



DURAL LEGAL
CENTRE

Experience Excellence!

DE FACTO

DOES THE LAW RECOGNISE DE FACTO RELATIONSHIPS ?

The law will recognise your relationship if you and your partner (whether of the same or opposite gender) live together as partners on a domestic basis for a qualifying period, usually of two years. In some areas of the law the rights of a de facto spouse are identical with those of a husband or wife. For example you may be entitled to a share of the estate of your deceased partner or to compensation for his or her death. You may also have rights to Social Security.

AM I ALSO ENTITLED TO PROPERTY SETTLEMENT ?

Generally after the relationship has lasted for two years or more the law now gives de facto partners similar rights to those of a married partner seeking property settlement. If your relationship has lasted less than two years you may be entitled to claim if there is a child of your relationship, or if you are caring for the child of the other party or if serious injustice would result if the Court did not make an order.

When deciding how to divide your property, the Court will take into account the contributions made by each of you whether financial or as a homemaker and parent. The property from which you can claim includes real estate, shares, funds held in a company and even damages payable as a result of Court proceedings for compensation.

CAN I CLAIM MAINTENANCE OR CHILD SUPPORT?

The carer of a child is entitled to child support from the other parent irrespective of marriage. If there is a dispute regarding paternity the Court can order scientific testing to resolve that issue.

In addition, limited rights to spousal maintenance have been retained in the Property (Relationships) Act. However you must show that you cannot work because you are caring for a child under 12 or a disabled child under 16 or that you have lost your earning capacity because of the relationship. You must also be prepared to undertake training or education to improve your earning capacity.

WHERE WILL THE CHILDREN LIVE?

As far as practicable, parents are encouraged to share the decisions and responsibilities for children.

If there is a problem the Family Court can make Orders about where children will live, when they will have contact with the other parent and even about specific issues such as schooling and religion.

CAN I GET A DOMESTIC VIOLENCE ORDER?

Even if your de facto partner owns the house you live in the law will protect you from violence or harassment, and may grant an Order restraining the violent partner from entering your home or workplace. The Court will protect a child of a de facto relationship in the same way.



DURAL LEGAL CENTRE

5/500 Old Northern Road, Round Corner, NSW

Phone: (02) 9653 9666