may feel:

- you are more in control of the situation
- guilty about the break-up
- worried about the effect on the children
- anxious about the financial implications
- fearful of your partner
- fearful for your partner.

If you were not the initiator, you may be struggling while your former partner seems to be coping much better. You may feel:

- powerless about your social and economic future
- betrayed, as if something has been taken away from you through no fault of your own
- shocked or confused
- desperate to be given another chance.

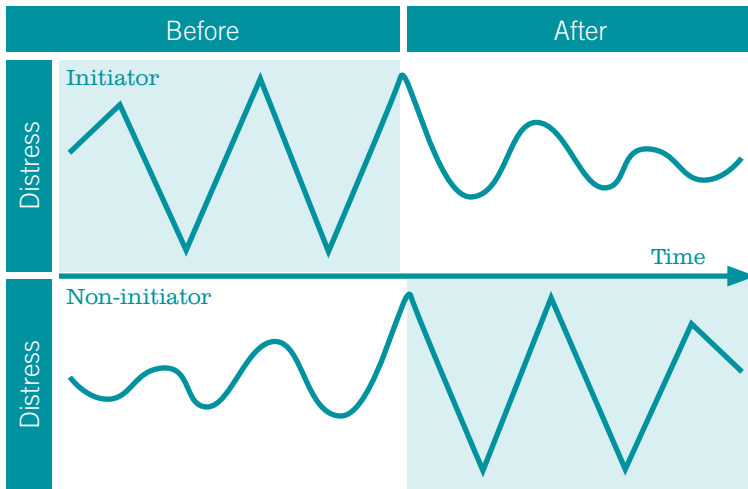
'I am the one who left and I hurt as much for him as I did for myself.'

J.H., aged 49, seven months after separation

Differences between the initiator and the non-initiator

Both the initiator and non-initiator have intense feelings, but they may have them at different times, either before or after the separation.

In the diagram, you can see that the initiator has the most distress before separation, the non-initiator has the most distress after separation. You may feel you're on an emotional roller coaster.



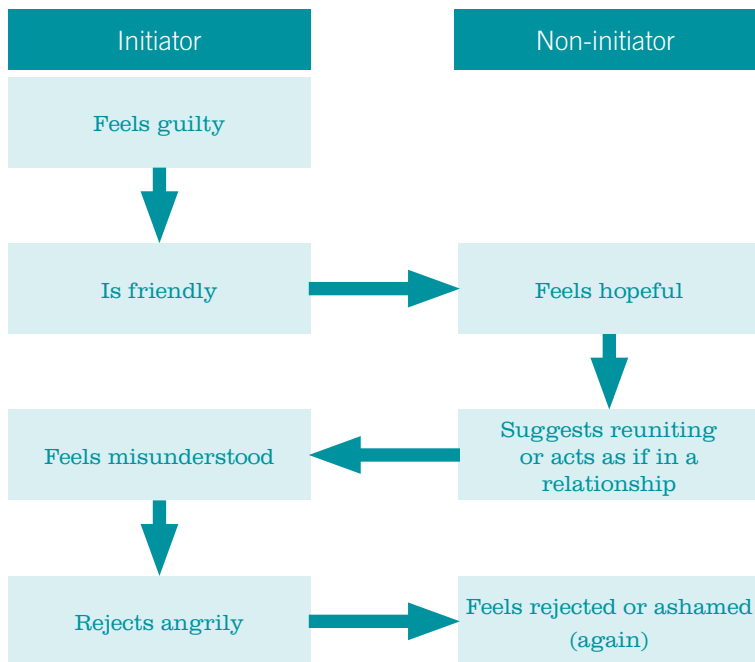
'I thought the ride would never end.'

J.K., aged 27, two years after separation

Mixed messages

Some women find it hard to understand why their former partner does not accept that the relationship is over despite the fact that they have made this clear. On the other hand, some women find it hard to let go and accept that a relationship has ended. They hope their former partner will change his or her mind. They may misread the signals and express an inappropriate level of intimacy.

Once one person begins to misread the signals, it can set off a chain of misunderstandings which ends in arguments and distress. You may be able to recognise yourself and your former partner in the chain of events in this diagram.



How to avoid mixed messages

Other women who have found themselves feeling guilty about ending the relationship recommend that you make it very clear that the relationship is over.

They suggest that you:

- restrict contact with him/her if practical (e.g. one call per week, fortnight or month)
- restrict socialising or going out together
- restrict doing things for him/her
- do not have sex with him/her
- avoid intimate discussions with him/her
- ensure he or she has support available from other(s) apart from you
- give a clear and unambiguous answer if asked about the possibility of reconciliation.



If you are the one who hopes for reconciliation, remind yourself that there is no evidence that your former partner wants to get back together unless he or she specifically says so.

Separated people do sometimes rebuild a friendship together, but this may take a long time if it happens at all – and it usually follows a long period of non-contact. The emotional bonds created by the original relationship take a long time to disentangle. It can be more realistic to aim for a business-like relationship, so that issues can be discussed and decisions made in a respectful way.

Blame and guilt

If you ended the relationship, you may feel it was all your fault and experience guilt or cycles of shame and anger. Remember, it usually takes two to make or break a relationship.



If your former partner ended the relationship, it's very easy to find yourself blaming him or her. Blaming takes attention away from the pain. It gives a sense of justice in what feels like an unjust situation, but stops people moving on. Some couples get so caught up in blame and anger that it affects the children.

Blamers become victims because they:

- are powerless
- become helpless and hopeless
- look backwards instead of forwards
- don't take opportunities to help themselves.

If you find yourself constantly blaming:

- try not to dwell on it
- think about new ways of responding
- understand you have the resources to get through this experience
- look for constructive choices
- be wary of extreme views.

Looking after yourself

'I started taking care with my appearance, going out and exercising.'

M.G., aged 40, two years after separation

Ideas that have helped other women

- Understand that you need time to deal with separation.
- Be honest with yourself and take responsibility for your life.
- Be clear about where you have choices and where you don't.
- Ask for help to deal with guilt, self-pity, hopelessness or feelings of revenge.
- Don't blame yourself or others.
- Commit to looking after yourself – continue to do the things you enjoy.
- Don't use your children as your sounding board.

Strategies that have worked for other women

- Talk to people about how things are for you.
- Seek help for things that you don't know much about such as financial counselling or home maintenance.
- Be open to trying different ways of approaching things to find out what works for you.

Maintain your health and wellbeing

- Accept help, support and encouragement from family members and friends.
- Reduce isolation by becoming involved in social activities.
- Eat healthily and include a wide variety of nutritious foods.
- Exercise regularly.
- Achieve and maintain a healthy weight.
- Get enough sleep.
- Limit alcohol intake.
- Allow yourself time to relax and reduce your stress.
- Keep a check on your physical health.
- Watch for signs of stress or depression (for more information see pages 6-7).

Ask for help

Many women find it difficult to ask for help. They may feel stretched meeting children's needs, or may think that counselling is only for people who have a diagnosed mental illness.

Support is available from:

- friends and family members
- work colleagues and employee assistance programs
- your local doctor or health centre
- your community centre or counselling service
- parenting or separation groups
- Family Relationships Centres
- Family Relationship Advice Line (see page 38).

If you need help with babysitting, don't be afraid to ask.

Stay in touch with friends

Maintaining your social networks may not be so easy now that you have separated, but they are still important for support and future relationships. Make the effort, even if you feel you don't have the time.

Withdrawing socially may leave you feeling more isolated and alone. It is important to keep in touch with your existing friends, and also think about making some new connections with others in similar situations.



'I knew that some of my old friends were only trying to help, but saying 'you are better off without him' or 'there are plenty of fish in the sea', didn't make me feel any better.'

J.L., aged 57, five years after separation

Your financial situation

‘After we separated, my financial situation changed dramatically. I needed help to sort it all out.’

W.H., aged 45, 18 months after separation

Look after your finances

Financial hardship is often one of the most significant challenges of separation. You may manage to juggle your finances most of the time, but worry constantly about unpredictable expenses.

Centrelink administers income support and family assistance payments. Contact them on 13 61 50 to see what services you may be eligible for. Let them know about your new situation, such as change in your income, care arrangements, etc. More at www.centrelink.gov.au

Child support payments and family assistance are closely linked. The more child support you receive, the less Family Tax Benefit you may receive. Similarly, if you receive less child support, you may be entitled to a greater Family Tax Benefit.

For more on finances, see *Me and my Money* in *Suggested Reading*, page 43.

Financial counselling can help you

Government financial counselling services and some private welfare organisations provide information, advice and practical support for people experiencing financial difficulties.

They are useful if you are:

- unable to pay for rent or electricity
- having difficulty budgeting
- needing advice on pension entitlements
- having problems with debts.

See *Where to get further assistance* on pages 37-42.

Child support

The Child Support Agency (CSA) provides support and assistance to parents, including calculating, collecting and transferring child support payments.

Several factors are taken into account in calculating child support, including:

- each parent's gross annual income (this is calculated according to the CSA's formula and includes taxable income and supplementary income and fringe benefits tax)
- the number of children you have and their ages
- how many nights per year they spend with each parent.

The CSA has online calculators to help you work out the level of child support in your case. You can find these at www.csa.gov.au

The CSA also offers products, services and referrals to assist parents with other aspects of their separation.

They also collect and enforce Court orders.

Organising your own payments

If you and your former partner can agree on the amount, you may be able to organise direct payments without CSA doing this on your behalf. This means drawing up an agreement, usually with the help of legal advice. Call CSA on 13 12 72 or visit www.csa.gov.au for information on all aspects of child support.

If you are in dispute over child support your legal aid office may be able to offer advice (see page 42).

Returning to the workforce

If you have not worked for a period of time prior to separation, you may find it daunting to get back into the workforce. Talking to a careers counsellor or a job network provider is a good way to start. You may also like to consider volunteer work to help prepare for a return to paid work.

Centrelink www.centrelink.gov.au or 13 28 50 can refer you to the appropriate services. Also contact Job Services Australia at: www.deewr.gov.au/Employment/JSA/Pages/default.aspx

Children and separation

Children react to separation in different ways. The way your children react will depend on:

- family relationships before separation
- your child's age and personality
- how both parents manage the situation.

Most children will be vulnerable and have many fears – some realistic, some unfounded. Most will express strong feelings and younger children will often experience separation anxiety and fear of abandonment. This can be triggered by particular events such as saying goodbye. These are normal reactions to an extremely stressful time.

Generally, children are resilient in the face of major changes and once their situation has stabilised, mothers report that most children manage well. Occasionally, some children take a while to settle down. Seek professional help, particularly if there are other difficulties in their lives such as problems at school.

A major factor in children's adjustment to their parents' separation is the level of conflict that exists between the parents.

Helping your children accept separation

Explain what is happening in ways that they can understand. Reassure them that both parents love them and the break-up is not their fault.

For more see *Being there for your children*, page 22.



Parenting arrangements

The law presumes that it is in the best interests of a child for parents to have equal, shared parental responsibility. This means that both parents have an equal role in making decisions about major long-term issues such as schooling and healthcare. This does not automatically mean that your child will spend equal time with each parent. If the matter goes to Court, the Court will consider what is in the child's best interests.

Living arrangements

Research has shown that sharing parenting time equally can work in appropriate circumstances, but may not be appropriate if:

- there is high conflict
- parents live a long distance apart
- there is violence, or drug and alcohol issues.

Ensure that the new arrangements are safe. You might want to take into account the relationships that your children have with other significant people, such as grandparents and extended family members.

It is important that living arrangements reflect the needs and ages of the children, the capacity of both parents to care for them and how the family worked before separation. Children can:

- spend equal time with both parents
- spend substantial and significant time with both parents.

Parents are encouraged to set out arrangements in a signed parenting plan (see page 31).

Always a parent

Separation should not mean the end of a relationship with your children for you or your former partner. The family will continue, but in a different form. Your children may have two homes.

New rituals and routines will be established. If you were the primary carer before the separation, you may now spend some time away from your children. This can be rewarding once you have adjusted to the situation.

Contact with both parents is important for stable and happy children so, where it is safe to do so, encourage your children to remain involved with their other parent.

60% of children say they:

- like the loving and caring of each parent
- like the positive personal characteristics of each parent
- would like more contact with the parent they see less.²

Any changes are difficult for children, so keep change to a minimum and involve them as much as possible. While you can't prevent change, you can assist them to cope with it. Children will adapt if they are given structure and stability.

Different doesn't have to be worse.

Absent parents

Sometimes the other parent is totally absent. Maintaining a positive image of the other parent in a child's mind can be very difficult, but it is still important.

For books with useful advice on parenting, see *Suggested Reading*, page 43.

Being there for your children

Being there for your children is very important. Keep important routines, and develop new ones together. The challenge is to find time to do it all without falling in a heap. It may be difficult at first because of all that is happening in your life.

Inform the school of the changes and stay involved with the children's activities and their friends.

- Don't expect your children to look after you emotionally (you are the parent).
- Don't talk negatively about your former partner to the children.
- Don't ask your children to play 'messenger' between parents.
- Don't quiz your children about the other parent and what he/she is doing.
- Be alert to any signs of distress including physical illnesses or changes in behaviour.
- Encourage your children to attend counselling if they need to talk to someone outside the family.

Even adult children may experience intense emotions at this time.

Kids Helpline provides free confidential telephone and online counselling for children and young people aged between five and 25. Call 1800 55 1800 or visit www.kidshelp.com.au

The Child Support Agency has a booklet and website for teenagers whose parents are separating or have separated. More at www.youth.csa.gov.au

Consider getting help with your parenting

There are many good courses and books that can assist you with your changed parenting role (see page 43).

You can also seek advice from Relationships Australia, Family Relationship Centres or the Family Relationship Advice line (see pages 37-42).

Grandparents may also be available to provide support and assistance with parenting.



Relating to your former partner

Some people believe when they separate, they will no longer have to deal with their former partner. However, if you have children this is not possible – you remain linked as parents.

The challenge is to make the ongoing parenting relationship as manageable and constructive as possible.

Be civil to your former partner, irrespective of how he/she approaches you, but never compromise safety.

Constructive co-parenting involves establishing a business-like relationship with your former partner. Below are some practical tips to assist you.

- Focus on the children, not the past relationship.
- Hold meetings at a neutral location if possible.
- Use the telephone, email or a communication book if face-to-face discussion is a problem.
- Consider legal advice, family dispute resolution or counselling if you have difficulties.
- Be flexible – children have commitments and special occasions will arise.
- Consider special days in advance, such as Christmas and children's birthdays.
- Do not breach or allow any breach of a Court order that prohibits contact with your former partner.



What if there isn't a good working relationship?

In some situations, a business-like interaction may not be possible. Some parents, for a variety of reasons, are not supportive of the children's relationship with the other parent. In these situations, the other parent can feel distressed, powerless and angry and may feel his/her children are being denied the right to a relationship with him/her.

If you are in such a situation:

- do not use the children as a way of getting even
- view your conflict 'through the eyes of the children'
- consider family dispute resolution with your former partner and focus on practical issues
- examine your own behaviour and what you can do to help the situation, such as speaking with a counsellor
- debrief with friends or family members
- consider legal advice and action
- remain realistic
- use family relationship services and children's contact services.

No matter how hostile the situation, many women find strength in maintaining their position and dignity.

- Stop any negotiation if the discussion becomes abusive.
- Stay away from your former partner if either of you is affected by alcohol or other drugs.

You must obtain legal advice if you are not going to comply with a court order.

Violence and abuse

Violence and abuse are never acceptable.

38% of women have been in a violent or abusive relationship.³

This may include physical assault, verbal and emotional harassment, stalking, threats to you or your family or damage to property.

If your relationship is physically or verbally violent, sexually abusive, or threatening, your safety and the safety of your children must come first.



If there is violence or abuse by your former partner:

- keep contact to a minimum
- limit face-to-face communication
- meet in a public place
- be accompanied by a friend
- avoid retaliation
- keep a record of abusive incidents, including stalking
- call the police
- seek legal advice about other options.

Remember, you are not responsible for your former partner's abusive behaviour.

Seek support for you and your children. Family violence services can provide assistance and refuge (see page 39).

If you are being violent or abusive:

- it is not acceptable and may be unlawful
- it impacts on the children and may reduce your contact with them
- seek professional help.

Making formal arrangements

Parenting arrangements are decided in the 'child's best interests'.

Property division is based on several factors including direct and indirect financial and non-financial contributions and future needs.

Recent legislation has given separating de facto couples and those in same sex relationships similar property entitlements to married couples.⁴

Agreeing

The best outcomes generally occur where couples negotiate their own mutually-acceptable agreements about:

- property settlement – how your cash and assets including superannuation will be split up
- parenting arrangements – who the child will live with and how much time a child will spend with each parent
- child support payments – who will pay how much to assist with child-related costs.

You may need to use lawyers or family dispute resolution (see pages 37-42) to help with agreements, arrangements or parenting plans. These may need to be formalised by a Court.

Some couples are unable or unwilling to reach agreement in this way. Arrangements may have to be decided by a judge, and it may add to the confusion, stress and powerlessness you already feel.

In the Family Court:

- 9.2% of Court applicants go to trial⁵
- 31% involve Court applications, but do not go to trial⁵
- 60% are sorted out with the help of family dispute resolution, lawyers and counselling out of court⁵
- 51% involve children.⁵

Approximately 50% of disputes settled by community-based organisations are resolved by mediation.⁶

Do your legal homework

Because of the legal issues involved, particularly in property and finance matters, it is wise to get legal advice.

Legal advice is not the same as a court battle. It should provide sound information and options for settlement that need not involve legal action. Many lawyers experienced in family law will give you an initial free or reduced-rate consultation and negotiate on your behalf about property, finance and the children. Check to see if you are eligible for Legal Aid.

Contact:

- your state Law Society or Law Institute for family law specialists
- the Family Relationships Advice Line on 1800 050 321
- the Family Law Courts website www.familylawcourts.gov.au
- your nearest Community Legal Centre at www.naclc.org.au or Women's Legal Service
- a Legal Aid office in your state or territory.

For more information see www.familyseparation.humanservices.gov.au and *Where to get further assistance* (pages 37-42).

Lawyers cost money – do your research first

- Think about the information your lawyer will need.
- Prepare some written questions.
- Seek help/advice to understand the system.

When you visit your lawyer, ask:

- a friend to take notes
- for an estimate of costs at each stage
- for the likely outcomes.

If you are dissatisfied with the advice you get, seek a second opinion.

Read: *A Fair Share, Negotiating your property settlement*. See *Suggested Reading* (page 43).

‘Going to a lawyer early in the Family Dispute Resolution process helped me understand my legal rights around property. It was like making a careful business decision for myself.’

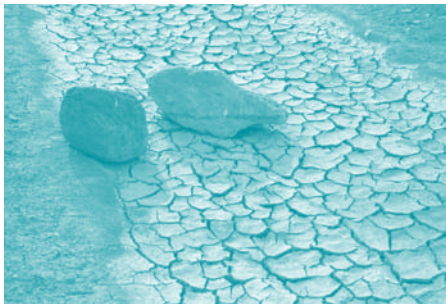
B.S., aged 32, one year after separation

Negotiation methods

Negotiation is hard work, but if you don't attempt it, you may find that:

- parenting arrangements don't work for you
- child support payments don't reflect your former partner's income accurately
- you face expensive legal processes
- you feel exploited or resentful.

Sometimes, it's impossible to discuss things directly with your former partner. Family dispute resolution can assist you to make decisions about your relationship and develop a workable plan for the future. This can include sorting out assets and financial matters, as well as future parenting responsibilities through the preparation of a parenting plan (see page 31).



Family dispute resolution

Family dispute resolution (also referred to as FDR) can assist you and your former partner to make decisions about your children, your relationship and future plans without going to Court.

Family dispute resolution practitioners do not take sides. They do not represent either party or provide financial or legal advice. Their role is to help you and your former partner reach agreement. This can assist you to:

- make your own decisions
- reduce the financial and emotional costs of legal proceedings
- improve your working relationship as parents
- improve your communication with your former partner
- resolve future disputes.

Family dispute resolution with a registered practitioner is a requirement before you can apply to the Court for a Parenting Order (for further information see page 31). There are some exceptions to this, such as cases involving family violence or child abuse or where the matter is urgent.

Family Relationship Centres, Relationships Australia, private family dispute resolution practitioners and some lawyers offer family dispute resolution. Contact them for more information, including fees (see pages 37-42).

Visit www.fdrregister.familyrelationships.gov.au to find a list of registered family dispute resolution practitioners and their locations, or call the Family Relationship Advice Line on 1800 050 321 or visit www.familyrelationships.gov.au

Intimidation

If your former partner is intimidating you, family dispute resolution may not be appropriate. Tell your family dispute resolution practitioner. Your lawyer can negotiate on your behalf.

Don't give away too much too soon

- Don't commit to an agreement immediately after separating just to get it over and done with.
- Don't sell yourself short – or go for too much.
- Be clear and realistic about what you want.
- Get legal advice before signing any document.

Formalising property arrangements

Using a lawyer

Proceedings for the division of property must start within twelve months of the divorce order becoming final.

It's wise to seek legal advice prior to negotiating any agreement with your former partner about property. This way, you know what your rights are.

If you can then reach agreement about the property split, you can instruct your lawyer to prepare formal 'consent orders' for the Court. These are formalised and become 'court orders' which are binding. Your lawyer can usually do this without the need for you to attend Court personally.

Preparing your own consent orders

If you don't want to use a lawyer, you can file consent orders on your own behalf.

Applications must be in the required form, explaining how the assets and debts will be divided between you and your former partner. After you have both signed, the orders are processed by the Court and are legally binding. You may need to provide further written information if the Court is not satisfied with either the information or the asset division.

Consent orders for property are necessary, otherwise your former partner may ask to change your property settlement in the future.

If you're unable to come to an agreement over property, your lawyer will negotiate on your behalf with your former partner's lawyer. This may involve going to Court, which can be costly and take some time (see page 32).

Read *A Fair Share, Negotiating your property settlement*. See *Suggested Reading*, (pages 43-44).

Formalising parenting arrangements

There are two ways of formalising your arrangements:

1. Parenting Order (an order, filed in Court)

While Court orders for property are final, parenting orders are not, as children's needs may change over time.

It's best if parenting orders are flexible and contain general agreements about the children's care. However, if there is a high level of conflict in your relationship, you may need to obtain orders with more detailed arrangements. You will then have to apply to the Court for new orders each time your children's needs change.

2. Parenting plan (an agreement, not filed in Court)

Family law reforms from July 2006 encourage parents to set out arrangements in a signed parenting plan.

The plan may cover:

- who the child lives with
- the amount of time the child spends with each parent
- how parents share the parenting responsibility
- financial maintenance of the child
- length of time for which the plan is valid.

Plans can be changed easily according to changing needs and your circumstances, but any changes must be mutually agreed.

Parenting plans are not legally enforceable. However, if you have to go to Court at a later date, the Court may consider the terms of the most recent parenting plan and the extent to which both parents have complied.

Family dispute resolution (see page 29) assists separating couples to make decisions and to develop parenting plans without going to Court.

'Family dispute resolution enabled us to work out a parenting plan and from then on, things seemed to settle down.'

M.R., two years after separation

What happens if you can't reach agreement?

If you are unable to reach agreement on particular issues, you may need to make an application to the Family Court or the Federal Magistrates Court.

The Court will continue to encourage you to come to agreement without a trial and family dispute resolution is part of the Court process. However, if you still cannot reach agreement, a Family Court trial may be needed where a judge will determine the parenting or property issues in dispute.

In a parenting matter, you must file a certificate stating that you have attempted family dispute resolution, unless you fit within one of the exceptions. You may need to consult a lawyer, a Family Relationship Centre or a family dispute resolution practitioner to work this out.

Court proceedings happen in only a few cases. It means asking someone who does not know you to decide what is best for your children and what is fair in financial terms. Think carefully beforehand. Sometimes, the fight can be more damaging than the issue. Once the Court action is over, you will need to co-parent again.

Going to trial can be costly and stressful, but sometimes it is the only option. Consider attending the Family Court or the Federal Magistrates Court as an observer to get a feel for how the Court system operates.



Dealing with institutions

'When seeking assistance from government agencies, I always took my knitting and my lunch.'

(L.C., aged 45, six years after separation)

Remember that all institutions are acting according to legislation, not trying to make things difficult for you.

- Be courteous and respectful with the employees of institutions you deal with – this often results in helpful responses.
- Ask questions if you don't understand – understanding new information is especially difficult if you're under stress.
- Avoid blame or recriminations either towards your former partner or 'the system'.
- If the service is unsatisfactory, speak to a supervisor or use the customer complaints procedure.
- Gather all relevant information before you act or make decisions.
- Seek advice from the Family Relationships Advice Line (1800 050 321) or your lawyer.
- Talk about family dispute resolution with Relationships Australia (1300 364 277) or your lawyer.

Remember

The more you can agree on with your former partner, the more you will minimise your engagement with 'the system'. However, do not jeopardise your personal safety or that of your children, or be pressured into making an agreement that you think is unfair.



The future

Many women report positive and healthy changes in their lives and discover aspects of themselves that they never knew existed.

They recognise that life changes and many talk of finding inner strengths, new friends and new resources.

New relationships and moving on

Close relationships are important to everyone. Often, after separation, there is a great need to reconnect and to feel wanted and cared for once more.

Some women shy away from starting another relationship and find it hard to trust again. Others move straight into a new relationship which may ease the pain initially. While this can often be a healing experience, it may not allow sufficient time for you to work through past issues.

Whatever occurs for you, take it slowly.

- Give yourself time to grieve the loss of the relationship.
- Take time to re-establish your own identity.
- Look after yourself.

Some women join interest groups and enjoy companionship, but remain unattached. Some establish a committed relationship that includes children from other relationships.

Choose wisely and find out what works for you.

Read *Partners – A Guide to Successful Relationships*. See *Suggested Reading* (page 44).

‘When the clouds finally lifted, I could see the sunshine.’

A.S., aged 38, 12 years after separation

Research about women and separation

Separation and divorce

- 29.3 years was the median age for women to marry.¹
- 41.4 years was the median age for women to divorce.¹
- 61.9% were under 45 years.¹
- 8.8 years was the median duration of marriage to separation.¹
- 48.8% of divorces involve children aged under 18 years.¹
- 6% of divorces involve separation within the first year of marriage.²
- Women aged 25-29 experience the highest divorce rates.¹
- 43% of marriages will end in divorce.⁷

Women and their children after separation

- 16% of families are single mother families; 2% of families are single father families.⁸
- 87% of single parent families are headed by the mother.⁹
- The number of children in a sole parent family is 1.7 (average).⁹
- 19.2% of separated mothers are in the labour force full-time and 31.2% part-time.⁹
- 63% of lone mothers receive a pension or some other form of government support as their principle source of income.⁹
- 24.7% of lone mothers own their house with a mortgage, 7.7% without a mortgage and 65.1% rent.⁹
- The disposable income of one-parent families with children under 15 was 70% of the disposable income of couple families with children of the same age.⁹
- 78.6% of children aged under eighteen whose parents have separated (averaged across all age groups) live with their mothers.¹⁰
- 22% of children live in one-parent families.¹⁰
- 43% of children aged between 0-17 years with a natural parent living elsewhere, see this parent at least once per fortnight, whilst 28% see this parent less than once a year or never.⁸
- 15% of adults had separated parents by 18 years of age.⁸

Impact of separation and divorce on women

- Women are more likely to experience financial hardship after divorce than men.¹¹
- Separation and divorce are recognised as factors contributing to anxiety and depression.¹²
- One year after separation, the average woman's income drops by 42%.¹³
- 41% of single-parent families receive no child support.¹⁴
- 45% of single-parent families receive a government pension, benefit or allowance.⁹
- 8.1% of single-parent families own their own home (without a mortgage) compared to 28.8% of couples (with dependent children).¹⁵

New partners and new families

Different families coming together can place a strain on parent-child relationships.

- 80% of men will re-partner within 5 years.¹⁶
- 69% of women will re-partner within 5 years.¹⁶
- Remarriages following divorce have the highest risk of divorce.⁷
- 10.6% of children live in step or blended families.¹⁷
- 30% of both men and women who re-marry have children under 16 years of age.¹⁸

Where to get further assistance

Contact any of these national organisations. They can refer you to services in your area.

Relationships Australia

Australia-wide services for families and individuals.
1300 364 277
www.relationships.com.au

beyondblue: the national depression initiative

Information on depression, anxiety and related disorders, available treatments and where to get help.
beyondblue info line – 1300 22 4636 or infoline@beyondblue.org.au
(information and referral to a health professional).
www.beyondblue.org.au

Australian Parenting and Relationship Helpline

Free telephone counselling, and information about parenting, separation and other relationship issues.
1300 365 859

Australian Women's Health Network

Details of women's health services in each state and territory.
www.awhn.org.au

Carers Australia

Family carer support and counselling in each state and territory.
1800 242 636 (free call from landlines).
www.carersaustralia.com.au

Child Support Agency

CSA ensures all parents meet their child support responsibilities. Website includes information about legal services, services in your local area, and calculators for child support.
13 12 72
www.csa.gov.au

Centrelink

Employment services
www.centrelink.gov.au

Centrelink & Family Assistance Multilingual Service

13 12 02

Community Legal Centres – national office

Provides legal assistance to disadvantaged people.
www.naclc.org.au

Domestic Violence – see Family Violence

FaHCSIA (Department of Families, Housing, Community Services and Indigenous Affairs)

1300 653 227

www.fahcsia.gov.au

Family Assistance Office

Payments information for people on family assistance.

13 61 50

www.familyassist.gov.au

Family Court of Australia (not WA)

1300 352 000

Family Court of Western Australia

(08) 9224 8222

Information about the function of the Family Court

www.familycourt.gov.au

Family Relationship Advice Line

This is a free helpline to assist with Family Law problems for those unable to attend a Family Relationships Centre. Information about options and location of family services for separating families.

1800 050 321

Family Law Online

A Commonwealth website designed to give easy access to the Family Law system resources, including information about relevant services.
www.familylaw.gov.au

Family Relationships Online

Website with information about the Family Law system – Information on family relationship issues and services available to assist families.
www.familyrelationships.gov.au

Family Relationship Services Australia

Australia-wide services and referrals to over 65 member organisations for families and individuals.
www.frsa.org.au

Family Separation: A Guide for Teens

A booklet and website specifically for young people whose parents have separated or are separating.
www.youth.csa.gov.au

Family Violence

Assistance and refuge for victims of family violence.
www.dvirc.org.au

ACT Domestic Violence Crisis Service	(02) 6280 0900
NSW Domestic Violence Line	1800 656 463
NT Darwin: Domestic Violence Counselling Service	(08) 8945 6200
NT Alice Springs: Alice Springs Women's Shelter	(08) 8952 6048
QLD Domestic Violence Telephone Service	1800 811 811
SA Domestic Violence Crisis Service	1300 782 200
TAS Domestic Violence Crisis Service	1800 608 122
VIC Women's Domestic Violence Crisis Service	(03) 9322 3555 or 1800 015 188
WA Women's Domestic Violence Helpline	(08) 9223 1188 or 1800 007 339

National Domestic Violence and Sexual Assault Helpline

Confidential 24-hour phone counselling.
1800 200 526

Financial counselling

Free financial counselling services for people with low incomes or who are experiencing financial crisis.

www.fcrc.org.au includes counsellor directory

Consumer Affairs Victoria 1300 55 81 81

Financial Counsellors Association of NSW
Credit and Debt Helpline 1800 870 488

Financial Counsellors Association of WA 1800 889 364

Interpreter Services

Assistance for people who may not understand or speak English fluently.

13 14 50

Jean Hailes Foundation for Women's Health

Health information, research and services for Australian women.
www.jeanhailes.org.au

Kids Help Line

National 24-hour telephone counselling service for the cost of a local call.

1800 55 1800

www.kidshelp.com.au

Lifeline

13 11 14

Likeitis

Online details of gay and lesbian telephone help lines in each state and territory.

www.likeitis.org.au/sexuality/helplines

Multicultural Mental Health Australia

Mental health support for Australians from culturally-diverse backgrounds.
(02) 9840 3333
www.mmha.org.au

My family is separating – what now?

A website to help families who are experiencing separation to find their way around the Family Law system, understand their rights and responsibilities following separation and find information on available services.
www.familyseparation.humanservices.gov.au

Multilingual Service (Centrelink & Family Assistance)

13 12 02

Multicultural and Indigenous Affairs

www.dimia.gov.au

Parent easy guides

Useful fact sheets for parents on a wide range of topics
www.parenting.sa.gov.au/pegs/

Parentline

1300 365 859
www.parentline.com.au

See 'Getting Help' then 'Who Else Can Help?' for phone numbers in your state or territory.

Parentlink

Information, advice and contacts for parents
www.parentlink.act.gov.au

Suicide Call Back Service

Telephone support for people at risk of suicide, their carers and those bereaved by suicide.
1300 659 467

Youthbeyondblue

beyondblue's website for young people – information on depression and anxiety and how to help a friend.

www.youthbeyondblue.com

Women's Legal Services

Services for women requiring legal assistance.

Women's Legal Resource Centre NSW	(02) 9749 5533
Women's Legal Service Victoria	(03) 9642 0877 or 1800 133 302 (country callers)
Women's Legal Service Queensland	(07) 3392 0670 or 1800 677 278 (outside Brisbane area)
Women's Legal Service South Australia	(08) 8221 5553 or 1800 816 349
Women's Legal of Western Australia	(08) 9272 8800 or 1800 625 122 (Freecall)
Women's Legal Services Tasmania	1800 682 468 (Freecall)
Top End Women's Legal Services NT	(08) 8982 3000 or 1800 234 441
Women's Legal Centre ACT and Region	(02) 6257 4499 or 1800 634 669
Legal Service for Indigenous Women	1800 639 784

Suggested reading

There are many books and pamphlets available that can help you with parenting and separation. You can download some from websites, or borrow them from a local library, community centre or buy them from a bookshop.

beyondblue also have a range of fact sheets and information materials on depression, anxiety and related disorders, available to download or order from www.beyondblue.org.au/resources or by calling the *beyondblue* info line on 1300 22 4636.

A Fair Share, Negotiating your property settlement – Relationships Australia. Call 1300 364 277 for details.

Adult Children of Divorce: How to Overcome the Legacy of Your Parents' Breakup and Enjoy Love, Trust and Intimacy – J. Zimmerman and E.S. Thayer

Creative Parenting After Separation: A Happier Way Forward – E. Seddon

Good Parenting Through Your Divorce – M. E. Hannibal

Happily Ever Parted – B. Marquardt

Helping Children Cope with Divorce – E. Teyber

Making Divorce Easier on Your Child: 50 Effective Ways to Help Children Adjust – N. Long and R. L. Forehand

Me and my Changing Family – Child Support Agency
www.csa.gov.au or call 13 12 72 for details.

Me and my Kids – Child Support Agency. Go to www.csa.gov.au or call 13 12 72 for details.

Me and my Money – Child Support Agency. Go to www.csa.gov.au or call 13 12 72 for details.

Men and Separation: Navigating the Future – Relationships Australia, Crisis Support Services and *beyondblue*. Call 1300 364 277 for details.

Mom's House, Dad's House: Making Two Homes for Your Child – I. Ricci

Partners – A Guide to Successful Relationships – Relationships Australia. Call 1300 364 277 for details.

Rebuilding: When Your Relationship Ends – B. Fisher and R. E. Alberti

Shared Parenting. Raising your children co-operatively after separation – J. Burrett and M. Green

Surviving your Parents' Divorce: The Bright Side – M. Sindell

The Everything Parents Guide to Children and Divorce – C. E. Pikhard

What about the Children? – Relationships Australia. Call 1300 364 277 for details.

What about Me? – Child Support Agency. Go to www.csa.gov.au or call 13 12 72 for details.

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Relationships Australia

1300 364 277

www.relationships.com.au

www.relationshipsvictoria.com.au

Relationships Australia Victoria has been providing professional counselling, family dispute resolution, family violence prevention, relationship skills education and training services to individuals, couples and families for over 60 years. A network of over 80 offices is spread throughout all Australian states and territories.

beyondblue: the national depression initiative

beyondblue: the national depression initiative provides information on depression, anxiety and related disorders, available treatments and where to get help. Visit www.beyondblue.org.au or call the *beyondblue* info line on 1300 22 4636.



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