

Can I get a divorce if I have been married less than 2 years?

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E&A Lawyers has made the decision to no longer provide family law services. While we no longer take on any new family law matters, we are happy to assist by referring you to lawyers specialising in this area. Please don't hesitate to contact us if you would like a referral.

CALL US IF YOU'D LIKE A REFERRAL TO A FAMILY LAWYER: 02 9997 2111

If you and your husband/wife have been married for less than 2 years, then you must attend counselling before filing an Application for Divorce. The two years is calculated from the date of the marriage to the date of applying for the Application for Divorce.

What are my options if I want to proceed with the Application for Divorce?

Attending counselling

You and your husband/wife can attend counselling together. If you are having difficulty finding a counsellor, Family Relationships Online (a Federal Government support) can assist.

You should ask the counsellor to complete a counselling certificate stating that they have discussed the possibility of reconciliation with you both, at the counselling session.

If you do not wish to attend counselling

If you do not want to attend counselling, then you must seek permission of the court to apply for a divorce.

This is done by preparing an affidavit setting out the special circumstances of your case. This enables the court to make a Divorce Order without the parties attending counselling if they've been married less than 2 years and special circumstances apply, stating why the parties are unwilling to attend counselling. Special circumstances include a history of family violence.

Delaying divorce

If you wait until the 2-year period is satisfied, you can apply for a divorce without the need to attend counselling or seek permission to avoid counselling.

How does property settlement work after a 'short marriage'?

The duration of your marriage does not change your rights and entitlements to pursue property settlement and finalisation of financial matters.

For married couples, applications for property settlement must be commenced within 12 months of finalising your divorce.

Get help from a family lawyer

If you have any questions or you require any assistance with obtaining a Divorce Order if you have been married under 2 years (particularly where there is a history of family violence), please do not hesitate to contact the family law team at E&A Lawyers who will be able to assist.

Contacting E&A Lawyers

For more information or to arrange a consultation with a lawyer, you can call or email us.

02 9997 2111

info@ealawyers.com.au

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