



KELLY GREENWAY BRUCE

BARRISTERS & SOLICITORS

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LEGAL MATTERS



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Joshua practices primarily in family law including collaborative family law, separation, divorce, custody, access, child and spousal support, division of family property and child protection matters. Joshua's hard work and dedication to his clients has enabled him to achieve excellent outcomes in all levels of court securing outstanding results for his clients.

Q *How many years do I have to live with someone to be considered to be in a common law relationship?*

A common law relationship is not specifically defined. Unmarried couples have no statutory right to divide property. Factors that create rights of unmarried spouses to the property of the other spouse include the following:

1. The length of the relationship;
2. If you are holding each other out as husband and wife;
3. Whether you have been commingling assets;
4. If you co-own a house;
5. The contributions by one spouse to the assets of the other spouse; and
6. If there a division of labour between spouses (eg. one raises the children, the other works, etc.)

Under the Family Law Act you are a "spouse" if you have either:

1. Lived in a relationship similar to marriage for 3 or more years; or
2. You have lived in a conjugal relationship and have had or adopted a child together.

A spouse under the Family Law Act is obligated to support the other spouse to their abilities. A spouse is also obligated to support themselves under the Act.

These rules apply to unmarried couples, and the rules for married couples are different.

A cohabitation or prenuptial agreement can help protect your assets, and clarify what your obligations are to your spouse if your relationship ends. To find out more about your rights and obligations please contact me at Kelly Greenway Bruce.



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