To Be or Not to Be – Our Family Law Lawyers Explain the Requirements of De Facto

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Our Family Law Lawyers know the importance of obtaining instructions about the nature of your relationship and whether it meets the legal requirements of a defacto relationship.

In the recent case of *Bava & Chaudry* [2021], the parties had a relationship of about 2 and a half years. They were not married.

The Applicant's family law lawyers filed an application seeking property orders on the basis that she believed the parties were in a de facto relationship. The Respondent, on the other hand, argued that the parties were never in a de facto relationship, despite the relationship spanning over 2 years.

The question that the Court was required to consider was whether a de facto relationship existed at all. That is, whether having regard to all the circumstances of their relationship they had a relationship as a couple living together on a genuine domestic basis.

The Court considered the following factors put forward by the family law lawyers:

1. The parties had lived together during their relationship.
2. There was some evidence that they had a sexual relationship.
3. They were both employed and were financially independent. They did not share bank accounts.
4. They did not purchase any joint property
5. The parties travelled together on a holiday.
6. The Applicant paid for some renovations to the Respondent's home.
7. There were no children of the relationship.
8. The Applicant cared for the Respondent's children at times.
9. The parties never disclosed their relationship to friends and family.

On balance, the Court found that the parties were not in a de facto relationship. Accordingly, the Applicant was not entitled to make an application for property orders. Her application was dismissed.

Speak to one of our family law lawyers today to find out whether your relationship may be characterised as de facto.

For advice about our family law matter, please contact one of our family law lawyers 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.