



## De facto relationships

### What is a de facto relationship?

A de facto relationship is defined in Section 4AA of the *Family Law Act 1975*. The law requires that you and your former partner, who may be of the same or opposite sex, had a relationship as a couple living together on a genuine domestic basis. However, your relationship is not a de facto relationship if you were legally married to one another or if you are related by family.

### Can I apply to the Court to have my de facto dispute determined if it's about my children?

Yes. The Federal Circuit and Family Court of Australia (the Court) deals with issues related to the children of de facto relationships in the same way as the children of married couples.

For more information, see the Children section of the website.

### Can I apply to the Court to have my de facto financial dispute determined?

Yes. Since 1 March 2009, parties to an eligible de facto relationship which has broken down can apply to the Court to have financial matters determined in the same way as married couples.

You must apply for de facto financial orders within **two years** of the breakdown of your relationship. After this time you need the Court's permission to apply.

Before the Court can determine your financial dispute, you must satisfy the Court of **all** of the following:

1. you were in a genuine de facto relationship with your former partner which has broken down
2. you meet one of the following four gateway criteria
  - a. That the period for the de facto relationship is at least 2 years
  - b. That there is a child in the de facto relationship
  - c. That the relationship is or was **registered** under a prescribed law of a State or Territory
  - d. When assessing property or custodial claims in cases of a breakdown of a relationship, it is recognised that significant contributions were being made by one party and the failure to issue an order would result in a serious injustice
3. you have a geographical connection to a participating jurisdiction
4. your relationship broke down after 1 March 2009 (or after 1 July 2010 if you have a geographical connection to South Australia only); although you may be able to apply to the courts if your relationship broke down prior to the date applicable to your state.

You should obtain legal advice about whether your circumstances satisfy the criteria before filing an application.

### **How do I make an application to the Court?**

You should obtain legal advice about whether your circumstances satisfy the criteria before filing an application.

Your application is made using the same forms that are used by parties to a marriage and your case will be dealt with under the same procedures that apply to married couples making the same type of application.

See the [Children](#) and [Finances and property](#) sections of the website for more information.

### **More information**

For information, including how to apply to the Court for orders, see Family Law at [www.fcftca.gov.au](http://www.fcftca.gov.au)

For help resolving your dispute out of court, go to [www.familyrelationships.gov.au](http://www.familyrelationships.gov.au) or call [1800 050 321](tel:1800050321).