

Men and Separation

Navigating the Future



Relationships Australia[®]

About this book

This book is for you if you're a man who is going through a separation or divorce, or you're someone who is supporting a man who is experiencing a separation.

This book is not written to advocate separation or divorce, nor do we wish to diminish the level of distress that many people experience. Separation can be an extremely difficult time for all concerned.

We have written this book to:

- show you're not alone
- help guide you through some constructive choices
- raise your awareness of services that may help you.

Relationships Australia and MensLine Australia listen to and work with men at the coalface through men's groups, talking on the phone, and talking to individuals face-to-face. We have included some research statistics about separation on page 37 of this booklet.

Separation presents many challenges for men. We would like to thank the many men whose experiences, advice and expressive words contributed towards the writing of this book.

How to use this book

This is a book to be read and re-read. Record important thoughts in the notes section at the back. Keep it handy for that moment when you need a prompt.

You *will* get through separation and life will get better.

Authors

Relationships Australia Victoria

Andrew Bickerdike, Tony Gee and
Roman Ilgauskas

MensLine Australia

Terry Melvin and Jeremy Hearn

Additional contributions for second and third editions

- *beyondblue*
- Relationships Australia Victoria Margot Rogers, Allie Bailey,
Ed Shackell, Katrina Markwick
- MensLine Australia Nick Foster

Additional writing, editing, graphics and production by Helpful Partners Pty Ltd.

Acknowledgements

The authors would like to thank colleagues, clients and the providers and users of men's services as well as contributing government departments.

First edition, printed November 2003

Second edition, printed July 2009

Third edition, printed January 2017

© Relationships Australia Victoria, MensLine Australia, *beyondblue*.

This work is copyright. You may download, display, print and reproduce this material in unaltered form only (retaining this notice) for your personal, non-commercial use or use within your organisation. All rights are reserved. Requests and enquiries concerning reproduction rights should be addressed to the following.

Chief Executive Officer

Relationships Australia Victoria

P.O. Box 180, 2 Prospect Hill Road, Camberwell VIC 3124

Email: enquiries@rav.org.au

Ph: 1300 364 277

or

MensLine Australia

P.O. Box 2335, Footscray VIC 3011

Email: talkitover@mensline.org.au

Ph: 1300 789 978

Contents

Separation and men's experiences	1
You and your former partner	8
Looking after yourself	13
Fathers and children	16
Relating to your former partner	21
Getting a settlement	25
The future	35
Research about men and separation	37
Where to get further assistance	39
Suggested reading	44

Separation and men's experiences

Separation and divorce are among the toughest experiences you will ever have.

Men report a range of intense experiences during this time. This could include feeling:

- frustration, powerlessness and anger
- relief that differences are out in the open
- dizziness, and thinking the same thoughts over and over again
- desperation or feeling ready to drop off the planet
- determination to stand ground and battle to the bitter end
- awareness of some of the hard choices that need to be made
- loneliness and sadness
- shock, bewilderment and hurt.

These responses are all perfectly normal. It's likely you have other feelings you could add to the list.

The good news is most men face these intense feelings, and go on to live fulfilling and happy lives.

However, it does take time.

“It was the most pain I could feel without being put in hospital.”

D.S., aged 42, 18 months after separation

“Life does get better. Separation provides the opportunity for ongoing personal growth. Don't go it alone, there is help out there. Use it to your fullest advantage.”

F.L., aged 48, four years after separation

Separation and grief

You may already know what it feels like to grieve the death of a close friend or relative. It has been suggested that separation or divorce is like this, but some men report that separation is even harder to manage.

Separation is complex and can involve feelings around the loss of:

- your partner
- the family structure and routines you've been used to
- the family home
- friends and social life
- meaning and identity
- a dream
- involvement or reduced contact with your children
- support and approval from your family and community.

These losses are particularly difficult if:

- you didn't want the separation in the first place
- the separation is sudden or unexpected
- you're still hanging on to hope that it will all go back to how it was
- you feel betrayed by your former partner
- you don't have a support network or are ostracised by your friends or other people in the community
- you have reduced or limited time with your children.

In addition, separation may mean:

- that practical issues become more difficult, e.g. doing the shopping and managing children
- changes in the nature of some of your social networks and friends.

You can expect to experience intense emotions, as well as sometimes thinking that you're unable to cope.

Grieving

The path through separation is not usually a neat straight line. You may find yourself experiencing the highs and lows that come with grief and loss including anger, numbness or despair.

The emotional and mental impact of separation may test your strength and capacity to look after yourself properly. You may revisit memories and feelings you thought you'd left behind.

Grieving is personal - we each do it differently. You may find comfort in focusing on activities like work, sport and hobbies, or planning strategies for the future. Find out what helps you.

Men, grief and problems you can't solve

It's hard to deal with problems you can't solve. Some men may lash out in anger, drink too much or gamble. Others work too hard or become anxious, depressed, isolated and alone.

Talking does help. Find someone who you can talk to and who will listen to you and support you.

I dealt with my extreme fears through psychological counselling and basically getting up every morning, every morning, every morning and riding my bicycle a lot.

A.M., aged 46, six months after separation

Separation and depression

Some feelings you may experience

It's normal to feel upset or sad following separation. Behaviours, thoughts, feelings and physical symptoms you may experience include:

- reduced efficiency or trouble coping with work
- taking a long time to make up your mind
- withdrawing from mates, not wanting to go out or not being much fun any more
- spending a lot of time thinking
- being irritable and having a short fuse
- drinking or smoking more
- tearfulness
- tiredness
- aches and pains
- not sleeping well
- changes in appetite and/or weight loss.

Everyone experiences some of these symptoms from time to time, but when they occur together and are severe or lasting, it's important to seek help.

At this time of great vulnerability, it's possible to become depressed. Everyone feels sad, unhappy or 'blue' once in a while, but clinical depression is different.

Depression is more than just a low mood – it's a serious condition. People with depression feel sad, down or miserable most of the time. They find it hard to function every day and don't enjoy activities they used to enjoy.

Depression affects your ability to concentrate and function socially with family or friends, or at work.

What to do if you think you may be depressed

If you have ongoing negative thoughts or find it difficult to cope with your circumstances, it's important to seek help as soon as possible. Men should remember that depression is common and treatable.

A General Practitioner (GP) is a good person to discuss your concerns with. A GP or another health professional will be able to help you decide whether treatment is needed and what treatments are suitable for you. Different types of depression require different types of treatment and support. This may range from physical exercise to prevent and treat mild depression, through to psychological treatments and drug treatments for more severe depression.

If you don't have a regular GP or clinic, you can:

- visit *mindhealthconnect* for information on mental health services - www.mindhealthconnect.org.au/mental-health-services
- visit *beyondblue* to search national health professional directories and find support in your local area - www.beyondblue.org.au/find-a-professional
- call the *beyondblue* Support Service on 1300 22 4636 (cost of a local call).

Keep in mind

There are many other men who've had similar experiences and they do get through it.

Don't let depression make the journey of separation tougher than it already is. Seek support early. With the right treatment, most people recover from depression.

Once I realised I was depressed, getting the right treatment helped me adjust to the loss of my relationship.

T.L., aged 38, one year after separation

Choices you can make

Knowing you have choices helps you assert some control over your life.

Seeing options and making choices can be tough when you're overwhelmed by intense feelings or depression, but options do exist. In time, you will start to see the choices that are available.

Some of the important choices other men have made during and after separation may help you, including the decision to:

- accept that it's over
- survive – one day at a time
- seek support
- hang in there for your children
- not be the victim
- not be hooked into fighting
- not be the one who drives an unnecessary legal battle
- talk about it
- learn, recover and rebuild
- look after yourself (see page 13).

Try to be reasonable in what may seem to be a difficult situation.

Counselling – talking to someone

We all want to tell our story and to be heard, and counselling is an opportunity for this to happen. Most men who seek this kind of support say that they found it helpful and wish they'd done it sooner.

MensLine Australia 1300 789 978 or

Relationships Australia 1300 364 277 or

Family Relationships Online www.familyrelationships.gov.au

Stay in contact

Your social contacts and family networks may change now that you have separated. Even if they're still intact, you may be reluctant to use them for support.

Isolating yourself may seem like a good idea or the easy option, but it may not help you to overcome the grief and loss of separation.

Withdrawing socially will limit the number of people you can talk to.

Social isolation may increase the risk of depression, reliance on drugs and alcohol, and even suicide.

Talking can help. If you have people you trust, reach out to them. There are also many support services that can help you. You can call:

- MensLine Australia on 1300 789 978
- Relationships Australia on 1300 364 277 or
- *beyondblue* on 1300 22 4636.

See *Where to get further assistance* (page 39).

It was the worst time of my life. I thought I would never smile again. I was scared and I felt alone.

J.R., aged 28, four years after separation

You and your former partner

Who initiated the separation?

Most men don't initiate separation. In fact, of the 49,498 registered divorces in Australia in 2014, one quarter were initiated by men.¹

See *Research about men and separation* (page 37).

If you weren't the initiator of your separation, you may be struggling while your former partner seems to be coping much better.

In response, you may feel:

- powerless and 'shafted'
- less prepared for separation
- that something has been taken away from you
- that things are unfair
- totally shocked or confused
- a range of extreme emotions such as anger or frustration.

If your former partner has been considering separation for some time it's likely that he or she has already gone through many of the emotions you're currently feeling.

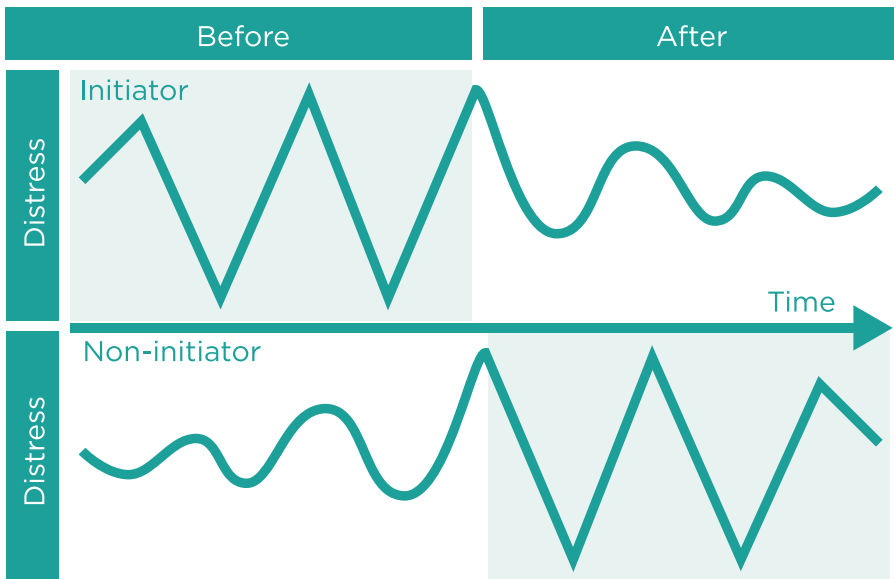
If you were the initiator of your separation, you may have already gone through the emotional 'roller coaster' of distress (see page 9) and be ready to move on. It may seem that your former partner is unable to move on though. You may feel:

- you're more in control of the situation
- guilty about the break-up
- worried about your children
- concerned about the financial implications of separation
- concerned about your former partner.

Differences between the initiator and the non-initiator

Both the initiator and non-initiator have intense feelings, but they have them at different times, either before or after the separation.

In the diagram, you can see the initiator has the most distress before separation, while the non-initiator has the most distress after separation. You may feel you're on an emotional roller coaster.

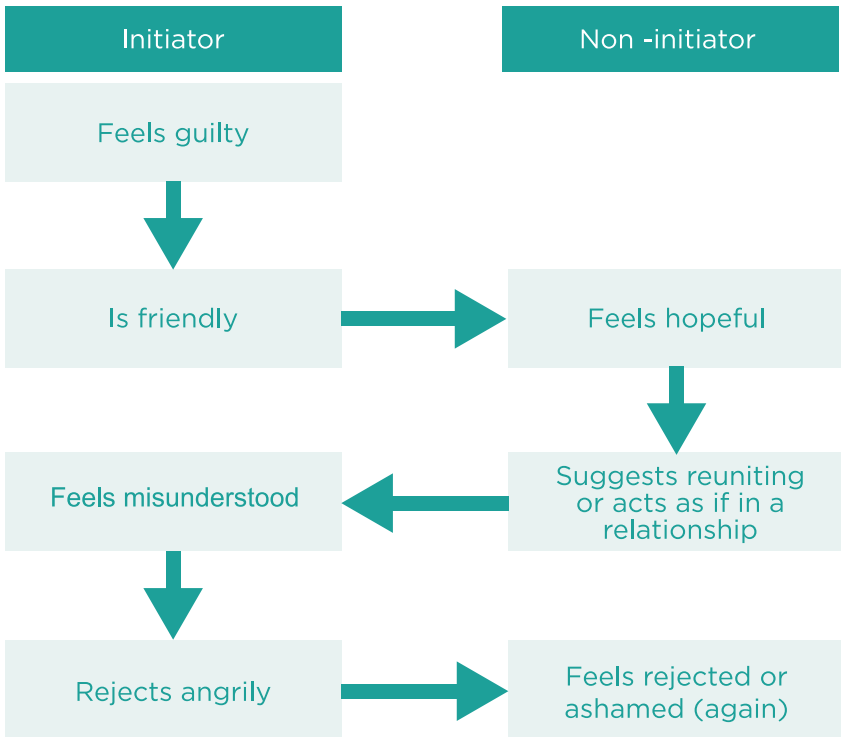


Mixed messages

Some men find it hard to let go and accept that a relationship has ended. They may misread signals from their former partner and express an inappropriate level of intimacy.

Once one person begins to misread the signals, it can set off a cycle of misunderstandings which ends in arguments and distress. You may be able to recognise yourself and your former partner in the chain of events in this diagram.

How to avoid mixed messages



Men who have found themselves caught in this painful cycle recommend getting clear that the relationship has ended.

They suggest that you:

- restrict contact with your former partner if practical (e.g. to one call per week, fortnight or month)
- restrict socialising or going out together
- restrict doing things for your former partner
- don't have sex with your former partner
- avoid comforting your former partner and instead, ensure they have support available from people other than you.

If you're the one hoping for reconciliation, remind yourself that there is no evidence that your former partner wants to get back together unless he or she specifically says so.

Separated people do sometimes rebuild a friendship together, however, this may take a long time, if it happens at all, and it usually follows a long period of non-contact. The emotional bonds created by the original relationship take a long time to disentangle. It can be more realistic to aim for a business-like relationship, so that issues can be discussed and decisions made in a respectful way.

If it's over, it's over. Hanging on to false hope only prolongs the pain and distress.

Blame and guilt

If you ended the relationship, you may feel it was all your fault and experience guilt or cycles of shame and anger. Remember though, it's rare for one person to be totally responsible for the ending of a relationship. It usually takes two to make or break a relationship.

If the separation was initiated by your former partner, it's very easy to find yourself blaming them. Blaming helps to distract from the pain you may be experiencing. It gives a sense of justice in what feels like an unjust situation.

Some couples get so caught up in blame and anger that they risk doing themselves and their children harm.

If you find yourself constantly blaming:

- try not to dwell on it
- think about new ways of responding
- talk to other people about how you're feeling
- realise that you have what it takes to get through this experience
- look for constructive choices
- be wary of extreme views.

Looking after yourself

Ideas that have helped other men

- Be clear that dealing with separation is not like repairing a car. It takes time and may not be fixed quickly.
- Be honest with yourself and take responsibility for your life.
- Be clear about when you have choices and when you don't.
- Be aware of what is happening within and around you.
- Listen to yourself. Look out for signs of self-pity, hopelessness or revenge.
- Avoid blaming yourself or others.
- Think about the consequences of what you decide to do.
- Commit to looking after yourself – continue to do the things you enjoy.

Actions that have worked for other men

- Talk to people about how things are for you.
- Continue with your normal activities and routines (e.g. work, sport, hobbies).
- Experiment – find out what works for you.

“I went and did the things I really enjoy like ballroom dancing and bush walking.”

D.S., aged 56, 3.5 years after separation

Maintain your health and wellbeing

- Eat regular, healthy meals.
- Exercise regularly in ways you enjoy. Ride a bike or jog along the beach, and better still - do it with a friend.
- Watch for signs of ill-health including stress or anxiety.
- Keep an eye on maintaining a healthy weight.
- Get enough sleep.
- Visit your doctor sooner rather than later!

Depression and alcohol

Generally, men drink more when they're depressed because it lifts their mood briefly.

However, alcohol amplifies feelings and impairs judgement. Drinking excessively combined with depression and feelings of anger can be dangerous. In the long-run, drinking alcohol makes depression worse.

If you're finding that you're drinking alcohol excessively or more than you used to, talk with a friend, doctor or counsellor. Learn some other coping strategies to help you get through the tough times.

While men are often reluctant to seek support when they're struggling, they're often surprised that they feel so much better once they do.

“Once I got my drinking under control the negative feelings I had did slowly pass. I'm also really glad I didn't make any permanent decisions when I was depressed.”

T.S., aged 36, two years after separation

Ask for support

Often, the last thing men want to do is ask for support or help of any kind. Some feel ashamed of the break-up or go into denial.

Support is available from:

- friends and family
- other separated men
- work colleagues, supervisors and employee assistance programs
- your local doctor or health centre
- your local community centre or counselling service
- men's groups
- Family Relationship Centres (see page 41)
- Family Relationship Advice Line (see page 41).

Don't be afraid to ask. People want to help.

- Make a list of people you can talk to.
- Write down the questions you have.
- Be prepared to talk – don't bottle it up.

The benefit of talking it over

Counselling can open up your eyes to what is really happening and help you to function better. You can also do a separation course, which helps you to support others, while being supported yourself.

Call MensLine Australia 1300 789 978 or
Relationships Australia 1300 364 277.

See *Where to get further assistance* (page 39).

“Seek support from anywhere you can (preferably not drug-based). It gets easier with time.”

P.M., aged 29, one year after separation

Fathers and children

Children and separation

Children react to separation in different ways.

The way your children react will depend on:

- family relationships before separation
- your child's age and personality
- how both parents manage the situation.

A major factor in how children respond and adjust to the separation is the level of conflict that exists between the parents.

Most children will feel vulnerable and have fears - some realistic, some unfounded. Most will express strong feelings and younger children can often experience fear of abandonment and separation anxiety. This is often triggered by particular events such as saying goodbye. These are normal reactions to an extremely stressful time.

Generally, children are resilient in the face of major changes. Once the situation has stabilised, most children manage well. While you can't prevent change, you can assist them to cope with it. Children will adapt if they're given structure and stability.

Occasionally, some children take a while to settle down. Seek professional help if needed, particularly if there are other difficulties in their lives such as problems at school.

Helping your children accept separation

Explain what is happening in ways that they can understand. They need to know it's not their fault and their job is not to reunite their parents.

For effects of separation on children at various ages and what to do read *What about the Children?* For more books with useful advice on parenting, see *Suggested Reading* (page 44).

Parenting arrangements

The law presumes that it's in the best interests of a child for parents to have equal, shared parental responsibility. This means that both parents have an equal role in making decisions about major long-term issues such as schooling and healthcare. This does not automatically mean that your child will spend equal time with each parent. If the matter goes to court, the court will consider what is in the child's best interests.

However in certain circumstances, equal shared parental responsibility may not be considered to be in the best interests of the child. A court may order that one parent has sole parental responsibility in circumstances such as if:

- there is high conflict
- there has been significant family violence and/or child abuse
- one parent has drug or alcohol issues
- one parent has mental health issues.

It's important that arrangements reflect the needs and ages of the children, the capacity of both parents to care for them, how the family worked before separation and what is practical.

Children can spend:

- substantial and significant time with both parents (i.e. some time on weekdays, weekends and holidays)
- equal time with both parents
- specified time with one parent in accordance with court orders
- supervised time with one parent
- no time with a parent if it's deemed to be not in the child's best interests (for example, if there are serious safety concerns).

Ensure that the new arrangements are safe. You might want to take into account the relationships that your children have with other significant people, such as grandparents and extended family members.

Before making a final decision, it's wise to get legal advice from a family lawyer about the parenting arrangements a court would regard as being in the best interests of your children.

Parenting Plans

A Parenting Plan is a written agreement that helps separating parents work out arrangements for the care of their children. Parenting Plans can be developed as part of family dispute resolution, also called mediation with the help of family dispute resolution practitioner (FDRP) (see page 29).

Different arrangements for children after separation include:

- living mostly with one parent and spending time with the other parent
- spending equal amounts of time with each parent.

Generally speaking, try to minimise the changes for children, including how often changeovers take place - that is, how often children move between their parents' homes. Children within the same family may have different Parenting Plans to meet their different needs. Be sure the new arrangements work well for each child.

Remember, parenting arrangements are not set in stone. They can be updated according to changing needs and circumstances.

For more information on Parenting Plans, see page 31.

Get some help from your local Family Relationship Centre. Visit www.familyrelationships.gov.au/services/frc

Read *Share the Care* (see *Suggested reading*, page 44).

“My greatest concern was retaining contact with my two children at home.”

D.E., aged 30, three months after separation

Always a father

Separation does not mean the end of your relationship with your children. You and your former partner will continue to be parents and you will always be a father. The family will continue, but in a different form. Your children may have two homes.

While rituals and routines will inevitably change, the challenge is to remain connected and involved with your children in a meaningful way. If you were the primary carer before the separation, you may now spend some time away from your children. Alternatively, you may now be the primary carer for your children. Some fathers find this to be extremely rewarding.

Dad's house

Children are adaptable, but require structure and stability.

If you're moving house, it's important that children have their own space in your home for their things – ideally a room, but at least a cupboard or storage box for possessions.

Involve them in any changes to the house such as choosing the paint colour for their bedroom walls, or the furniture in it.

This book give lots of useful advice:

- *Mom's House, Dad's House: Making Two Homes for Your Child.*

See *Suggested reading* (page 44).

Being there for your children

Being there for your children is very important. While it may be difficult at first, you and your children can discover new routines and ways of relating.

There are many things you can do together with your children. You can:

- share activities like cooking, bike riding or fishing
- stay interested and in contact with their friends - children want to know you're thinking about them
- create your own rituals for celebrating their birthdays and significant achievements
- keep in touch with their school and school activities
- have a special bedtime ritual with your child - for example, a story, a little chat or prayers.

Consider a parenting course

It's not easy being a separated parent. Good courses and books can help you with parenting.

You can seek help and advice from

MensLine Australia

1300 789 978 or

Relationships Australia

1300 364 277 or

Family Relationships Advice line

1800 050 321 - they can refer you to a Family Relationship Centre in your area.

“I had to combine being the breadwinner with preparing my new home environment when the kids come and stay. Talk about multi-skilling and retraining. And at my age!”

J.L., aged 52, three years after separation

Relating to your former partner

Some people believe when they separate, they will no longer have to deal with their former partner. However, if you have children this is usually not the reality – you remain linked as parents.

The challenge is to make the ongoing parenting relationship as manageable and as constructive as possible. This may require some work.

Be civil to your former partner, irrespective of how your former partner approaches you.

Constructive co-parenting, where it's possible and appropriate in the circumstances, involves establishing a good working relationship with your former partner. Men who have successfully managed this offer these practical tips.

- Remember why you're talking. Keep your goals at the forefront.
- Try using a written agenda and stick to it. Don't get drawn into arguments.
- Focus on the children, not the past relationship.
- Hold meetings at a neutral location if possible.
- Use phone, email, chat or a communication book if face-to-face discussions are a problem.
- Consider family dispute resolution if you have difficulty.
- Be flexible – children have commitments and special occasions will arise.
- Don't breach any court order, with reasonable excuse. Talk to a family lawyer first.

Try not to argue in front of the children or anywhere they can hear you.

What if there isn't a good working relationship?

In some situations where there is high conflict, a businesslike interaction may not be possible.

Some parents, for a variety of reasons, are not supportive of the children's relationship with the other parent. In these situations, the unsupported parent can feel distressed, powerless and angry, and in more extreme situations, can become alienated from their children.

If you're in such a situation:

- don't use the children as a way of getting even
- view your conflict 'through the eyes of the children'
- consider family dispute resolution with your former partner and focus on practical issues
- examine your own behaviour and what you can do to help the situation, such as talking to a counsellor
- debrief with friends or family members
- consider legal advice and action
- remain realistic
- use Family Relationship Centres and Children's Contact Centres (see page 41).

No matter how hostile the situation, find strength in maintaining your dignity and acting fairly.

- If a discussion becomes abusive, stop any negotiation.
- Stay away from your former partner if either of you is affected by alcohol or other drugs.

Obtain legal advice if you're not going to comply with a court order.

Violence and abuse

Separation can be an argumentative and volatile process.

The stress of the situation could trigger violent behaviour or abuse. The conflict you're experiencing now may be part of a familiar pattern you had in the past with your former partner. It may have contributed to the breakdown of your relationship.

Violence and abuse may include physical assault, verbal, emotional, psychological and financial abuse, stalking, threats of harm to you, your family or your pets, and damage to property.

Violence and abuse are criminal behaviours and are never acceptable solutions.

Being abusive or violent has consequences:

- Your children could become afraid of you.
- The time your children spend with you could be restricted.
- Assault charges and legal intervention orders can be taken out against you.

If you're using abuse and violence, you need to take responsibility by:

- stopping all behaviour that are abusive, violent or controlling
- thinking about your past and present actions (i.e. stop blaming, justifying or denying that there is a problem)
- seeking support to change through a program at Relationships Australia, or MensLine Australia. See *Where to get further assistance* (page 39)
- seeking counselling support through Relationships Australia, your local doctor or health centre. See *Where to get further assistance* (page 39).

More information

Specific guidelines on family violence are available in the resource *Are you experiencing violence or abuse in your relationship?* Visit www.mensline.org.au/improving-relationships/are-you-using-violence-or-abuse-in-your-family-or-intimate-relationships

Are you being abused?

Some men are abused or threatened by their former partners or family members.

If this is your experience, here are some tips.

- Avoid retaliating – this increases the risk of harm.
- Take steps to look after yourself if you feel unsafe. This may include:
 - minimising contact with your former partner or family member
 - using alternative ways of communicating with them
 - meeting in a neutral, public place (rather than at your house or theirs)
 - being accompanied by a friend when you meet with your former partner or family member
 - keeping a record of abusive incidents, such as stalking.
- Consider legal intervention (e.g. charges can be laid or a court order taken out).
- Contact your local police if there is a serious threat to safety.

Family violence and children

Children can be exposed to violence and abuse in many ways.

A child is exposed to family violence if they're the target of, or if they witness, hear or otherwise experience the effects of the violence on other family members.

Being exposed to family violence may include (but is not limited to):

- a child overhearing threats by one family member to another
- comforting or providing assistance to a member of the child's family after that member has been assaulted by another family member
- cleaning up after a member of the child's family has intentionally damaged another family member's property
- being present when police or ambulance officers attend an incident involving violence against one of the child's family by another family member.

Children's Contact Centres can provide a safe place for handover or seeing your children.

Getting a settlement

Settlements can relate to parenting arrangements, child support payments and the division of property.

Property division is based on several factors including direct and indirect financial and non-financial contributions, and future needs.

Legislation gives qualifying separating de facto couples, including those in same-sex relationships, similar property entitlements to married couples.²

Agreeing

The best outcomes generally occur where couples negotiate their own agreements about:

- property settlement – how your cash and assets including superannuation will be divided
- parenting arrangements – how much time children will spend with each parent
- child support payments – who will pay how much to assist with child-related costs.

You may need to use lawyers or family dispute resolution (see page 29) to help with agreements (see page 18). Property division will usually need to be formalised with the help of a lawyer, and it is sometimes necessary to take legal steps to formalise parenting and child support agreements.

Some couples are unable or unwilling to reach an agreement in this way and arrangements may have to be decided by a judge.

‘I was unaware of my choices and obligations and also the fact that I could negotiate.’

P.L., aged 38, five years after separation

Do your legal homework

Because of the legal issues involved, particularly in property and finance matters, it's wise to get legal advice.

It's important that you get good advice. Talk to friends or other contacts, but remember that every person's situation is different.

Legal advice is not the same as a court battle. It should provide sound information and options for settlement that need not involve legal action. Many lawyers experienced in family law will give you an initial free or reduced-rate consultation and negotiate on your behalf about property, finance and the children. Check to see if you're eligible for Legal Aid.

Contacts

- Contact your state law society or law institute for family law specialists.
- Call the Family Relationship Advice Line on 1800 050 321.
- Visit the Family Court of Australia website at www.familycourt.gov.au
- Visit www.australia.gov.au/content/legal-aid to find the Legal Aid office in your state or territory.

See *Where to get further assistance* (page 40 and 41).

“If I'd known more about law, many decisions would have been different. Get advice early.”
T.F., aged 47, four years after separation

Preparing for legal advice

Lawyers cost money – do your research first. It can reduce costs. You, more than anyone else, stand to gain from understanding the system. Find a lawyer who is experienced in family law.

Many will give you a free initial consultation. Think about the information your lawyer will need and prepare some written questions before you first meet.

- Seek help or advice to understand the system.
- Explain your budget to them and determine what may be taken out of any final settlement you reach.
- Use your lawyer as a consultant. You decide how you wish to proceed.
- Get a clear understanding of the likely outcomes.
- If something is not clear, ask questions.
- If you're dissatisfied with the advice you get, seek a second opinion.
- Don't be afraid to change lawyers if you feel you don't have a good working relationship with your legal representative.

Don't give away the store!

Some men give away cars, furniture or pay off credit cards. Don't sell yourself short or go for too much, or make any commitments immediately after separating. Be clear and realistic about the outcomes you're seeking.

“If you instruct lawyers to act on your behalf, they will work hard to obtain the best outcome for you. However, don't forget that your former partner's lawyer will be doing the same thing.”

G.F., aged 37, three years after separation

Negotiation

Negotiation can be hard work, but if you don't attempt it, you may find yourself with:

- parenting arrangements that don't work for you
- expensive legal processes taking over
- increased resentment.

Ask someone to help you to negotiate if you don't feel confident or objective about your situation.

What is family dispute resolution?

Family dispute resolution (also referred to as mediation or FDR) can assist you and your former partner to make decisions about your children, your relationship and future plans without going to court.

Family dispute resolution practitioners don't take sides. They don't represent either party or provide financial or legal advice. Their role is to help you and your former partner reach agreement. This can assist you to:

- make your own decisions
- reduce the financial and emotional costs of legal proceedings
- improve your working relationship as parents
- improve your communication with your former partner
- resolve future disputes.

Some services offer lawyer-assisted family dispute resolution, where a lawyer can negotiate on your behalf.

Family dispute resolution with a registered practitioner is a requirement before you can apply to the court for a Parenting Order (for further information page 31). There are some exceptions to this, such as cases involving family violence or child abuse, or where the matter is urgent.

Family dispute resolution is offered by Relationships Australia, Family Relationship Centres, private family dispute resolution practitioners and some lawyers. To find a registered family dispute resolution practitioner, visit www.fdr.ag.gov.au/Search.aspx or contact the Family Relationship Advice Line. See *Where to get further assistance* (page 41).

Appropriateness of family dispute resolution

It is not always appropriate for separating couples to be together in the same room. You have other options, such as 'shuttle' or 'shuttle' telephone family dispute resolution. In these processes you do not have to be in the room with, or speak directly to, your former partner.

“Once family dispute resolution started, things began to fall into place for me.”

M.V., aged 27, one year after separation

The final settlement

Property arrangements

It's wise to seek legal advice prior to negotiating any agreement with your former partner about property. That way, you know what your rights are.

If you can then reach agreement about the property split, you can instruct your lawyer to prepare formal 'consent orders' for the court. These are formalised and become 'court orders' which are binding. Your lawyer can usually do this without the need for you to attend court personally.

Proceedings for the division of property must start within 12 months of the divorce order becoming absolute.

Preparing your own consent orders

If you don't want to use a lawyer, you can file consent orders on your own behalf.

Applications must be in the required form, explaining how the assets and debts will be divided between you and your former partner. After you have both signed the proposed orders, they are processed by the court and are legally binding. You may need to provide further written information if the court is not satisfied with either the information or the asset division.

Consent orders for property are necessary, otherwise your former partner may ask to change your property settlement in the future.

If you're unable to come to an agreement over property, your lawyer will negotiate on your behalf with your former partner's lawyer. This may involve going to court, which can be costly and take some time (see page 33).

Formalising parenting arrangements

There are two ways of formalising your arrangements.

1. Parenting Order (filed in court)

While court orders for property are final, court orders in relation to children, called Parenting Orders, are not as children's needs may change over time.

It's best if Parenting Orders are flexible and contain general agreements about the children's care. However, if there is a high level of conflict between you and your former partner, you may need to obtain orders with more detailed arrangements. You will then have to apply to the court for new orders each time your children's needs change.

2. Parenting Plan (made by agreement and not filed in court)

Family law reforms from July 2006 encourage parents to set out arrangements in a signed Parenting Plan.

The plan may cover areas such as:

- who the child lives with
- the amount of time the child spends with each parent
- how parents share the parenting responsibility
- financial maintenance of the child
- other important considerations such as holidays, communication, grandparents' involvement etc.
- how long the plan will last.

Plans can be changed easily according to changing needs and circumstances, but any changes must be mutually agreed upon.

Parenting Plans are not legally enforceable. However, if you have to go to court at a later date, the court may consider the terms of the most recent Parenting Plan. Family dispute resolution (see page 29) assists separating couples to make decisions and to develop Parenting Plans without going to court.

Share the Care is a Relationships Australia booklet that can help you to prepare your own Parenting Plan (see page 44).

Child support payments

The Australian Government's Department of Human Services (DHS) Child Support uses a formula approved under Australian law to work out how much child support should be paid or received.

Several factors are taken into account in calculating child support, including:

- the combined incomes of the parents
- the number of children you have and their ages
- how many nights per year they spend with each parent.

The amount of child support may also be determined by a court order, or the parents may make a child support agreement.

DHS can collect and transfer child support, or the parents can work out how and when payments are made between themselves.

Within DHS rules, parents have flexibility and a range of options.

Call DHS for all child support enquiries on 13 12 72 or for useful child support information visit their website at www.humanservices.gov.au/childsupport

You're also able to estimate what the DHS assessment might be by using the Child Support Estimator. Visit <https://processing.csa.gov.au/estimator/About.aspx>

What happens if you can't reach agreement?

If you're unable to reach agreement on particular issues, you may need to make an application to the Federal Circuit Court of Australia or the Family Court of Australia.

The Court will continue to encourage you to come to agreement to avoid a trial. Sometimes an order is made to attend family dispute resolution if the Court considers it will be helpful, or the parties themselves decide to try it. However, if you still cannot reach agreement, a trial may be needed where a judge will determine the parenting or property issues in dispute.

In a parenting matter, you must file a certificate stating you have attempted family dispute resolution unless you fit within one of the exceptions. You may need to consult a lawyer, a Family Relationship Centre or a family dispute resolution practitioner to work this out.

Court proceedings only happen in a few cases. It means asking someone who does not know you to decide what is best for your children and what is fair in financial terms. Think carefully beforehand. Sometimes, the court hearing can be more damaging than the issue. Once the court action is over, you will still need to co-parent again.

Going to trial can be costly and stressful, but sometimes it's the only option. Consider attending the Federal Circuit Court of Australia as an observer to get a feel for how the Court system operates.

‘I'm still paying for my court battle, but there were no other options in my case.’

J.M., aged 40, three years after separation

Dealing with ‘the system’

Remember that all institutions are acting according to legislation and are not making things difficult just for you.

- Be courteous and respectful with the employees of institutions you deal with - this often results in helpful responses.
- Ask questions if you don't understand - understanding new information is especially difficult if you're under stress.
- Avoid blame or recriminations either towards your former partner or 'the system'.
- Be patient if you have to wait your turn.
- If the service is unsatisfactory, ask to talk to a supervisor or use the service's customer complaints procedure.
- Gather all relevant information before you act or make decisions.
- Seek advice from the Family Relationship Advice Line on 1800 050 321.
- Talk about counselling with MensLine Australia on 1300 789 978 or Relationships Australia on 1300 364 277.
- Talk about family dispute resolution with Relationships Australia on 1300 364 277 or your lawyer.

Remember

The more you can agree on with your former partner, the more you will minimise your engagement with 'the system'. However, don't be pressured into making an agreement that you think is unfair.

The future

Further down the track, many men report positive and healthy changes in their lives following separation. Some things may still not be easy, but many men discover aspects of themselves that they never knew existed.

There is recognition that life changes, and in adjusting to those changes many men talk of finding inner strengths and resources. Some men take up self-development courses, where they establish new and important social and recreational networks that sustain them for many years.

New relationships and moving on

Close relationships are important to everyone. Often after separation, there is a great need to reconnect and to feel wanted and cared for once more.

Some men jump straight into a new relationship which may seem to ease the pain initially. While this can often be a healing experience, it may not allow sufficient time and space to sort through some of the feelings from the last relationship.

Some men enjoy companionship while remaining unattached. Others establish a committed relationship that involves a blended family with children from more than one relationship, living in one or more houses. There isn't one 'right' way. It's a matter of choosing wisely and finding out what works for you.

Read the booklet *Partners - A Guide to Successful Relationships*, available from Relationships Australia. See *Suggested reading* (page 44).

Whatever happens for you, we suggest you take it easy.

- Make sure you have time to grieve the loss of the relationship.
- Joining a men's separation group to reflect, learn and grow.
- Give yourself time to re-establish your own independent interests, pastimes and social networks.
- Look after yourself.

“ I think I am better at building a sound relationship based on openness and communication. I have gained a new partner, at the moment things are really good. ”

J.R., aged 41, four years after separation

Research about men and separation

Recent Australian research and Census results found the following.

In the 2011 Census, of the families in Australia:

- 44.6% were couple families with children.³
- 37.8% were couple families without children.³
- 15.9% were one parent families.³

In 2016, the Australian Bureau of Statistics found that:

- 31.5 years was the average age for men to marry.¹
- 45.2 years was the average age for men to divorce.¹
- Men between 40 to 44 years of age were more likely to divorce than any other age range.¹
- 41.5% of divorces were from joint applicants (both parties agreed to divorce) while 26% of single applicants were men.¹
- The average length of marriage at the time of divorce was 12 years.¹
- 47% of divorces involved children aged under 18 years.¹

Recent Australian research looked at families and new partners following separation.

- 19% of all families with resident children aged under 17 years were one parent families.⁴
- 3% of all families with resident children were single father families.⁵
- 12% of single parents were men.⁵
- Men are more likely than women to remarry after divorce.⁶
- Blended families, with natural or adopted children of both parents, and children of one parent only, make up 4% to 5% of all family types.⁷
- Step-families, with step-children only, make up 5% to 6% of all family types.⁷

Studies from 2015 revealed the impact of separation and divorce on men.

- Men are much less likely to experience financial hardship after divorce than women.⁸
- Separation and divorce are recognised as factors contributing to anxiety and depression.⁵
- Men are less likely than women to seek help for anxiety and depression.⁹

Data from the Federal Circuit Court of Australia in 2015 revealed the following.

- The majority of people who divorce resolve their post-separation issues between themselves. This may involve family dispute resolution, counselling and/or lawyer-assisted negotiations, but does not involve going to court.¹⁰
- The majority of cases that start in the court are not actually decided by a judge.¹⁰
- Between 2014 and 2015, 71% of family law applications filed in the Federal Circuit Court were resolved without a final court hearing, with the help of external family dispute resolution services, court conciliation conferences or negotiations between the parties' legal representatives.¹⁰

Where to get further assistance

The following national organisations can refer you to services in your area.

Relationships Australia

Australia-wide relationship support services for individuals, families and communities. Call 1300 364 277 or visit www.relationships.org.au

beyondblue

Learn more about anxiety, depression and suicide prevention, or talk through your concerns with our Support Service. Our trained mental health professionals will listen, provide information and advice, and point you in the right direction so you can seek further support.

beyondblue Support Service

Call 1300 22 4636 or visit www.beyondblue.org.au/getsupport

MensLine Australia

National 24/7 telephone, online chat and video counselling service, supporting men with family and relationship issues. MensLine forum and MensLine social media accounts are moderated 24/7.

Call 1300 789 978 or visit www.mensline.org.au

Australian Parenting and Relationship Helpline

Free telephone counselling, and information about parenting, separation and other relationship issues. 1300 365 859

Carers Australia

Family carer support and counselling in each state and territory.
www.carersaustralia.com.au 1800 242 636 (free call from landlines)

Centrelink Families and Parents Line

Payment information for people on family assistance.
www.humanservices.gov.au/families 13 61 50

Community Legal Centres – National Office

Provides legal assistance to disadvantaged people. www.naclc.org.au

Department of Human Services Child Support

Helps separated parents to provide the necessary support for their children's wellbeing. The website includes information about legal services, services in your local area and calculators for child support.
www.humanservices.gov.au/childsupport 13 12 72

Department of Social Services

www.dss.gov.au 1300 653 227

Domestic Violence - see Family Violence

Family Court of Australia (except Western Australia)

Information and procedural advice, forms and brochures, and referral advice to community and support services. The website includes a free chat. www.familycourt.gov.au 1300 352 000

Family Court of Western Australia

www.familycourt.wa.gov.au (08) 9224 8222

Family Relationship Advice Line

A free helpline to assist with family law problems for those unable to attend a Family Relationship Centre. Provides information about options and location of family services for separating families. 1800 050 321

Family Relationships Online

Provides information about and services to assist all families to manage relationship issues, including agreeing on appropriate arrangements for children after parents separate. www.familyrelationships.gov.au

Family Relationship Services Australia

The national peak body for family and relationship services provides a directory of member services and locations. www.frsa.org.au

Family Violence

Assistance and refuge for victims of family violence.

1800 RESPECT

1800Respect is a confidential, national sexual assault, domestic family violence counselling service for people experiencing, or at risk of, sexual or family violence, their family and friends, and front-line workers and professionals.

1800Respect also provide information on family violence, legal, housing and finance and other support services in your state or territory.

A confidential, free interpreter service is available either on request, or by calling the Telephone Interpreter Service on 131 450 and asking them to contact 1800Respect.

www.1800respect.org.au

1800 737 732

Financial counselling

Financial & Consumer Rights Council

Free, independent, impartial financial counselling services for people with low incomes or who are experiencing financial crisis. The website includes a counsellor directory.

www.fcrc.org.au/About/About_Financial_Counsellors.htm

MoneyHelp website

Free information on managing bills and debt, debt options, and tools and tips. www.moneyhelp.org.au 1800 007 007

Consumer Affairs Victoria 1300 55 81 81

Financial Counsellors' Association of NSW
www.fcan.com.au 1300 914 408

Financial Counsellors' Association of WA
www.financialcounsellors.org 1800 007 007

Healthy Families

beyondblue's Healthy Families website gives people information, knowledge and confidence to support the young people in their life - whether they're a parent, guardian, grandparent, a favourite uncle or an awesome auntie.

www.healthyfamilies.org.au

Kids Helpline

Free, confidential telephone and online counselling for children and young people aged 5 to 25. www.kidshelpline.com.au 1800 55 1800

Lifeline

24/7 crisis support and suicide prevention services.
www.lifeline.org.au 13 11 14

Mental Health in Multicultural Australia

Mental health support for Australians from culturally and linguistically diverse backgrounds. www.mhima.org.au (02) 6285 3100

Parentline

A confidential telephone service providing counselling and support for parents and carers of children in Queensland and the Northern Territory.

www.parentline.com.au

1300 30 1300

Suicide Call Back Service

24-hour, nationwide telephone and online counselling for people at risk of suicide, their carers and those bereaved by suicide.

www.suicidecallbackservice.org.au

1300 659 467

Translating and Interpreting Service (TIS National)

An interpreting service for people do not speak English and for agencies and businesses that need to communicate with their non-English speaking clients.

131 450

Suggested reading

There are many books and pamphlets available that can help you with parenting and separation. You can download some from websites, while others can be borrowed from a local library or community centre, or purchased from a bookshop.

A Fair Share, Negotiating your property settlement - Relationships Australia. Call 1300 697 277 or visit www.relationships.org.au for details.

Fathers After Divorce: Building a New Life and Becoming a Successful Separated Parent (2002) - M. Green. Finch Publishing.

Keeping Kids Out of the Middle: Child-Centred Parenting in the Midst of Conflict, Separation and Divorce (2008) - B. Garber. HCI.

Manhood: An Action Plan for Changing Men's Lives (2002) - S. Biddulph. Finch Publishing.

Men After Separation: Surviving and growing when your relationship ends (2006) - I. MacDonald. Finch Publishing.

Men After Separation: Surviving and growing when your relationship ends (2006) - I. MacDonald. Finch Publishing.

Mom's House, Dad's House: Making Two Homes For Your Child (2006) - I. Ricci. Fireside Books.

Partners - A Guide to Successful Relationships - Relationships Australia. Call 1300 697 277 or visit www.relationships.org.au for details.

Renovate your relationship: A manual for men - Relationships Australia. Call 1300 697 277 or visit www.relationships.org.au for details.

Share the Care: Parenting Plan. Collaborative parenting apart - Relationships Australia. Call 1300 697 277 or visit www.relationships.org.au for details.

Shared Parenting: Raising Your Children Cooperatively After Separation (2007) - J. Burret and M. Green. Finch Publishing.

Surviving Separation: How to Protect Your Children, Your Finances and Your Sanity (2006) - C. Conlan. Scribe Publications.

Swallowed by a Snake: The Gift of the Masculine Side of Healing (2010) - T. R. Golden. Golden Healing Publishing.

The Prodigal Father: Reuniting Fathers and Their Children (1997) - M. Bryan. Clarkson Potter.

What about the Children? - Relationships Australia. Call 1300 697 277 or visit www.relationships.org.au for details.

References

1. Australian Bureau of Statistics. (2016). *Marriages and Divorces, Australia, 2014*. Cat. No. 3310.O.
2. Commonwealth of Australia. (2016). *Family Law Amendment (De Facto Financial Matters and Other Measures) Act, 2008*.
3. Australian Bureau of Statistics. (2013). 2011 Census QuickStats. Retrieved, 29 August 2016, from http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/O.
4. Australian Bureau of Statistics. (2015). *Family Characteristics and Transitions, Australia, 2012-13*, Cat. No. 4442.O.
5. Wilkins, R. (2015), *The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 12*. Report commissioned by the Australian Government Department of Social Services. Melbourne Institute of Applied Economic and Social Research, Melbourne.
6. Hughes, J. (2000). Repartnering after divorce: Marginal mates and unwedded women. *Family Matters*, 55 (Autumn), 16-21.
7. Qu, L., & Weston, R. (2013). *Australian households and families*. Australian Family Trends No. 4. Australian Institute of Family Studies: Melbourne.
8. de Vaus, D., Gray, M., Qu, L., & Stanton, D. (2015). *The economic consequences of divorce in six OECD countries* (Research Report No. 31). Melbourne: Australian Institute of Family Studies.
9. Delaney, S. (2015). *Divorce and the experience of Australian men*. (Unpublished Doctoral dissertation). Swinburne University of Technology, Melbourne, Australia.
10. Commonwealth of Australia. (2015). *Federal Circuit Court of Australia: Annual Report 2014-2015*.

Relationships Australia®

1300 364 277

www.relationships.org.au

Relationships Australia is a leading provider of relationship support services for individuals, families and communities. We aim to support all people in Australia to achieve positive and respectful relationships. We are a community-based, not-for-profit Australian organisation with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances.

A network of over 80 Relationships Australia offices is spread throughout all Australian states and territories.

MensLine Australia

1300 789 978

www.mensline.org.au

National 24/7 telephone, online-chat and video counselling service, supporting men with family and relationship issues. MensLine forum and MensLine social media accounts are moderated 24/7.