

# CHECKLIST

## FAMILY LAW

## SEPARATION

**This checklist contains a list of tasks for you to action as you plan for, or start along the journey of separation. Its purpose is to help you plan and take active steps to protect your interests during separation.**

- Undertake searches for property/titles (your lawyer can help with this).
- Take copies of shares/futures/dividend/cryptocurrency statements.
- Take copies of superannuation statements.
- Take copies of payslips.
- Create a history of work/employment.
- Make sure you take current passports with you.
- Take copies of all mortgage documents and statements.
- Take copies of personal and business (if applicable) tax returns – if accessible.
- Take copies of business balance sheets and P&L statements (if applicable).
- Take copies of trusts and distributions to/from the trusts.
- Download a Proof of Balance – a snapshot of the balances of all your accounts.
- Make a new budget reflecting your current (new) home position.
- Consider your privacy – change passwords on bank accounts, your computer and phone, emails, and social media accounts.
- Consider safeguarding your accounts by setting up email alerts, changing your PIN and passwords, lowering daily transaction limits and locking credit cards.
- Back up your computer.
- Summarise a list of assets and debts that you and your spouse had at the outset of the relationship and when you began living together (co-habitation).
- Create a list of assets and debts you both have at the time of separation, and now if that is a different date.
- Ensure you have access to funds. You may need to open a new bank account or apply for a separate credit card. You may need to transfer some funds across to that account from your existing redraw facility or jointly held funds.
- Pack and take away from the home important irreplaceable items and place important documents (e.g. birth and marriage certificates, passports) somewhere safe. It's a good idea to make copies.
- If you feel you may need to leave the home (even temporarily), pack an overnight bag for yourself and, if you have children, pack some of their belongings as well. If you do move out, take your personal items including medications and records, personal documents, and any other household contents you wish to keep. Getting them later can sometimes be difficult.

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- Contact your bank, and make enquiries about protecting joint assets, loans and mortgages.
- Consider: setting up alerts on transactions from joint accounts, dual signatory for any loans, redraw, off-set accounts.
- Centrelink – advise change of marital status and enquire about the financial/employment assistance it can offer if applicable.
- Child Support Australia – Go onto the child support calculator and work out (anonymously) how much child support you should be receiving, or paying.

- In consultation with your spouse and with their agreement:**
  - Remove yourself from your spouse's credit cards (do not remove yourself from any mortgage).
  - Think about opening new bank accounts in your own name.
  - Discuss how you will proceed with private health insurance and Medicare. Will you remove yourself or the other parent from the cards?
  - Amend water, electricity, accounts, internet, Netflix and other outgoings which the other parent has access to. (Note: If you remove the other parent from the account, then you are solely financially liable for these accounts).
  - Split up personally owned items such as appliances: if you haven't been together for too long or purchased many joint items, this task may be fairly simple.
- Consult your lawyer regarding:**
  - Major financial decisions (i.e: selling property or agreeing to any parenting or financial offers by consent).
  - Options relating to divorce including mediation or the court process.
  - Whether you need to make a claim for spousal maintenance.
  - Your new Will and any power of attorney that may be needed.
- Diary notes and documentation:**
  - Purchase a one-day-to-a-page diary and record all calls, messages, emails, access/ visitations or comments made.
  - Back up your personal filing system.
  - Store all gathered documentation in a safe location.

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