

## **Divorce and property**

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John and Mary have been married for 20 years. They want a divorce so they can separate their relationship property.

If John and Mary divorce, that process in itself won't divide their relationship property.

A divorce is the official ending of a marriage and when it is finalised, John and/ or Mary are allowed to remarry.

A property settlement is when the relationship property is divided under the Family Law Act. There is no automatic 50/50 split, although there are guidelines in the Act on how property is separated.

If John and Mary stay married while they are separated, that affects their rights and obligations in relation to their wills and financial matters.

If John and Mary were in a de facto relationship, they could still apply for a property settlement under the Family Law Act.

There are time limits that apply to property settlement.

If John and Mary obtain a divorce they have 12 months to make an application to the court after the divorce is final.

If they were in a de facto relationship they have two years after the end of the relationship to make an application to the court. But there can also be exceptions.

John and Mary should both obtain separate legal advice. There are free advice sessions through Legal Aid Queensland and Community Legal Centres.

*YFS Legal is a community legal centre located in Logan. This article is information only; if you require free legal advice please contact YFS Legal on 3826 1500 to book an appointment.*