# **INFORMATION SHEET**

# **Defacto Relationship**



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07

The reputation and public aspects of the relationship.



The duration of the relationship.

01



The care and support of children. (if there are any)

**ARE YOU IN A DEFACTO RELATIONSHIP?** 

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02

The nature and extent of their common residence.

The couple needs to have been in a "genuine domestic relationship."

There are various indicators as to whether that is the case. some of these indicators include:

03



Whether a sexual relationship exists.

The degree of mutual commitment to a shared life.



The degree of financial dependence or interdependence and any arrangements for financial support between them.



05

The ownership, use and acquisition of their property.

#### If there is a "genuine domestic relationship", then one of the following needs to exist:

- The couple had been in the relationship for at least 2 years; or
- There is a child of the relationship (in which case there is no time requirement); or
- It would be unjust not to recognise a defacto spouse's financial or non-financial contribution.

## **TIME LIMITS:**

If an Application to the Court for property settlement in a defacto relationship is to be made, it must be filed in Court within 2 years of the date of separation.

#### **SEPARATION:**

For separation to have occurred there needs to have been a communicated intention to separate. Separation can then be effected by either a physical separation (one party moves out) or separation under one roof (the parties continue to live in the same house).

A 'date of separation' is the same for a defacto relationship as for a marriage.

## **GETTING TO 'YES':**

Amicable outcomes are always best. Mediation provides an alternative to going to Court. It involves you and your former partner sitting down with an independent third party. For more details, please refer to our 'Resolution Pathways Infosheet'.



