

Separation Mud-Map — Parenting & Property Pathways

A step-by-step guide for people separating, with or without children, who are self-representing. Covers mediation first, pre-action requirements, what happens if you reach agreement (consent orders / financial agreement), and what happens if you don't (court process, with document and time requirements).

■ **Mediation (FDR)** ■ **Parenting pathway** ■ **Property / financial pathway** ■ **Agreement reached**
 ■ **Court process (no agreement)**

0 You've separated

You don't need a court order just to separate. Court involvement is only needed if you and the other party can't agree on **parenting arrangements** and/or the **division of property/finances**. If there are no children and you agree on how to split things, you may not need court at all. This map covers both the parenting track and the property/financial track — you only follow the one(s) relevant to you.

1 Try mediation (Family Dispute Resolution) first

RECOMMENDED FIRST STEP

Mediation covers both parenting and property/financial issues in one process

Going to mediation is the fastest route through the pre-action requirements. If you and the other party reach agreement here, you skip the formal written correspondence process entirely (no Notice of Intention letters, no 14-day waiting periods) and go straight to formalising your agreement.

For parenting matters, attending mediation is what satisfies the legal requirement to attempt Family Dispute Resolution — if it doesn't resolve everything, the mediator issues a **Section 60I Certificate**, which you need before filing a parenting application.

➤ Family Dispute Resolution & Section 60I certificates — explained

Fully resolved at mediation

Formalise straight away as a Parenting Plan / Consent Orders, and/or Consent Orders / Binding Financial Agreement. No further pre-action steps needed. See the green box below.

Partly resolved, or not resolved

Move to the correspondence step below for whatever remains unresolved — a written Notice of Intention setting out the outstanding issues, orders sought, and a genuine offer.

2 If mediation doesn't fully resolve things

Required before filing, unless exempt

● Parenting matters

CERTIFICATE

Section 60I Certificate issued

The mediator issues this once mediation concludes without full resolution — you generally cannot file a parenting application without it (or a valid exemption, e.g. family violence, urgency, child abuse risk).

LETTER

Written Notice of Intention

Set out the issues still in dispute, the orders you'll seek, and a genuine offer, giving at least 14 days to reply.

↗ **Example Letter of Offer / Notice of Intention**

REPLY

No agreement after 14 days

If they don't respond, or reject the offer, you may proceed to file an Initiating Application.

● Property / financial matters

DISCLOSURE

Exchange financial documents

Continue to comply with the duty of disclosure — exchange relevant financial documents as things progress, even after mediation.

LETTER

Written Notice of Intention

Set out the issues still in dispute, the orders you'll seek, and a genuine offer, giving at least 14 days to reply.

↗ **Example Letter of Offer / Notice of Intention**

REPLY

No agreement after 14 days

If no agreement is reached after correspondence, you may proceed to file an Initiating Application.

Was agreement reached?

YES → SETTLE IT WITHOUT COURT

Parenting

Formalise as a

Parenting Plan

(informal, flexible, not legally enforceable) or apply for

Consent Orders

(legally binding, filed with the Court — no attendance needed).

Property / financial

Formalise as an

Application for Consent Orders

(filed with the Court for approval) or a

Binding Financial Agreement

(a private contract prepared with independent legal advice for each party — doesn't need Court approval).

Done — no court appearance needed

NO → COURT PROCESS BEGINS

Next: filing an Initiating Application

If dispute resolution doesn't resolve things and the other party doesn't respond to your Notice of Intention (or rejects it), you can file an Initiating Application (Family Law) with the Court. This starts the National Court Process — set out step-by-step below.

3 If no settlement: the court process, step by step

Same general pathway for parenting and/or property matters

1

File your Initiating Application

DAY 0

File electronically via the Commonwealth Courts Portal (comcourts.gov.au), or by post/in person if you can't file online.

PARENTING — FILE WITH YOUR APPLICATION

Initiating Application (Family Law) — kit with instructions

[➤Form](#)

Genuine Steps Certificate

[➤Form](#)

Section 60I Certificate (or exemption affidavit)

Notice of Child Abuse, Family Violence or Risk

[➤Form](#)

Affidavit (only if seeking interim/urgent orders) — with instructions

[➤Form](#)

PROPERTY / FINANCIAL — FILE WITH YOUR APPLICATION

Initiating Application (Family Law) — kit with instructions

[➤Form](#)

Genuine Steps Certificate

[➤Form](#)

Financial Statement

Financial Questionnaire (unless an affidavit is required)

Undertaking as to Disclosure

2

Serve the other party

AS SOON AS PRACTICABLE AFTER FILING

You must formally serve all filed documents on the other party and complete an **Affidavit of Service** confirming this was done — the case can't properly proceed until service is proven.

3

Response to Initiating Application (the other party)

WITHIN 28 DAYS OF BEING SERVED

The other party must file and serve their Response, along with the equivalent documents to those above (Genuine Steps Certificate, Notice of Risk / Financial Statement etc., matching whichever type of orders they're responding to).

4

First Court Event

1-2 MONTHS AFTER FILING

A directions hearing before a Registrar. Purpose: check pre-action compliance, identify the issues in dispute, decide if an Interim Hearing is needed, and set the pathway forward (including referral to Dispute Resolution).

5

Interim Hearing (only if urgent issues need deciding now)

LISTED AFTER FIRST COURT EVENT, BEFORE DISPUTE RESOLUTION

For urgent issues (e.g. immediate parenting arrangements, urgent financial relief). At least 7 business days before the hearing, both parties must file a minute of orders sought and a Case Outline document.

6

Dispute Resolution event**USUALLY BY 5 MONTHS FROM FILING**

A Conciliation Conference, Judicial Settlement Conference, or Family Dispute Resolution Conference (court-based), or referral to private mediation/arbitration. At least 14 days before this event, you must exchange all required disclosure documents and provide a Confidential Case Outline, a draft minute of orders, and (for property) asset valuations/superannuation statements.

7

Mention (if not resolved)**WITHIN 2 WEEKS OF DISPUTE RESOLUTION**

A short court date to prepare any unresolved matter for the Compliance and Readiness Hearing. If you did reach agreement at Dispute Resolution, Consent Orders can be submitted here instead and the case ends.

8

Compliance and Readiness Hearing (CRH)**AS CLOSE AS POSSIBLE TO 6 MONTHS FROM FILING**

Checks both parties are ready for trial. At least 7 days before the CRH, each party must file an updated Application/Response (if needed), an Undertaking as to Disclosure, and a Certificate of Readiness. The matter is allocated a trial judge and Final Hearing date here.

9

Trial Management Hearing (if required)**BEFORE FINAL HEARING**

Only held if the trial judge considers it necessary — deals with final directions for how the trial will run.

10

Final Hearing**WHEREVER POSSIBLE, WITHIN 12 MONTHS OF FILING**

Standard trial directions apply strict filing deadlines in the lead-up — e.g. consolidated trial affidavits and (for property) an updated Financial Statement and joint balance sheet are generally due 42 days before trial, with further documents due at 28, 14, 7 and 2 days beforehand. Your Registrar's orders will set your exact dates.

11

Judgment**USUALLY WITHIN 3 MONTHS OF THE TRIAL ENDING**

The Court delivers its decision and makes final orders.

Case concluded — orders made

4 Time limits worth knowing

12 months

From your divorce order taking effect, to file for property/financial orders (married couples) — after this, you need the Court's leave (permission) to file late.

2 years

From separation, to file for property/financial orders (de facto couples) — same leave requirement applies after this.

28 days

To file and serve a Response to Initiating Application once you've been served.

14 days

Minimum reply window you must give the other party in a Notice of Intention letter.

1-2 months

Typical wait from filing to your First Court Event.

No time limit

For parenting orders — you can apply at any time a child is under 18, so long as pre-action steps are met.

Prepared as a general guide based on the Federal Circuit and Family Court of Australia's published Central Practice Direction, Family Law Rules 2021 (Schedule 1), and Family Law Practice Directions (parenting and financial proceedings), current as at August 2026. Court processes, forms and timeframes can change — always check fcfcoa.gov.au for the current version. This is general information only, not legal advice.