

FAQs answered by Townsville Family Lawyer, [Courtney Aitken](#)

August, 2023

[Courtney Aitken](#) is an experienced Family Lawyer and Senior Associate at OSheaDyer Solicitors, Townsville. She was admitted in 2014 and has practiced exclusively in Family Law. Courtney is also a Collaboratively Trained Family Lawyer.

I have separated from my partner. Are there time limits I need to be aware of?

Whether you were de facto or married, once you are separated there is a time limit that applies to having your property settlement formalised, or to commence Court proceedings.

If steps are not taken before the time limit expires, at best the process becomes more difficult and at worst, a party may not receive assets they are entitled to.

What is the time limit to bring an application in the Court for Property Orders, for De facto couples?

The time limit for de facto couples is 2 years from the date of separation.

Parties may be separated although they are still living under the same roof.

For more information on what the law considers to be separation, see our article '[Separation – FAQs answered by Family Lawyer Courtney Aitken](#)'.

What is the time limit to bring an application in the Court for Property Orders, for Married couples?

The time limit for married couples is 1 year from the date of a divorce order coming into effect.

A divorce application may be filed once a married couple has been separated for 12 months.

Once the divorce application is filed, it is given a Court date. If approved, a divorce order will be made on that Court date. A divorce order comes into effect one month and one day after the divorce order is made by the Court. The parties then have 1 year from the date the order has come into effect, to formalise their property settlement.

FAQs answered by Townsville Family Lawyer, [Courtney Aitken](#)

August, 2023

How is a Property Settlement Agreement 'Formalised'?

Separated parties may formalise their property agreement by:

- Consent Orders
 - A Binding Financial Agreement or
 - Court Orders
-

What if there is no agreement about property and the time limit is nearly up?

If an agreement cannot be reached before a time limit expires, then usually, a Court Application will need to be filed.

Filing a Court Application protects your rights as it prevents the time limit from expiring.

Although a Court Application is filed, parties can still reach an agreement, which can bring an early end to the court proceedings.

If no agreement can be reached, the case will proceed through the usual Court process and if there is still no agreement, a Judge will ultimately decide the outcome.

Should I try to reach agreement about property sooner rather than later?

Yes! There are many benefits to formalising a property settlement early, including that it avoids the time limit expiring. This saves the expense of filing an application to the Court.

O'Shea Dyer Townsville has experienced lawyers who practice exclusively in Family Law

Everyone's situation is unique.

We always recommend seeing an experienced family lawyer so you can discuss your situation and obtain customised advice about how this process specifically applies to you.

We offer first appointments with experienced family lawyers for \$220 - a low fixed fee so that everyone can afford to obtain advice about their situation.

We are here to help you.

Call us on 4772 5155 to make an appointment.