



# How to apply for a divorce in Australia

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This article will cover the key questions to help you apply for a [divorce](#) in Australia. It is important to understand that filing for a divorce is a legal process that is separate from settling [parenting arrangements](#) or having a [property settlement](#).

You can file for a divorce yourself or ask a qualified family lawyer to help guide you through the process.

## Who can apply for divorce in Australia?

To be eligible to apply for divorce, you must have been separated from your spouse for 12 months or more. You need to be certain there is no chance that you and your partner can restore the marriage. You will also need a copy of your marriage certificate.

The following criteria must also be satisfied. You or your spouse are:

- an Australian citizen;
- living in Australia and consider Australia your permanent home;
- ordinarily living in Australia and have lived here for at least 12 months prior to applying for divorce.

[Call for help with your divorce application or any other family law issue: 03 9006 8907](#)

## Can I apply for a divorce online?

You can apply for a divorce online through the Commonwealth Courts Portal by visiting: [www.comcourts.gov.au](http://www.comcourts.gov.au). You can fill out the application yourself or with the support of a qualified family lawyer.

There are 6 parts to the online divorce form, from Part A to Part F, which you can save as you complete each step.

## Do I apply for a divorce on my own or with my spouse?

You can apply for a divorce with your spouse as a joint application, or on your own as a sole application.

If you make a sole application, you will need to serve the other person with the application and provide proof that this has occurred.

## How do I serve divorce papers?

There are several options for serving divorce papers:

- Through Australia Post;
- By hand, however, you are not permitted to do this yourself. You can arrange for a family member, friend or a professional process server to do this; or
- Via your spouse's lawyer if they are willing to accept service.

## What if I cannot locate my spouse to serve divorce papers?

If you have made genuine attempts to locate your spouse but have been unable to find them, there are two options to satisfy service of your divorce papers:

### Substituted service

This is where the court allows you to serve the application electronically (via email or a social media account), by post (at your spouse's last known address) and/or on a third party (who will bring the application to the attention of your spouse).

### Dispensation of service

This is where the court will allow a sole application for divorce to proceed without the requirement to serve the divorce application on your spouse. The court must be satisfied that you have taken all reasonable steps to locate your spouse but failed, or that substituted service is not an option in your circumstances.

## Do I have to go to court for divorce?

You do not have to go to court if you are making an application for divorce with your spouse as a joint application, and there were no children under 18 as part of your family before you separated.

You may be required to go to court if you're making an application for divorce on your own as a sole application and/or there were children under 18 in your family before you separated.

At this point in time, court hearings are attended electronically via telephone, unless the court advises otherwise.

## How much does it cost to file for divorce in Australia?

At the time of writing, the filing fee for a divorce application is \$1,060. The fee is set by Federal Government Regulations and subject to change. You will need to pay this fee when making your application.

You may apply for a reduced fee if you hold a government concession card or you can demonstrate financial hardship.

See the [government website](#) for more details on the range of filing fees.

## How long does it take to get a divorce in Australia?

It can take several months from when you file for divorce to the actual date the divorce is made official. It is not until one month and one day after the hearing date that your divorce will become final. Problems with your application can prolong these timeframes.

## Helpful resources for information about divorce

- To apply online visit the [Federal Circuit and Family Law Court of Australia](#)
- If you're unable to apply online, visit the [Family Law National Enquiry Centre](#)
- The [Family Law Court of Australia also has a step-by-step guide](#) to serving your divorce application by post or hand, and information about how to complete the divorce service forms.

## Need an experienced family lawyer?

If you need guidance on applying for a divorce, either a joint or sole application, Emera Family Law can help. We offer a free initial consultation to help you understand how the law applies to you.

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*This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*