Property Settlement Agreement in De Facto or Close Personal Relationship Breakup

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What is a De Facto Relationship?

If you're living together with someone as part of a couple, the law will recognise your de facto relationship and your rights will often be exactly the same as if you were married.

What is a Close Personal Relationship?

If you're living with someone and providing them with free care or domestic support (or if they do the same for you), the law recognises this as a 'close personal relationship' and also gives you certain rights.

If you are living with someone and you are unsure of your legal rights or what type of relationship you are categorised under, a member of our specialist family law team could assist you in clarifying what you are entitled to.

What happens to property?

Under Australian law both De Facto and Close Personal relationships are recognised. Thus in most instances you are able to make a claim for the court to divide property within two years of the relationship breakup. In some circumstances you may even bring a claim when more than two years have passed.

However, there are a few things that must be proved to be successful and a divorce lawyer will be able to assist you in determining your entitlement to claim. Some of the considerations that may be addressed consist of:

- You have a child with your former partner
- In the case of a close personal relationship, you care for the other person's child and would suffer and injustice if the court doesn't make an order
- You have made substantial financial or personal contributions which you won't be adequately compensated for unless the court makes an order
- Both people's financial and non-financial contributions to the relationship (for example household labour, parental contribution, earning capacity, and obligations for care of children)

Our specialist family law team can assist and advise about the best way to negotiate and reach a property settlement agreement if you are in a De Facto or a Close Personal Relationship to ensure your entitlements are taken into consideration.

For legal advice in relation to a property settlement agreement, 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.