

# APPLICATION FOR DIVORCE FLOWCHART

Is divorce what you really want ?



**Irretrievable breakdown (s48 FLA).**  
You have lived separately and apart for period of at least 12 months.

The application for divorce (s44(1A) FLA)

**Joint application**

**Application by one party**

Federal Circuit Court

28 days



Sealed copy must be served on the respondent.  
Service within Australia must take place within 28 days before the hearing date

Acknowledgement of service



**Hearing date**

On filing an application for divorce the registry manager will fix a date for the hearing of the application. With a joint application the hearing should be fixed within 28 days. For any other application 42 days or 56 days if the respondent is outside Australia

**Divorce order**

The court will grant an order for divorce if the application is successful. The [divorce](#) takes effect automatically one month after the order is made. (s55) FLA.

**Arrangements for children**

Where there are children of the marriage who are under 18 years of age, the court must be satisfied that appropriate arrangements have been made.

**Warning**



An application for maintenance or [property division](#) must be made within 12 months of a [divorce](#) order becoming final.