

Divorce

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

An overview of what is required to get a divorce.

Do I need a lawyer to get a divorce?

You do not need to have a lawyer to get a divorce. There are several steps to follow to apply for a divorce and a lawyer can help you.

What if I have been separated for less than 12 months?

Before you can apply for a divorce you and your spouse must have been separated for more than 12 months without the possibility of getting back together. If you have been living separately under the same roof for more than 12 months, you can still apply for a divorce, but you will need to prepare and file additional documents.

What if I was married for less than 2 years?

If you have been married less than 2 years, you and your spouse must consider marriage counselling before you can apply for a divorce. In some circumstances a court will allow you to apply for a divorce without getting marriage counselling. These include if you have experienced violence or abuse, or you are unable to locate your spouse. You will need to write the reasons why you are not able to go to marriage counselling. This needs to be in the form of an affidavit and a lawyer can help you with do this.

Where do I apply for a divorce?

You will need to complete and file an Application for Divorce online through the Commonwealth Courts Portal. To do this you will need access to:

- the internet
- a printer
- a scanner.

To apply for divorce online, you will need to first scan and save your documents in a place where you can easily find them. When you have finished filling in your application online, you will be prompted to upload the required scanned documents.

If you are unable to use the online system, contact the [Federal Circuit and Family Court of Australia](#) or a lawyer.

How do I apply for a divorce?

You can apply for a divorce either on your own, or together with your ex-spouse as a joint application.

If you are applying on your own, you are known on the application as the "applicant" and your spouse is the "respondent." Once you complete the application you will need to get a copy of the divorce documents to your spouse (this is called "serving documents" and there are some strict requirements about how this is done. If you are unsure, please talk to a lawyer). If there is a child of the marriage under 18 years of age you will need to attend a divorce hearing (see below).

If you are applying together with your ex-spouse, you do not need to give any documents to your ex-spouse. You don't need to attend the divorce hearing unless you choose to.

What happens at the divorce hearing?

When you go to the divorce hearing, make sure you bring all your documents with you, including a copy of your application and supporting documents. If there are any problems with your application, you may be able to get help from the duty lawyer at court.

If you do not go to the divorce hearing and the court needs more information from you, they will write to you and give you another date to go to court. You must go to Court on this date.

What else do I need to be aware of?

You will need to provide a copy of your marriage certificate. If you do not have a copy of this, you can contact [Birth Deaths and Marriages](#). If you were married overseas and your certificate is in another language it will need to be translated to English. You should speak with Legal Aid about if you need to do this.

If you were not born in Australia, you will need a citizenship certificate or visa paperwork which shows you are living legally in Australia and have lived here continuously for more than 12 months. An Australian Court can only give a divorce if the applicant was either born in Australia, is an Australian citizen, or is legally in Australia and has lived here for the last 12 months.

The fee to apply for a divorce is currently \$930. In some circumstances this fee can be reduced.

If the court grants the divorce, it becomes final one month and one day after the hearing date. After that time, you can download the divorce order from the Commonwealth Courts Portal.

Where can I get more information?

- [Federal Circuit and Family Court of Australia](#)
- [Registrar of Births, Deaths and Marriages](#)

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.