



Are there time limits for property settlement after separation or divorce?

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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](#)

One of the first questions a family law lawyer may ask you is 'when did you separate?'. There is a good reason for this question. Time limits apply to family law proceedings for property settlement. When you separate from your partner, it is useful to note this date of separation somewhere safe, such as the notes section of your mobile phone.

For married couples

If you were married, applications for adjustment of your property interests (that is, your property settlement) must be made within 12 months of the date of your divorce becoming final.

Notably, you could be separated for a lengthy period but not actually divorced. The 12-month period to file your application for property settlement would not apply here. The clock does not start ticking until your divorce is final.

We suggest initiating the adjustment of your property interests **before** initiating your divorce. [You and your spouse must be separated for a period of 12 months prior to filing for a divorce](#). There is no need to wait for your divorce to be filed before starting your negotiations with your spouse or filing an application for property division with the Courts.

For de facto couples

If you were in a de-facto relationship, your application for adjustment of your property interests must be made before the expiration of 2 years from the date of separation. This is why the question 'when did you separate?' (as we mentioned earlier), is important. You can read more about what the courts may consider when determining if you were in a de facto relationship, in our blog "[Defining the meaning of 'de facto' and why it's important in family law](#)".

What if I miss the deadline to apply for property settlement?

If you are outside the timeframe, do not panic. There are some circumstances where an application can be made to the Court to have your matter heard out of time.

However, these applications are not always granted. For an application to be successful, you must prove to the Court that hardship would be caused to you if you are prevented from making your property settlement application outside of the time limit.

Further, if you and your spouse agree to [lodge Consent Orders](#) out of time, you can both jointly apply to the Court for your property matter to be heard out of time. Again, this is subject to the Court's discretion.

Get help from a family lawyer

There is often a lot to consider when negotiating your property settlement. Seeking advice from an experienced family lawyer can ensure all your interests, now and in the future, are protected.

If you require any clarification about property settlement, including issues with time limits or have any other questions about your family law matter, please do not hesitate to [contact Bridget of our office](#) who is happy to assist you.

Contacting E&A Lawyers

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

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