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Divorce

Kim Wilson & Co provide high quality confidential Family and Divorce services and advice that is easy to understand and transparent when it comes to costs.

An Application for Divorce can be made either by one party to a marriage or both parties jointly.

For the Divorce Order to be granted, the Family Court must be satisfied the marriage has irretrievably broken down, you have been separated for a period of at least 12 months immediately preceding the Application, and appropriate arrangements have been made for any children involved.

In certain circumstances a Divorce Order can be granted where you are separated but living under the same roof, or where there have been short periods of reconciliation (totalling less than 3 months in a 12 month period).

Our Lawyers can assist you to make an Application for Divorce or respond to an Application.

There are important consequences and time limits which apply when a Divorce Order is made and Kim Wilson & Co can advise and assist you in this regard.

To book your confidential Family Law consultation call (08) 6380 3900

Frequently Asked Questions

What is a Divorce?

Divorce is the legal ending of a marriage.

What is Separation?

The decision made by a party to a relationship to end the relations and then the communicating of that decision to the other party. For a Divorce to be granted, there must have been an irretrievable breakdown of the marriage and the parties must have been separated for at least 12 months immediately prior to the Divorce Application being made.

Who can apply for a Divorce?

An Application for Divorce can be made by you alone or jointly with your former partner.

Are we separated if we are still living in the same house?

Separation can be under the one roof. You are separated if you live separate lives. An example of living separate lives is if you do not spend time together socially and you do not sleep together.

Does a Divorce deal with my property and children's matters as well?

A Divorce does not deal with issues relating to property and children's matters, so it is necessary for Applications for property settlement and/or spousal maintenance to be made within 12 months of obtaining your Divorce.

What if I want to Divorce after less than two years of marriage?

Different rules apply to couples who wish to Divorce after less than two years of marriage.

Do I need a Will when I separate?

It is often necessary to change your Will once you have separated from your partner.

Do I need a Will when I Divorce?

You will need to make a new Will once your Divorce has been granted. In Western Australia, a Will is revoked by Divorce if the Divorce occurs on or after 9 February 2008. If you do not want your Will to be void, you will need to have this intention expressed in your new Will.

This material is produced for the law firm of Kim Wilson & Co and is intended to provide our clients and other people who access it general information on our Firm and various legal topics.

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