Can your Affair End in a Property Settlement? Family Law Lawyers Delve Into This

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If you are in an intimate relationship with another person, something that you may want to consider is whether the nature of the relationship with that person could result in a possible claim for property settlement if that relationship were to break down. Firstly, your family law lawyers will need to consider whether your relationship amounts to a de facto relationship. Considerations include the duration of the relationship, whether you have lived together, whether you attend events together socially, and whether you depend on each other financially.

Case Example

The case of *Jonah v White* (2011) considered whether someone you are having an affair with can amount to a de facto relationship. In this case, the Husband (H) had a 17 year long affair with a woman (Ms J). During the affair, H continued to live with his wife and three children. Family law lawyers for Ms J argued that the relationship she had with H amounted to a de facto relationship under the *Family Law Act*.

The Court said that "*The key to the definition is the manifestation of a relationship where the parties have so merged their lives that they are, for all practical purposes, living together as a couple on a genuine domestic basis. It is the manifestation of "coupledom", which involves the merger of two lives as just described, that is the core of a de facto relationship as defined [by the law]*".

Overall, family law lawyers for H proved that their relationship did not amount to a de facto relationship and H was not liable for a property order or spousal maintenance. Due to the varying circumstances of each case, it is recommended that you seek the advice of family law lawyers to help you understand your legal rights and responsibilities.

For advice about property disputes and de facto relationships contact us on **1800 300 170** or email us at **familylaw@matthewsfolbigg.com.au**

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.