



Who should move out first?

Often when people first decide to separate, there's a period of time before either of them move out of their former family home. This might be for financial reasons, to continue a shared parenting arrangement or because both parties simply refuse to vacate the property.

The courts are reluctant to throw people out of their homes. So, unless you're caught up in a violent relationship, you may be stuck with each other pending settlement of your case at large.

Obviously, being separated under one roof is unlikely to be a great time. You're separating for a reason - and living together after you've decided to end the relationship can be untenable.

Some of the pitfalls my clients have experienced include:

- An escalation in conflict;
- Disagreements over who gets the

master bedroom and who gets the couch;

- A sense of privacy invasion when boundaries aren't respected;
- Difficulties sharing the parenting role;
- Disputes over the use of groceries and household items purchased individually;
- Resentment over the use and enjoyment of the property, especially if someone is inconsiderate enough to bring in a new partner.

That said, leaving the home prematurely and before you reach agreement on the parenting arrangements after separation and any property split can be detrimental to your position at the bargaining table going forward. If you're in this position, it's important to take some legal advice about your rights and obligations and options for resolution.



FREE 10 MINUTE CONSULTATION

For a **FREE** confidential 10 minute phone consultation, call Managing Director, Fiona Reid.

Fiona Reid is the Managing Director of Reid Family Lawyers, a boutique specialist family law firm with offices in Brookvale and Surry Hills. She is supported by a team of expert family lawyers. The firm has a wealth of experience in all facets of family law including complex property matters, parenting matters, child support and spousal maintenance issues, relocation, de facto and same sex issues, surrogacy and adoption.



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