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LawTalk Blog



Family Law and separation certificates

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A common question we get from clients is about a "separation certificate". We are not sure how this concept or notion has entered into the public arena.

In respect of a marriage, the date of separation is relevant for a number of reasons. Firstly, the date of separation starts the countdown of the 12 month waiting requirement before you can proceed with an [Application for Divorce](#). It is therefore important to note that date. It is also relevant to other areas in Family Law such as [property settlement](#). The date of separation marks the end of the period of cohabitation between the parties and from a Family Law perspective we are interested in determining what the assets, liabilities and financial resources of the parties were at that specific time.

Once you proceed with your divorce you will receive a sealed copy of a Divorce Order from the Court. This is the only relevant document in respect of the separation of married couples.

For de facto couples, in South Australia there is also no separation certificate. This means that for de facto couples there is no way to formally document the separation date. In other states there has been a facility for people to register their de facto relationship. In the event of a separation they have to apply to have the registration of the relationship revoked.

As with married couples the separation date is relevant for a number of matters in particular, the two year time limit from the date of separation to bring an application to the Court for property settlement. It is also an important date so that we can assess the assets, liabilities and financial resources as at that date. It is therefore advisable that you keep a clear record of the date of separation and these days there is often evidence of this by way of email, SMS or other social media posts. Alternatively, you can keep a record in

your dairy.

You should also advise all relevant government agencies of any separation as this could be relevant to social security and child support purposes.

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