



# Separation and divorce

**This fact sheet has information on what a separation is, when a separation starts, why the date of separation is so important, what a divorce order is, what you need to show to get a divorce order, and how Legal Aid WA can help.**

## What is separation?

Separation is when you and your partner end your relationship and stop being together as a couple.

One of you might make this decision, or you might both agree.

Separation applies to people who were married or in a de facto relationship, which includes same-sex relationships.

**The date of separation is important for both married and de facto relationships.**

## Why is the date of separation important?

The date of separation is important for both married and de facto relationships.

For de facto relationships, the date you separated is the starting point for working out how long you have to settle any property issues you have with your former partner.

For marriages, the date of separation is the starting point for the 12 month separation period you need to show in order to apply for a divorce order.

**“Separation can start while you and your former partner are still living under the same roof, if it is clear that the relationship has ended.”**

## When does separation start?

Separation starts when you or your partner decide to end your relationship, you tell each other about the decision, and you act on it.

For example, when you and your former partner no longer live together.

Separation can start while you and your former partner are still living under the same roof, if it is clear that the relationship has ended.

This might mean that you sleep in different rooms, stop sharing money, stop eating together and socialising together, and tell your friends and family about the separation.

This fact sheet contains information only. It is not legal advice. If you have a legal problem, you should speak to a lawyer. Legal Aid WA aims to provide accurate information, but does not accept responsibility if it is not.

You are welcome to copy, use and share the information from our website, including our resources and publications, if you are doing so for non-commercial or non-profit purposes. You must make it clear the content was created by Legal Aid WA.

“

**A divorce order is an order by the Family Court that legally ends your marriage.**

”

---

### **What is a Divorce Order?**

A divorce order is an order by the Family Court that legally ends your marriage.

It only applies to people who were legally married, and not those in a de facto relationship.

A divorce order does not decide arrangements for your property or children.

You will still need to reach an agreement with your former partner or apply to the court for parenting or property settlement orders.

You and your former partner do not need to agree to get divorced.

You can make an application on your own or as a couple.

**“A divorce order does not decide arrangements for your property or children.”**

### **What do you need to show to get a divorce?**

To get a divorce, you must show the court that you and your former partner were separated for at least 12 months, and that you are not likely to get back together.

If you have been married for less than two years, which includes the time that you were separated, you must give the court a certificate to show that you have been to counselling.

You do not need to show why the relationship ended or that someone was at fault to get divorced.

**“You do not need to show why the relationship ended or that someone was at fault to get divorced.”**

---

### **How Legal Aid WA can help?**

You can find more information on separation and divorce on the Legal Aid WA website.