

DE FACTO QUIZ

Find out if you are/ were in a de facto relationship.

1. Were you in a relationship with this person?

- Yes - Go to question 2.
- No - You are not a de facto couple.

You need to have been in a relationship with the person to be considered de facto.

2. Are you married/ related to this person?

- Yes - You are not a de facto couple.
- No - Go to question 3.

You cannot be married or related to the person to be considered de facto.

3. Was the length of your relationship greater than 2 years?

Yes - Go to question 4.

No - Go to question 5.

4. Did you & your partner live together on a genuine domestic basis for more than 2 years?

Yes - You are a de facto couple.

No - Go to question 5.

5. Did you & your partner have a child together?

Yes - You are a de facto couple.

No - Go to question 6.

6. Was/ is your relationship registered under a prescribed law of an Australia State/ Territory?

Yes - You are de facto couple.

No - Go to question 7.

7. Have you/ have they made a substantial contribution/s to the relationship?

e.g. undertaking renovations to a property, thereby increasing its value, or paying off your partner's mortgage, or assisting with running your partner's business, thereby increasing the profit.

- Yes - Go to question 8.
- No - You are not a de facto couple.

To be considered de facto you must have either:

1. Lived together on a genuine domestic basis for at least 2 years; or
2. Had a child together; or
3. Had your relationship registered under prescribed law of Australian state/ territory; or
4. A substantial contribution/s were made to the relationship and failure to make an order or a declaration would result in a serious injustice.

8. Would the person who made this contribution be seriously disadvantaged if the Court didn't make an order or declaration that you were in a de facto relationship?

For example, Judy gives David \$60,000 from her own personal savings to ensure that David can buy an investment property. This property is listed solely under David's name. When David separates from Judy, David sells the investment property and doesn't give Judy any money from the sale. If the Court did not declare that Judy & Dale were in a de facto relationship, Judy may suffer a serious injustice by not being able to apply for a property settlement. Meaning Judy and Dale could fairly split their assets

- Yes - You are de facto couple.
- No - You are not a de facto couple.

This person must experience a serious injustice if the relationship was not considered de facto and they weren't eligible to apply for a property settlement.

It is important to note that the definition of a de facto couple varies for different purposes. For example, for Centrelink it's very different to the Family Law Act.

The above quiz determines whether you are a de facto for family law purposes only.

If you were in a de facto relationship and you've separated, you might be entitled to make a claim for a property settlement. This means you are entitled to divide yours and your former spouse's assets to ensure you each receive the share you're entitled to.

If this is something that you wish to do, or if you just need some help or free advice in your situation, please contact us on the details below.



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