



Separation and Your Finances: How to Protect Yourself After a Relationship Ends

What should I do to protect myself financially?

Separation can be an emotional and uncertain time. Along with the personal challenges, it's important to take practical steps to protect yourself, your property, and your finances.

Taking action early can help you avoid ongoing stress and reduce the risk of costly disputes down the track. There are a number of legal options available to formally separate your financial ties from your former partner — and understanding these options is key.

Separation and Consent Orders: What are they and how do they help?

If you and your former partner reach an agreement about how your finances and property should be divided after separation, you can apply to the Court for Consent Orders.

Consent Orders are:

- **Legally binding**, meaning both parties must comply with them
- **Enforceable by the Court** if one party does not follow the agreement

They can deal with a range of issues, including:

- Division of property (such as the family home and other assets)
- Superannuation splitting
- Spousal maintenance
- Parenting arrangements
- Even arrangements for pets

Once filed, a Judicial Registrar will review the agreement to ensure it is **just and equitable** before making the orders.

It's very important to have these documents prepared or reviewed by a family lawyer to ensure your interests are properly protected before signing anything.

Separation and Binding Financial Agreements: How are they different?

A Binding Financial Agreement (often called a BFA) is a private legal agreement that sets out how assets and liabilities will be divided after separation.

Unlike Consent Orders:

- A BFA **does not need Court approval**
- It allows parties to manage their financial arrangement privately

However, there are strict legal requirements. Each party must receive **independent legal advice**, including advice about:

- How the agreement affects their rights

- The advantages and disadvantages of entering into the agreement

Because the Court does not review the agreement, care needs to be taken — particularly as one party could agree to receive less than they might otherwise be entitled to.

Separation and informal agreements: Are they enough?

Many people try to resolve financial matters after separation informally — through verbal agreements, emails, or written arrangements between themselves.

While this may seem easier at the time, these agreements are:

- **Not legally binding**
- **Not enforceable**

This means:

- You are not protected from future claims
- Financial arrangements can be reopened later
- Your former partner may still be able to claim against assets you acquire after separation
- You may even become responsible for debts incurred by your former partner

For these reasons, relying on informal agreements can lead to serious financial consequences.

Separation and time limits: When do I need to act?

There are strict time limits that apply if you want to formalise your financial arrangements through the Court:

- **Married couples:** within 12 months of a divorce becoming final
- **De facto couples:** within 2 years of separation

If you miss these deadlines, you may only be able to apply for an extension in limited circumstances.

Because of this, it's important to seek advice and formalise your agreement as soon as possible after separation.

Separation and Court proceedings: What if we can't agree?

If you and your former partner cannot reach an agreement, Court proceedings may be necessary.

This process can be:

- Time-consuming
- Costly
- Emotionally challenging

If the matter proceeds to a final hearing, the Court will decide how your property is divided. This means:

- You may not get the outcome you were hoping for
- You have less control over the final result

For these reasons, resolving matters by agreement (where possible) is usually preferable.

How can Andersons Solicitors help after separation?

Our experienced Family Law team understands that separation can be overwhelming. We are here to guide you through your options and help you protect your financial future.

With offices across South Australia, we can assist you with:

- Understanding your entitlements
- Negotiating and formalising agreements
- Preparing Consent Orders or Binding Financial Agreements
- Representing you if Court proceedings are required

If you would like advice tailored to your situation, please contact our team on **8238 6666** or email enquiry@andersons.com.au.