Divorce Lawyer advice on dealing with different contributions in a property settlement agreement

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By Andrew Banna, a Principal of Matthews Folbigg, in our Family Law Group In discussions around a property settlement agreement with a divorce lawyer, it is often thought that the focus is only on the financial contributions.

In 1995 Justice Fogarty of the Family Court addressed the issue of contributions in divorce settlements by divorce lawyer in the case of *Waters v Jurek*;

"In most marriages there is a division of roles, duties and responsibilities between the parties... On separation, the partnership and the division of roles and responsibilities which it produced come to an end, and individually the parties are left largely in the personal situation that the marriage had assigned to them. However, the world outside the marriage does not recognise some of the activities that within the marriage used to be regarded as valuable contributions.... Post separation the party who had assumed the less financially rewarded responsibility of the marriage is at an immediate disadvantage. Yet that party often cannot simply turn to more financially rewarding activities. Often, opportunities to do so are no longer open, or, if they are, time is required before they can be assessed and acted upon".

Justice Fogarty highlights the various ways in which parties contribute to a relationship. These encompass not only the financial contributions but also the parent and homemaker roles that are taken up in the usual running of a household. It is important to consider not only the contributions that these distinct roles provide to the family, but also the impact that these roles have on the individuals following separation and the degree to which that impact should be accounted for in a property settlement agreement.

When dealing with a property settlement agreement it is pivotal that individuals protect their financial future and that the strengths of their case are best displayed by gaining legal advice regarding their entitlements. Doing so as to ensure that income disparity is reflected in property division at the time of divorce. If not addressed at such time with a divorce lawyer, this could consequently implicate financials of individuals later on down the track when it is too late to rectify.

For more information, visit our page on Separation and Divorce.

For advice contact us on **1800 300 170** or email us at famlaw@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.