



THE URBAN MYTH LIVES ON  
DESPITE THE REALITY OF  
SEPARATION, DIVORCE AND  
BITTER WRANGLES

# HAPPILY EVER AFTER

An ever increasing number of marriages fail to fulfil the happily ever after expectations most people dream of. Gold Coast lawyer Simon Bennett says it is wise to set romance aside and enter into marriage with a degree of protection.

“Few people would enter a business partnership without an agreement that protects against the unforeseen; the same rules should apply to marriage. It’s not very romantic but it does go some way to avoiding the hassles that can result from a relationship breakdown,” Simon says.

“Approaching a relationship breakdown is difficult when emotions are running high and most people are focused on anger, resentment and revenge. Both parties should take a commonsense approach and settle for a fair, equitable and just resolution.

It is easier to do this when there is a cohabitation agreement in place,” he says. When a marriage or relationship breaks down there are a number of areas that must be resolved. These usually include property settlement, financial maintenance and custody of children.

Simon says property settlement involves the division of matrimonial property, including all assets and liabilities including superannuation. “Division of property or deciding how much time is to be spent with children shouldn’t be about greed or point scoring. Family Law can far too often become the enemy rather than the means of resolving disputes, rectifying relationships and allowing parties to move forward,” he says. “The custody of children can be very complicated. Specific issues may include

parental responsibilities such as day to day decision making, the time each parent spends with the child or children and child maintenance. Financial maintenance is generally controlled by the Child Support Agency,” he says.

“Advice should be sought from a solicitor. This ensures both parties are fully aware of their positions. The initial discussion should outline a plan for reasonably resolution. The next step generally involves another meeting with the parties involved and their representatives.

“When issues are resolved, agreements can be entered into. Where children are involved Family Court Consent Orders can be obtained. If agreements can’t be reached further legal advice is recommended,” he says.



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