The role of a divorce lawyer in raising a Kennon argument for contributions in property proceedings

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Consulting a divorce lawyer after a high conflict relationship can be daunting. There is a great amount of legal factors to consider when separating from your partner. When the relationship has broken down, engaging in negotiations can be both tiresome and overwhelming.

Family violence is unacceptable in all contexts, so it is important to understand how the Court will deal with the occurrence of such acts when determining property settlement. The landmark decision in *Kennon & Kennon* is not unfamiliar to a divorce lawyer. It establishes a foundation for appropriate adjustments to contributions in a relationship when acts of violence are occurring. The Court will only consider adjustments if the party seeking it can demonstrate:

1. A course of violent conduct by one party
2. a discernible impact on the victim from such violent conduct; and
3. The victim's contributions to the relationship were significantly more arduous as a result of the violent conduct.

A divorce lawyer will note that under the first requirement, the occurrence of unacceptable behavior must be ongoing. That is, it cannot be confined to one instance. This makes the claim seemingly difficult to prove, but it remains relevant in exceptional circumstances.

Sections 75 and 79 of the *Family Law act 1975* empower the Court to review financial contributions if affected by family violence. A divorce lawyer's role in considering these sections and the principles outlined in *Kennon,* will be key to achieving a just outcome for the division of property. If satisfied, *Kennon* type factors may result in an adjustment which favours the party who has been severely restricted from making significant contributions.

However, this is only a brief outline of a complex and intricate area of family law that is yet to receive more legal precedent. Therefore, it is best to approach a divorce lawyer if your experiences mirror similar circumstances. There are a number of resources available should you require support, a few can be found in the link below:

https://www.whiteribbon.org.au/Find-Help/Help-Lines

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.