

**Getting married? Planning on living with someone?
Things you should know.**

With more than 50% of marriages ending in divorce nowadays, there are growing numbers of people who either re-marry, or commence de facto relationships with new partners.

With a second marriage or relationship, particularly if there were children of the first relationship, it is important to remember that your new spouse/partner may have a claim on assets you might have intended to go to your children or grandchildren.

So what can you do?

If you are getting married, and want to protect your assets from any claim by your new spouse, or define at the beginning, what he or she will be entitled to if you divorce, you can enter into a pre-nuptial agreement (called a Financial Agreement under the Family Law Act). Such agreements used to be illegal in Australia, but are now possible, provided some very strict rules are followed.

If you are about to commence cohabitation with someone, (even if you have decided you have no intention of getting married because you do not want your respective rights to be governed by the Family Court under the Family Law Act if the relationship ends) you should be aware that after a certain period of living together (or upon the birth of a child of you both), the law can deem you to be in a de facto relationship (now called domestic partners) and give your partner the right to make a claim against your estate if you die, and to claim a share of your assets if you separate.

The only way to protect your assets is to enter into a Certified Domestic Partnership agreement, which sets out the basis upon which your assets (and those of your partner) will be dealt with if you separate.

Such an agreement can be entered into at any time during the course of the relationship (domestic partnership), but of course, both parties must agree.

For advice on these issues ring for an appointment with

Debra Lane on 8217 8208 or **Joanne Cliff** on 8217 8205

We can also help with advice and representation after your marriage or de facto relationship has broken down.

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