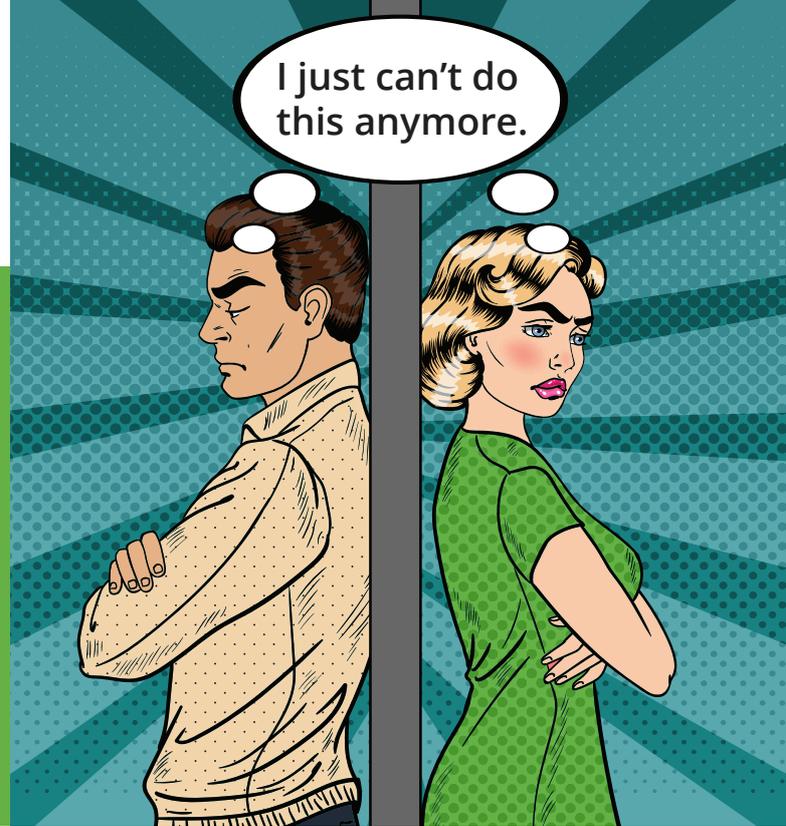


Thinking about leaving your partner?

Plan before you act!



Deciding to separate is a decision with far reaching consequences.

If you are married or are living with your partner and have children, property or assets together, there are legal, financial and practical implications for ending your relationship that you need to consider - as well as looking after your emotional and physical well-being.

Before you act (and ideally even before you discuss separating with your partner), you need to understand your legal rights, obligations and entitlements and put in place a sound plan for when and how you leave.

This is especially important if you are dealing with family violence and are fearful of what might happen when discussing this with your partner.

We have put together a handy checklist of the things you need to consider before you separate from your partner (see overleaf).

Confidential help to put together a sound plan to protect your interests

If you are not sure how best to address any items on the checklist, then we can help.

Tonkin Legal offers confidential pre-separation advice, where you meet with one of our friendly and experienced family lawyers to discuss:

- your personal situation
- what you should and shouldn't do from a legal perspective
- what you can expect financially
- future living and parenting arrangements, if you decide to separate.

We help you put together a sound plan to leave your partner safely and in a way that protects your best interests and the best interests of your children, in the short and long term.

And we do this for a fixed fee of \$390 (including GST).

Call us on

(03) 9435 9044

or book an appointment online at

www.tonkinlegal.com.au

Pre-separation checklist

Important things to plan before you leave your husband, wife or de-facto partner.

✓ Safety

- Is my partner likely to become violent with me or the children if I bring up separation?
- What can I do to protect myself and my children?
- How can we leave safely?

✓ Communication

- What should I say about my decision to leave to my partner, when?
- Does it matter who's fault it is?
- Who else should I tell about my plans to leave, when?
- What else should I think about?

✓ Living arrangements

- Should I be moving out of the home or should my partner leave?
- Can we be separated while living under the same roof?
- What should I be considering if I'm planning to move out, or if I'm planning to stay?
- If I'm staying in the house, does my partner need my permission to enter the house? Can I change the locks?

✓ Children

- What are my rights in relation to the children?
- How is the time the children spend with each partner determined?
- How do I ensure that the children remain primarily in my care post separation, or how can I spend time with them after we separate?
- What are the dos and don'ts in relation to the children?

- If I want to move away with the children – to the next suburb, to the country or further afield – what should I be considering and how should I approach it?
- Am I entitled to receive (or required to pay) financial support from/to my partner in relation to the children?

✓ Finances

- What about my short-term financial security? Can I take funds from joint bank accounts and how much?
- What happens to our joint and individual bank accounts?
- If you own a house, investment property or other financial assets like shares, what share of any sale could I expect to receive?
- Who should pay the mortgage or rent for the family home?
- If you own a house, should I place a caveat on the house?
- Should I review my Will and Power of Attorney?
- Should I change the beneficiary on my superannuation?

✓ Work

- What happens if we jointly own a business?
- What happens if I work with or for my partner?

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