

7 Common Divorce Myths Debunked

Divorce can be a difficult and emotional time for everyone involved. Unfortunately, many people fall victim to common myths surrounding divorce that can lead to additional distress, confusion, misinformation and conflict.

In this article we aim to set the record straight by debunking seven of the most common myths of divorce.

Myth 1: After two years my ex-partner is entitled to half of my stuff.

Fact: The length of the relationship is only one of many factors taken into account when dividing property. The Court has outlined a four-step process that is used to determine a fair and equitable division of property between spouses. Factors such as financial contributions, non-financial contributions, and future needs are also considered. Therefore, it is possible that one spouse may receive more or less than half of the property, regardless of the length of the relationship.

Myth 2: The wife is automatically entitled to more of the asset pool.

Fact: There is no automatic entitlement for either spouse to receive a greater share of the property pool. The court will consider a range of factors including the contributions made by each party, the future needs of each party, and the assets and liabilities of each party. These factors are not gender-specific and can apply equally to either spouse.

Myth 3: Adultery will always affect the outcome of a family law matter.

Fact: While adultery can be a factor in some family law matters, it is not always relevant to the outcome of a settlement. The Court focuses on the division of property, parenting arrangements, and financial support for children. Unless the adultery has had a direct impact on the children or the finances of the marriage, it may not be a significant factor in the settlement.

Myth 4: The assets I accumulate after separation are none of my ex-partner's business.

Fact: Assets acquired after separation can be considered part of the property pool to be divided between the spouses. This includes any assets acquired through inheritance, gifts, lottery winnings or simply through continuing to accumulate wealth. Therefore, it is important to seek legal advice before making any significant financial decisions after separation.

Myth 5: Once my child turns 12, they can make their own decisions.

Fact: While the views of a child may be taken into account, the Court does not specify an age at which a child can make their own decisions. Instead, the court will consider the child's best interests when making decisions about parenting arrangements. This includes considering the child's age, maturity, and level of understanding, as well as their relationship with each parent. As the child gets older and their maturity and level of understanding increases, more weight will be given to the child's wishes.

Myth 6: You can't get divorced if your spouse doesn't agree.

Fact: It is possible to get a divorce even if your spouse does not agree. However, you must be able to show that you have been separated for at least 12 months and that there is no reasonable likelihood of reconciliation. If your spouse contests the divorce, the court may require a hearing to determine if and when the marriage has irretrievably broken down.

Myth 7: If my ex-partner hires a lawyer, that means we are in for an ugly fight.

Fact: Hiring a lawyer does not necessarily mean that the divorce will be a contentious or adversarial process. In fact, a lawyer can help to facilitate a smoother and more amicable divorce by providing legal advice, negotiating on behalf of their client, and helping to reach a fair settlement. It is always best to approach a divorce with a willingness to cooperate and negotiate, as this can lead to a better outcome for everyone involved.

How Can Andersons Help?

It is important to seek legal advice from a reputable family lawyer to ensure that you have a clear understanding of your rights and responsibilities during separation. By debunking these common myths, we hope to help you approach your divorce with greater clarity and confidence.

You can find out more information about **separation and divorce** here or if you wish to speak with one of our family lawyers, you can **contact us** here.