

# Men and Separation

Navigating the Future



*Relationships Australia*

Talk it over  
**Mens  
Line**  
AUSTRALIA



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## Acknowledgements

The authors would like to thank colleagues, clients and the providers and users of men's services as well as contributing Government departments.

First edition, printed November 2003

Second edition, printed July 2009

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## About this book

This book is for you if you are a man who is going through a separation or divorce, or you are someone who is supporting a man who is experiencing a separation.

We have written this book to:

- ◆ show you are not alone
- ◆ help guide you through some constructive choices
- ◆ raise your awareness of some services that may help you.

Relationships Australia, MensLine Australia and *beyondblue: the national depression initiative* listen to and work with men at the coalface through men's groups, talking on the phone, and talking to individuals face-to-face. We have included some research statistics about separation on page 35 of this booklet.

Separation presents many challenges for men. We would like to thank the many men whose experiences, advice and expressive words contributed towards the writing of this book.

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

## How to use this book

This is a book to be read and re-read. Record important thoughts on the tear-off card at the back. Keep it handy for that moment when you need a prompt.

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

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## Separation and men's experiences

*"It was the most pain I could feel without being put in hospital."*

D.S. 42, 18 months after separation

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

Men report a range of intense experiences during this time. Those listed below have been reported by men at various stages of separating. They are samples from a *very* long list:

- ◆ frustration, powerlessness and anger
- ◆ relief that differences are out in the open
- ◆ dizziness, with thoughts spinning in circles
- ◆ desperation, ready to drop off the planet
- ◆ determination to stand ground and battle to the bitter end
- ◆ awareness of some hard choices having to be made
- ◆ loneliness and sadness
- ◆ shock, bewilderment and hurt.

These responses are all perfectly normal. It's likely you have other feelings you could add to the list.

The good news is most men face these intense feelings and survive. Even better, they mostly go on to live fulfilling and happy lives. However, it does take time.

*"Life does get better. Separation provides the opportunity for ongoing personal growth. Don't go it alone, there is help out there. Use it to your fullest advantage."*

F.L. 48, four years after separation

## Separation and grief

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 men report that separation is even harder to manage.

Separation is complex and can involve feelings around the loss of:

- ◆ your partner
- ◆ the usual family structure
- ◆ the family home and home routines
- ◆ friends and the social life you had
- ◆ meaning and identity
- ◆ a dream
- ◆ involvement or reduced contact with your children.

These losses are particularly difficult:

- ◆ if you didn't want the separation in the first place
- ◆ if the separation is sudden or unexpected
- ◆ if you are still hanging on hoping it will all go back to how it was
- ◆ if you have reduced or limited time with your children.

In addition, separation means:

- ◆ practical issues can become more difficult, for example shopping and managing children
- ◆ changes in the nature of some of your social networks and friends.

Small wonder then that you experience very intense emotions and may think you're not coping.

The path through separation is not usually a neat straight line. You may find yourself experiencing the highs and lows that come with grief and loss. You may revisit memories and feelings you thought you'd left behind. The emotional and mental impact may test your strength and your capacity to look after yourself properly.

Grieving is personal. We each do it differently. Find out what helps you. You may find comfort in focusing on activities like work, sport and hobbies or planning strategies for the future.

### **Men, grief and problems you can't solve**

It's hard to deal with problems you can't solve. You may lash out in anger, drink too much or gamble. Other men work too hard or allow themselves to become anxious, depressed, isolated and alone.

Talk to a friend. Talking does help. Some people might find it difficult to listen. Find someone who can.

*"I dealt with my extreme fears by psychological counselling and basically getting up every morning, every morning, every morning and riding my bicycle a lot."*

A.M. 46, separated 6 months



## Separation and depression

At this time of great vulnerability it is possible you may become depressed.

Everyone feels sad, unhappy or 'blue' 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 feel sad, down or miserable most of the time. They find it hard to do normal activities and function day to day.

Depression affects your ability to concentrate and function socially with family or friends, or at work.

### Signs of depression may include:

- reduced efficiency or trouble coping with work
- taking a long time to make up your mind
- withdrawing from mates, not wanting to go out, not being much fun any more
- spending a lot of time thinking
- being irritable – having a short fuse
- drinking and smoking more
- tearfulness
- tiredness and aches and pains
- not sleeping well
- change in appetite and losing weight.

Men may not look for help if they are depressed. They can work longer hours, stay up late or drink more in an attempt to help themselves until things really get on top of them.

## If you think you may be depressed

If you have ongoing negative thoughts, find it difficult to cope or experience some of the symptoms listed on the last page **for two or more weeks at a time** you may be depressed.

- ◆ Seek assessment from a doctor who is a General Practitioner or contact a mental health service. There are psychological treatments (talking therapies) that can help you with your depression. You may also need anti-depressant medication as part of your treatment.
- ◆ For more information about depression and effective treatments visit [www.beyondblue.org.au](http://www.beyondblue.org.au) or call the *beyondblue* info line on 1300 22 4636.



### Bear in mind

There are many other men who've had similar experiences and they do get through it.

Don't let depression make the journey of separation tougher than it already is. Get some support. Go to the doctor or call *beyondblue* if you're depressed.

*“Once I realised I was depressed, getting the right treatment helped me adjust to the loss of my relationship.”* TL, 38. one year after separation

## Choices you can make

Knowing you have choices helps you assert some control over your life.

Choices may be tough to see when you are overwhelmed by intense feelings or depression. Options do exist and time can help open them up.

Here are some of the important choices other men have made as they've looked back on their own separations.

The decision to:

- ◆ accept that it is over
- ◆ survive – one day at a time
- ◆ seek help
- ◆ hang in there for your children
- ◆ not be the victim
- ◆ not be hooked into fighting
- ◆ not be the one who drives a legal battle
- ◆ talk about it: learn, recover and rebuild
- ◆ look after yourself (more on page 13).

**Try to be a reasonable man  
in an unreasonable situation.**

### Counselling – Talking to someone

We all want to tell our story and to be heard. Most men who seek this kind of support say that they found it helpful and wish they'd done it sooner!

Call MensLine Australia 1300 789 978 or  
Relationships Australia 1300 364 277

## Stay in contact

Your social contacts and family networks may be less available now that you have separated. If they are still intact, you may be reluctant to use them for support.

Isolating yourself may seem like a good idea or the easiest option, but it may not help you to overcome your losses and will keep you alone.

Withdrawing socially will limit the number of people you can talk to about the distressing events that have taken place.

The loss, or lack of use, of social networks can increase the risk of prolonged depression, reliance on drugs and alcohol, and even suicide.

Talking helps. Talk to at least one person you trust or ring:

- ◆ MensLine Australia on 1300 789 978
- ◆ Relationships Australia on 1300 364 277
- ◆ or *beyondblue* on 1300 22 4636.



## You and your former partner

### Who initiated the separation?

*“It was the worse time of my life. I thought I would never smile again. I was scared and I felt alone.”* J.R. 28, four years after separation

Most men do not initiate separation. In fact, only 32% of all divorces were initiated by men in 2003.

There were 53,100 registered divorces in Australia in 2003 – 50% involved children under 18.

(For more statistics see page 35.)

### "How come I'm the only one falling apart?"

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

If your former partner has been considering separation for some time it is likely he/she have already gone through many of the emotions you are presently feeling.

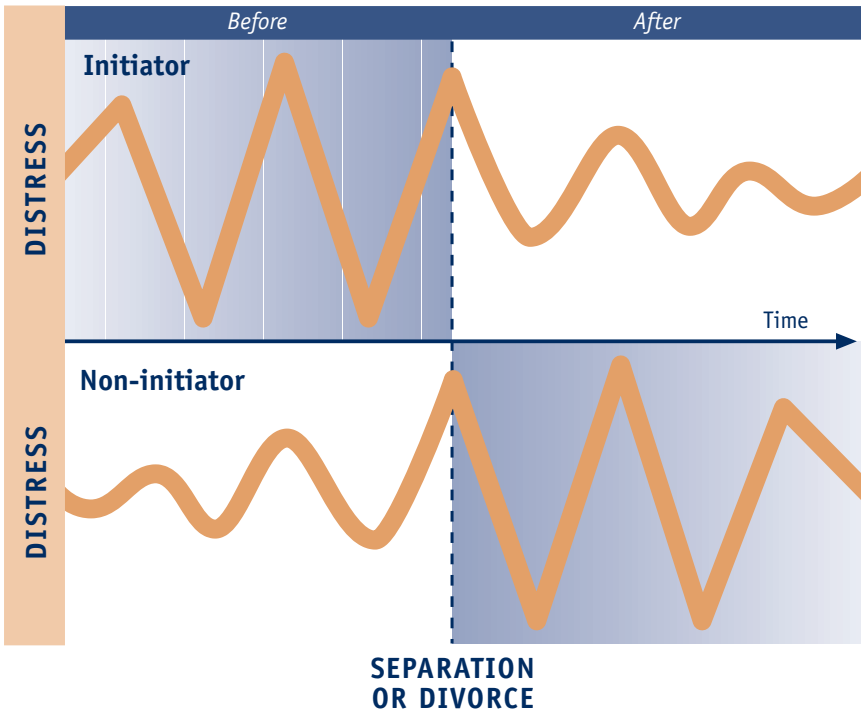
In response, you may:

- ◆ feel powerless and ‘shafted’
- ◆ be less prepared for separation
- ◆ feel that something has been taken away from you
- ◆ feel that things are unfair
- ◆ be in total shock or confusion after separation
- ◆ experience a variety of extreme emotions such as anger or frustration.

## Differences between the initiator and the non-initiator

Both the initiator and non-initiator have intense feelings, but they have them at different times, either before or after the separation. In the diagram below, you can see the initiator has the most distress before separation. The non-initiator has most distress after separation. You may feel you're on an emotional roller coaster.

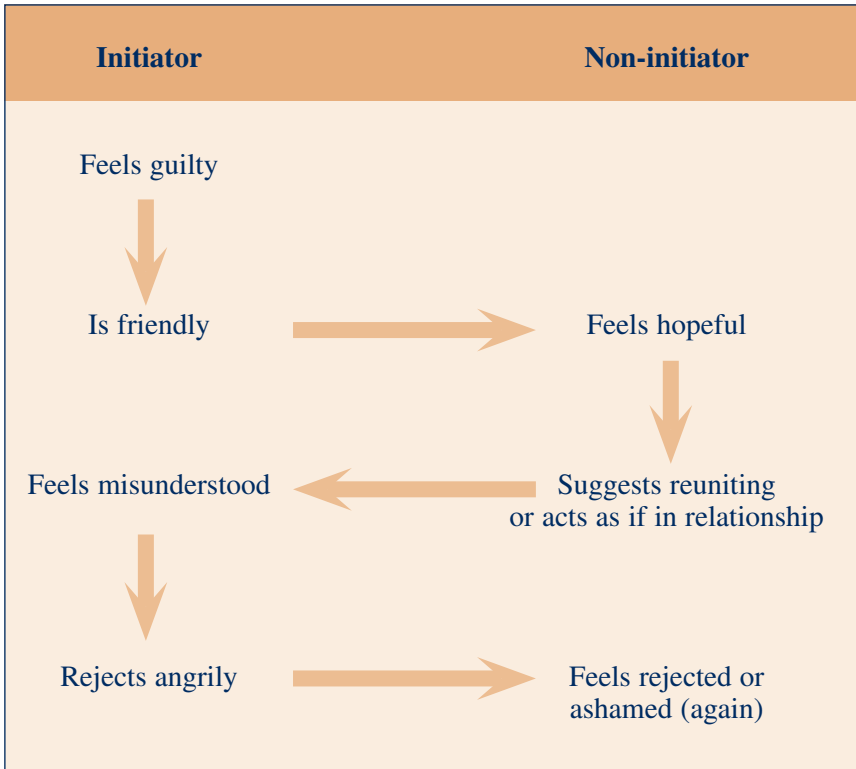
### Roller Coaster of Emotional Distress



## Mixed messages

Some men find it hard to let go and accept that a relationship has finished, hoping their former partner will change their mind. They may misread the signals and express an inappropriate level of intimacy.

Once one person begins, 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

Men who have found themselves caught in this painful chain recommend getting clear that the relationship has ended. They suggest:

- ◆ restrict contact with them (for example to one call per week, fortnight or month)
- ◆ restrict socialising or going out together
- ◆ restrict doing things for them
- ◆ not to have sex with them
- ◆ avoid comforting them.

Remind yourself that there is no evidence that your former partner wants to get back together unless he/she specifically says so.

Separated people do sometimes rebuild a friendship together. However, this may take a long time if it happens at all and usually follows a long period of non-contact. The emotional bonds created by the original relationship take a long period to disentangle.

**If it's over, it's over.  
Hanging on to false hope only prolongs  
the pain and distress.**



## Blame and guilt

If it was you who ended the relationship, you may feel it was all your fault and experience guilt or cycles of shame and anger. However, it is rare for one person to be totally responsible for the ending of a relationship. In the long run, it takes two to make or break a relationship.

Again, if the separation was initiated by your former partner, it's very easy to find yourself blaming them. Blaming takes attention away from the pain. It gives a sense of justice in what feels like an unjust situation.

Some couples get so caught up in blame and anger that they risk doing themselves and their children harm.

If you find yourself constantly blaming:

- ◆ try not to dwell on blaming, at least some of the time
- ◆ talk with other people about new ways of responding
- ◆ realise that you have what it takes to get through this experience
- ◆ look for the constructive choices you still can make
- ◆ be wary of extreme views.



## Looking after yourself

### Ideas that have helped other men

- ◆ Be clear that separation is not like repairing a car. It may not be able to be fixed quickly.
- ◆ Be honest with yourself and take responsibility for your life.
- ◆ Be clear about where you have choices and where you don't.
- ◆ Be aware of what is happening within and around you.
- ◆ Listen to your self-talk. Be alert to signs of self-pity, hopelessness or revenge.
- ◆ Avoid the language of blame.
- ◆ Think about the consequences of what you decide to do.
- ◆ Commit to looking after yourself – continue to do the things you enjoy.

### Actions that have worked for other men

- ◆ Talk to people about how things are for you.
- ◆ Continue with normal activities and routines (work, sport, hobbies etc.).
- ◆ Experiment — find out what works for you.

*“I went and did the things I really enjoy like ballroom dancing and bushwalking.”*

D.S. 56, 3.5 years after separation

## Maintain your health and well-being

- ◆ Select and eat sensible food. Fresh fruit and vegetables don't need much cooking.
- ◆ Exercise in ways you enjoy – riding a bike, jogging along a beach and better still – do it with a friend.
- ◆ Watch for signs of ill-health including stress or anxiety.
- ◆ Visit your doctor sooner rather than later!

### Depression and alcohol

Generally, men drink more when they are depressed because it lifts their mood briefly.

Alcohol amplifies feelings and impairs judgement. Drinking excessive amounts of alcohol, together with depression and feelings of anger can be a dangerous combination. In the long-run, it makes depression worse.

Talk with a friend, doctor or counsellor. Learn some coping strategies to help you get through the tough times.

While men are often reluctant to seek help for mental health problems such as depression, anxiety or drinking too much alcohol, they're often surprised that they feel so much better once they are treated.

*“Once I got my drinking under control the negative feelings I had did slowly pass. I'm also really glad I didn't make any permanent decisions when I was depressed.”*

T.S., 36, two years after separation

## Ask for help

*“Seek support from anywhere you can (preferably not drug-based). It gets easier with time.”*

P.M. 29, one year after separation



Often, the last thing men want is to seek support of any kind. Some feel so ashamed of the break-up that they go into denial. Support is available from:

- ◆ friends, family and other separated men
- ◆ work colleagues, supervisors and employee assistance programs
- ◆ a local doctor or health centre
- ◆ a community centre or counselling services
- ◆ men’s groups.

## Never be afraid to ask. People want to help.

- ◆ Make a list of people you can talk to.
- ◆ Write down the questions you have.
- ◆ Be prepared to talk – don’t bottle it up.
- ◆ Don’t give up on people, no matter how hard it may be.

### Do a separation course

Support others while being supported yourself.

Mixed gender groups are available at Relationships Australia or ring MensLine Australia about men’s groups.

## The benefit of talking it over

Counselling can open up your eyes to what is really happening and assist you to function better. It’s important to find a counsellor you can trust.

Call MensLine Australia 1300 789 978 or Relationships Australia 1300 364 277.

(See websites on back cover.)

# Fathers and children

## Children and separation

The way children will react is always different. It depends on many factors including:

- ◆ family relationships before separation
- ◆ age and personality
- ◆ how both parents manage the situation.

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

Most children feel vulnerable and have many fears, some realistic, some unfounded. Some will express strong feelings and younger children can often experience fear of abandonment and separation anxiety. This is often 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. Once the situation has stabilised, most children manage well.

If a child cannot settle down, particularly if there are other difficulties in their lives, seek professional help.

## Helping your children accept separation

Explain what is happening in ways that they can understand. They need to know it's not their fault and their job is not to reunite their parents. Reassure them that both parents love them.

For effects of separation on children at various ages and what to do read *What about the Children?* Available from Relationships Australia.

## Parenting plans

*“My greatest concern was retaining contact with my two children at home.”*

D.E. 30, three months after separation

Different arrangements for children after separation include:

- ◆ living mostly with one parent and spending time with the other parent
- ◆ spending equal amounts of time with each parent.

Remember, parenting arrangements are not set in stone. They can be changed according to changing needs and circumstances.

Generally, who the children live with and spend time with depends on the ages of the children, the capacity of both parents to care for them and how the family worked before separation.

Try to create a parenting plan where both parents continue to spend ‘substantial and significant time’ with children, but the fewer the changes for them, the better. Different children may require different parenting plans. Be sure the new arrangements work well for them and take into account grandparents and extended family. You may find it helpful to get advice from family dispute resolution practitioners or counsellors.

(More on Parenting Plans see page 29.)

Get some help from your local Family Relationship Centre.

Log on to [www.familyrelationships.gov.au/frc](http://www.familyrelationships.gov.au/frc)

Read *Share the Care*, Relationships Australia, see Suggested reading, page 41.

## Always a father

Separation does not mean the end of your relationship with your children. You and your former partner will continue to be parents and you will always be a father. The family will continue, but in a different form. Your children will have two homes.

While relationships will inevitably change, the challenge is to remain connected and involved with your children in a meaningful way. This will mean establishing new rituals and routines. Some fathers find being the ‘primary carer’ extremely rewarding.

**Generally, contact with both parents is important for stable and happy children.**

### Dad’s house

Children are adaptable, but require structure and stability. If you are moving house, it is important that children have their own space in your home for their things – ideally a room, but at least a cupboard or storage box for possessions.

Involve them in any changes to the house such as choosing their bedroom colour.

These two books give lots of useful advice.

*Mom’s House, Dad’s House: Making Two Homes for Your Child.*

*Me and My Kids: Parenting from a Distance.*

(See Suggested reading page 40.)



## Being there for your children

Being there for your child or children is very important. While it may be difficult at first, new routines and ways of relating can be discovered together.

Share activities like cooking, bike riding or fishing. Stay interested and in contact with their friends and start creating your own rituals for celebrating their birthdays and significant achievements. Keep in touch with their school and school activities. Children want to know you're thinking about them.

Have a special bedtime ritual with your child – e.g. a story, a little chat or prayers. A book with lots of other useful ideas is:

*On Being A Dad* (see Suggested reading page 41).

### Consider a parenting course

It's not easy being a separated parent. There are many good courses and books that can assist with parenting.

Call

MensLine Australia 1300 789 978 or  
Relationships Australia 1300 364 277.

The Family Relationships Advice line 1800 050 321 can refer you to a Family Relationships Centre in your area.

*“I had to combine being the breadwinner with preparing my new home environment when the kids come and stay. Talk about multi-skilling and retraining. And at my age!”* J.L. 52, three years after separation

**Don't give up!**  
**Kids need dads.**

## Relating to your former partner

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

The challenge is to make the ongoing parenting relationship as manageable and as constructive as possible. This may require some work.

You can choose to be civil to your former partner, irrespective of how your former partner approaches you.

Constructive co-parenting involves establishing a good working relationship with your former partner. Men who have successfully managed this offer these practical tips:

- ◆ Remember why you're talking. Keep your goals uppermost.
- ◆ Try using a written agenda and stick to it. Don't get drawn into arguments.
- ◆ Focus on the children, not the past relationship.
- ◆ Hold meetings at a neutral location if possible.
- ◆ Use phone, email, chat or a communication book if face-to-face discussion is a problem.
- ◆ Consider family dispute resolution if you have difficulty.
- ◆ Be flexible. Children have commitments and special occasions will arise.
- ◆ Do not breach any court order that prohibits contact.

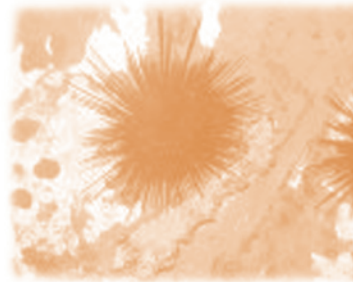
Try not to argue in front of the children or anywhere they can hear you.

## What if there isn't a good working relationship?

In some situations where there is high conflict, a businesslike interaction may not be possible. Some parents, for a variety of reasons, are not supportive of the children's relationship with the other parent or make the children 'the meat in the sandwich'. In these situations, the unsupported parent can feel distressed, powerless and angry, and in more extreme situations, can become alienated from their children.

### Tips for dealing with a high-conflict situation

- ◆ Examine your own behaviour and what you can do to alter the situation.
- ◆ Arrange family dispute resolution with your ex-partner and focus on practical issues.
- ◆ Do not use the children as a way of getting even. Your case will be stronger if you concentrate on their future well-being.
- ◆ If all else fails, consider legal advice and action.
- ◆ Don't give up, but remain realistic.
- ◆ Make use of Family Relationship Centres and Children's Contact Centres (see pages 37-38).



**No matter how hostile the situation, find strength  
in maintaining your dignity and acting fairly.  
Try to be a reasonable man in an unreasonable situation.**

Stop any negotiation if the discussion becomes abusive.

Stay well away if either of you is affected by alcohol or other drugs.

## Violence and abusive behaviour

Separation can be an argumentative and volatile process. The stress of the situation could trigger violent behaviour or abuse. Abuse may include physical assault, verbal and emotional harassment, stalking, threats of harm to you or the family, and damage to property. Some of these behaviours are criminal offences.

### **Abuse is never an acceptable solution.**

The conflict you are experiencing now may be part of a familiar pattern you had in the past with your former partner. It may have contributed to the breakdown of your relationship.

Abusive behaviour has consequences.

- ◆ Your children could become be afraid of you.
- ◆ Your access to your children could be restricted.
- ◆ Assault charges and legal intervention orders can be taken out against you.

There are good choices available.

- ◆ Stop all behaviour that is abusive and controlling.
- ◆ Take responsibility for your past and present actions i.e. stop blaming, justifying or denying that there is a problem.
- ◆ Seek support to change through a program at Relationships Australia or call MensLine Australia 1300 789 978.
- ◆ Seek counselling support through your local doctor or health centre.

### **More information**

For some specific guidelines on family violence consider our 2-page resource under *Self-help tips: Do you have a problem with family violence?* [www.menslineaus.org.au](http://www.menslineaus.org.au)

## Are you being abused?

Some men are abused or threatened by their former partners or family members. If this is your experience, here are some tips.

- ◆ Avoid retaliating in kind — this only increases the risk of harm.
- ◆ Take steps to look after yourself if you feel unsafe. This may include:
  - minimising contact with them
  - using alternative ways of communicating
  - meeting in a place other than your home or theirs
  - being accompanied by a friend.
- ◆ Initiate legal intervention in extreme circumstances e.g. charges can be laid or a court order taken out.
- ◆ Contact your local police if there is a serious threat to safety.

In all circumstances, take responsibility for your behaviour and consider the consequences of what you do.

### Violence and children

Children can be frightened when they see anger and violence. Witnessing parental conflict may create trauma.

Children's Contact Centres can provide a safe place for handover or seeing your children (see page 37).



## Getting a settlement

Couples can negotiate their own mutually acceptable agreement about:

- ◆ parenting arrangements – to include with whom children will live and how much time they will spend with each parent
- ◆ child support payments – the amount a parent may pay to assist the other parent with child-related costs
- ◆ property settlement – how cash, assets and debts will be split up.

Reaching an amicable agreement through your own goodwill is the best for all concerned, especially the children.

You may need to use family dispute resolution practitioners or lawyers to help facilitate agreements, arrangements or parenting plans. These may need to be formalised by a court.

### **Of those who divorce:**

- 50% manage to sort matters out between themselves. They may use lawyers, family dispute resolution and counselling, but will not go to court.
- Another 45% make court applications, but most do not go to a hearing. They sort matters out through negotiation between lawyers, family dispute resolution, conferences or mediation.
- Only 5% of court applications go to hearing.

(See Research page 35.)

Parenting arrangements are always decided in the child's best interests by the Family Court of Australia.

## Do your legal homework

*“(I was) unaware of my choices and obligations and also the fact that I could negotiate.”* P.L. 38, five years after separation

It is important that you get good advice. Talk to friends or other contacts, but remember that every person’s situation is different.

Because there are legal issues involved, especially around property and finances, it is wise to get legal advice.

Legal advice does not mean you have to go to court. Good legal advice should provide sound information and explore options for settlement that may or may not involve taking legal action.

- ◆ Ring your state Law Society for names of family law specialists.
- ◆ Look up Legal Centres under Community Advisory Services in the Yellow Pages or at [www.naclc.org.au](http://www.naclc.org.au)
- ◆ Contact the Legal Aid office in your state or territory to see if you qualify for aid.
- ◆ Ring the Family Law Advice line 1800 050 321.
- ◆ Visit the Family Law Online website at [www.familylaw.gov.au](http://www.familylaw.gov.au).
- ◆ Attend family dispute resolution.

*“If you instruct lawyers to act on your behalf, they will work hard to obtain the best outcome for you. However, don’t forget that your former partner’s lawyer will be doing the same thing.”*

G.F. 37, three years after separation



Find a lawyer who is experienced in family law – many will give you a free initial consultation.

- ◆ Use your lawyer as a consultant. You decide how you wish to proceed.
- ◆ Ask a friend to take notes.
- ◆ Get a clear estimate of costs.
- ◆ Explain your budget to them and determine what may be taken out of any final settlement you reach.
- ◆ Get a clear understanding of the likely outcomes.
- ◆ If you are not clear, ask questions. Your lawyer is working for you.
- ◆ Feel confident to get a second opinion.
- ◆ Don't be afraid to change lawyers if you feel you do not have a good working relationship with your legal representative.

*“If I'd known more about law, many decisions would have been different. Get advice early.”* T.F. 47, four years after separation

### **Do your research before you visit a lawyer.**

It can reduce costs.

You, more than anyone else, stand to gain from understanding the system.

### **Don't give away the store!**

Some men give away cars, furniture or pay off credit cards. Make no commitments immediately after separating. Don't sell yourself short or go for too much. Be clear and realistic about the outcomes you are seeking.

## Negotiation

Negotiation can be hard work, but if you don't attempt it, you may find yourself with:

- ◆ little or no contact with your children
- ◆ parenting arrangements that don't work for you
- ◆ expensive legal processes taking over
- ◆ increased resentment.

Ask someone to help you to negotiate if you do not feel confident or objective about your situation.

## What is Family Dispute Resolution?

Family Dispute Resolution (FDR) can assist you and your former partner to make decisions about your relationship and future plans without going to court.

FDR practitioners do not take sides, represent either party or provide financial or legal advice. Their role is to help you and your former partner reach agreement. In this way you:

- ◆ 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
- ◆ are better able to resolve future disputes.

From the 1st of July 2008 changes to the family law system made FDR a requirement before you can apply to the court for a parenting order. This includes new applications and applications seeking changes to an existing Parenting Order. There are some exceptions to this, such as cases involving family violence or child abuse, or where the matter is urgent.

Family Relationships Centres, Relationships Australia, private family dispute resolution practitioners and some lawyers offer family dispute resolution. Contact them for details and fees (see page 37).

## The Final Settlement

### Property arrangements

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

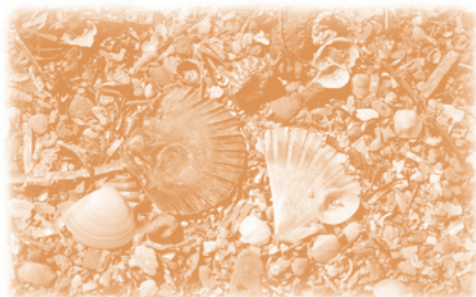
### Preparing your own consent orders

Your lawyer can usually do this without the need for you to attend court. If you do not want to use a lawyer, you can file consent orders on your own behalf.

However, 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 are unable to come to agreement over property, your lawyer can negotiate on your behalf with your former partner's lawyer. This may mean court proceedings.



## Formalising parenting arrangements

### 1. Parenting Order (filed in court)

While property orders are final, court orders in relation to children are not. Their needs may change over time.

It is 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 consent orders each time your children's needs change.

### 2. Parenting Plan (made by agreement and not filed in court)

Parents are encouraged to set out arrangements in a signed Parenting Plan.

The plan may cover:

- ◆ who the child lives with
- ◆ the time the child spends with each parent
- ◆ how parents share the parenting responsibility
- ◆ financial maintenance of the child
- ◆ other important considerations such as holidays, communication, grandparents' involvement etc.

Plans can easily be amended according to changing needs and circumstances, but must be mutually agreed between the parties.

In July 2006, new shared parenting laws came into existence. These laws set out how the court must approach parenting orders.

*“Once family dispute resolution started, things began to fall into place for me.”*

MV, 27. one year after separation

## Status of a Parenting Plan

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.

*Share the Care* is a booklet that can assist you to prepare your own Parenting Plan. (See page 41.)

## Child support payments

The Child Support Agency (CSA) has very clear rules to work out how much child support must be paid. It depends on:

- ◆ both parents' gross annual income. (This is calculated according to the Agency's formula and includes taxable income, supplementary income and Fringe Benefits Tax.)
- ◆ the number of children you have
- ◆ how many nights per year they will spend with each parent.

The CSA's Child Support tables can help you calculate the level of support in your case, considering the number and age of your children and both parents' incomes.

The CSA also collects and enforces court orders, maintenance agreements and child support assessments.

Within CSA rules, parents have flexibility and a range of options.

Call CSA for all child support enquiries on 13 12 72 or check out their web site at [www.csa.gov.au](http://www.csa.gov.au) where you will find useful child support tables and other information.

## 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 hearing and family dispute resolution is part of the court process. However, if you still cannot reach agreement, a hearing will occur and a judge will determine the parenting or property issues in dispute.

In a parenting matter, you must file a certificate stating you have attempted family dispute resolution unless you fit within one of the exceptions.

Court proceedings only happen in a few cases. However, should this happen to you, a judge will decide what is best for your children and what is fair in financial terms. Think carefully beforehand. Sometimes, the court hearing can be more damaging than the issue. And remember, that once the court action is over, you will still need to co-parent again.

*“I'm still paying for my court battle, but there were no other options in my case.”*

JM, 40, separated three years



## Dealing with ‘the system’

Remember that all institutions are acting according to legislation and are not making things difficult just for you.

- ◆ Be courteous and respectful with the employees of institutions you deal with.
- ◆ Ask questions if you don’t understand – understanding new information is especially difficult under stress.
- ◆ Avoid blame or recriminations either towards your former partner or ‘the system’.
- ◆ Be patient and take something to do if you have to wait your turn.
- ◆ If the service is unsatisfactory, ask to talk to a supervisor or use their customer complaints procedure.

Gather all relevant information before you act or make decisions.

- ◆ Seek advice from the Family Law Advice Line 1800 050 321.
- ◆ Talk about counselling with MensLine Australia 1300 789 978 or Relationships Australia 1300 364 277.

Do all you can to try and reach agreement with your former partner. This will avoid or minimise your engagement with ‘the system’.



## The future

Further down the track, many men report positive and healthy changes in their lives. Some things may still not be easy, but many men discover aspects of themselves that they never knew existed. There is recognition that life changes, and in meeting that challenge many talk of finding inner strengths and resources. Men who take up self-development courses report establishing new and important social and recreational networks that sustain them for many years.

### 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 men jump straight into a new relationship which may seem to ease the pain initially. While this can often be a healing experience, it may not allow sufficient time and space to sort through some of the feelings from the last relationship.

Whatever occurs for you, we suggest you take it easy.

- ◆ Make sure you have time to grieve the loss of the relationship.
- ◆ Join a men's separation group to reflect, learn and grow.
- ◆ Give yourself time to re-establish your own independent interests, pastimes and social networks.
- ◆ Look after yourself.

Some men enjoy companionship while remaining unattached. Some establish a committed relationship that includes children from more than one relationship as a blended family in one or more houses.

There is never one way which is 'right'. It is a matter of choosing wisely and finding out what works for you.

Read the booklet *Partners – A Guide to Successful Relationships* available from Relationships Australia.

*“I think I am better at building a sound relationship based on openness and communication. I have gained a new partner, at the moment things are really good.”*

J.R. 41, separated four years



## Research about Men and Separation

### Couples

In the 2006 Census, 61% of people aged 18+ were in a couple relationship, in 1986 that figure was 65%.

ABS Australian Social Trends 4102.0 – Couples in Australia (2009)

### Divorced and separated

Australian men report their relationship status as:

- 566,000 – divorced
- 225,000 – separated.

Around 52,000 additional men get divorced every year.

Australian Bureau of Statistics. 3307.0,55.001 – Divorces, Australia, 2007

### Separation and divorce

In 2007:

- the median age for men to marry was 32<sup>a</sup>.
- the median age for men to divorce was 44<sup>b</sup>.
- 32% of marriages currently end in divorce<sup>c</sup>, predicted to rise to 45% in the next few decades<sup>d</sup>.

(a) Australian Bureau of Statistics. 3306.05.55.001 – Marriages, Australia, 2007

(b) Australian Bureau of Statistics. 3307.05.55.001 – Divorces, Australia, 2007

(c) Hewitt, B. Marriage breakdown in Australia: social correlates, gender and initiator status, Social Policy Research Paper No. 35, Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), 2008.

(d) Linacre, S. Australian Social Trends 2007. Article Lifetime marriage and divorce trends, Cat. No. 4102.0, ABS, Canberra, 2007.

### **Of those who divorce**

- 50% manage to sort matters out between themselves. They may use lawyers, family dispute resolution and counselling, but will not go to court.
- Another 45% make Court applications, but most do not go to trial. They sort matters out through negotiation between lawyers, family dispute resolution, conferences or sheer exhaustion.
- Only 5% of Court applications go to trial.

Attorney Generals Department, Family Law Reform Act 1995. Discussion Paper. AGD Family and Administrative Law Branch, 1996.

### **Men and their children after separation**

- Approximately 400,000 Australian men do not live with their children.
- 77% of those children reside with their mother alone.
- For 92,000 men their children live with their mother and step-or blended family.
- 26% see their fathers less than once a year.

Australian Bureau of Statistics. 4102.0 – Australian Social Trends, 2006.

### **New partners and new families**

- 22% of children (just over 1 million) live in a one-parent family.
- Of all children who have one parent living elsewhere, 23% live in a step or blended family.

Australian Bureau of Statistics. 4102.0 – Australian Social Trends, 2006.

### **Isolation and mental health**

- People living alone are more likely to have a mental health problem than those living with others.
- Those who have been separated, divorced or widowed are also more likely to have a mental health problem.

ABS Australian Social Trends 4102.0 – Mental Health 2009

## Where to get further assistance

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

*beyondblue: the national depression initiative* **1300 22 4636**  
www.beyondblue.org.au

**MensLine Australia** **1300 789 978**  
www.menslineaus.org.au  
email: talkitover@menslineaus.org.au

**Relationships Australia** **1300 364 277**  
www.relationships.com.au

**Australian Parenting and Relationship Helpline** **1300 365 859**  
Telephone counselling for individuals having parenting or relationship issues

**Centacare** **1300 138 070**  
Australia-wide service organisation providing individual, couple and family counselling

**Centrelink** **13 61 50**  
www.centrelink.gov.au  
Information on all government benefits

**Centrelink Multilingual Services** **13 1202**  
Speak to a Centrelink officer in your own language.

**Child Support Agency** **13 12 72**  
www.csa.gov.au  
CSA ensures all parents meet their child support responsibilities. Web site includes information about services in your local area and calculators for child support.

**Children's Contact Services**  
Refer Family Services Australia

**Community Legal Centres – national office** **(02) 9264 9595**  
www.naclc.org.au  
Referral service to state community legal centres

**Family Assistance Office** **13 61 50**  
www.familyassist.gov.au  
Payments information for people on family assistance

**Family Court of Australia**

**1300 352 000**

[www.familycourt.gov.au](http://www.familycourt.gov.au)

**Family Law Online**

[www.familylaw.gov.au](http://www.familylaw.gov.au)

Attorney-General's information on the Australian family law system

**Family Relationships Advice Line**

**1800 050 321**

Advice and information for parents who are separating. For those who are unable to attend a family relationships centre or who prefer to receive information by phone

**Family Relationship Centres**

Call the Family Relationships Advice line above for referral to a FRC in your area or log on to [www.familyrelationships.gov.au/frc](http://www.familyrelationships.gov.au/frc)

**Family Relationships Online**

[www.familyrelationships.gov.au](http://www.familyrelationships.gov.au)

Information on the Australian family law system, information on family relationship issues and services available to assist families

**Family Services Australia**

**1300 365 859**

[www.fsa.org.au](http://www.fsa.org.au)

Family support services and referrals to over 65 member organisations Australia-wide, including:

- Men and Family Relationship Programs
- Children's Contact Services – assistance for separated parents with changeover and contact.

**Federal Magistrates Service**

**1300 367 110**

[www.fms.gov.au](http://www.fms.gov.au)

Provides advice/information on Federal and Family Law.

**Financial Counselling Services**

[www.afccra.org.au](http://www.afccra.org.au)

Check individual state services.

**Interpreter Services**

**13 14 50**

Assistance for those who may not understand or speak English fluently

**Local council services**

[www.alga.asn.au](http://www.alga.asn.au)

Use the links to find local government services in your area. Also see the Local Government section of your telephone book.

**Legal Aid Offices**

[www.nla.aust.net.au](http://www.nla.aust.net.au)

National Legal Aid website to all states and territories.

**Multicultural and Indigenous Affairs****13 12 02**[www.dimia.gov.au](http://www.dimia.gov.au)**Parent link**[www.parentlink.act.gov.au](http://www.parentlink.act.gov.au)

Guides for parents of developmental stages and appropriate strategies for Children and young adults

**Parent Easy Guides**[www.parenting.sa.gov.au/pegs/](http://www.parenting.sa.gov.au/pegs/)

Comprehensive series of informative fact sheets on most parenting issues

## Suggested reading

There are many books and pamphlets available that can help you with parenting and separation. Some are available from websites, local libraries, community centres or bookshops.

Steve Biddulph. *Manhood: An Action Plan for Changing Men's Lives*. 2nd edition. Finch Publishing, Sydney, 1995.

Mark Bryan. *The Prodigal Father: Reuniting Fathers and Their Children*. Three Rivers Press, 1997.

Jill Burret and Michael Green. *Shared Parenting. Raising your children co-operatively after separation*. Finch Publishing 2006, Sydney Australia.

Child Support Agency. *Me and My Kids: Parenting from a Distance*. Commonwealth of Australia, 2002.

Order free from [www.csa.gov.au](http://www.csa.gov.au) or [www.fca.gov.au](http://www.fca.gov.au)

Celia Conlan *Surviving Separation*. Scribe Publishing 2006

Benjamin Garber. *Keeping kids out of the middle – child centred parenting in the midst of conflict, separation and divorce* (2008) Health Communications Inc.

Thomas R. Golden. *Swallowed by a Snake: The Gift of the Masculine Side of Healing*. Golden Healing Publishing, 1996.

Michael Green. *Fathers After Divorce*. Finch Publishing, Sydney 1998.

Macdonald, Ian. (2005). *Men After Separation: Surviving and growing when your relationship ends*. Sydney: Finch Publishing Australia.

Isolina Ricci. *Mom's House, Dad's House: Making Two Homes For Your Child*. Collier Books, 1982.

**Relationships Australia publications**

*On Being a Dad.* 2003.

*What About the Children?* 2003.

*Share the Care: Parenting Plan. Collaborative Parenting Apart.*  
2007.

Call 1300 364 277 for details.

*beyondblue: the national depression initiative*

www.beyondblue.org.au                      1300 22 4636  
1300 bb info

**MensLine Australia**                      1300 78 99 78

www.menslineaus.org.au  
Email: talkitover@menslineaus.org.au

**Relationships Australia**                      1300 364 277

www.relationships.com.au

Important thoughts...  
*e.g. keep the kids' future in mind*

Write yours below

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# Relationships Australia

**1300 364 277**

Relationships Australia offers counselling, family dispute resolution, family violence programs, parenting and relationships courses and other relationships services; across Australia.  
www.relationships.com.au



**1300 78 99 78 (24 hours – seven days a week)**

MensLine Australia provides telephone counselling, information and referral services for men with family and relationship concerns. This service is available from anywhere in Australia for the cost of a local call.

www.menslineaus.org.au/home.html  
Email: talkitover@menslineaus.org.au



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

**1300 22 4636**

For the cost of a local call, the *beyondblue* info line provides callers with access to information and referral to relevant services for depression, anxiety and related drug and alcohol problems.

www.beyondblue.org.au – information in 26 languages, as well as audio and Braille formats



*beyondblue* is proud to acknowledge the support of Movenber in raising awareness of depression and anxiety in men across Australia.