Can a New Partner Affect Your Property Settlement?

Short answer: yes, but not in the way you might think.

If you or your former partner has started a new relationship before your property settlement is finalised, you may be wondering whether the new partner's income, assets or financial support will be taken into account.

Generally, your former partner's new partner does not simply become part of your property settlement. However, the financial circumstances created by the new relationship may be relevant when determining the parties' financial positions.

Does my ex's new partner become part of the property settlement?

Generally, no.

A property settlement deals with the property, financial interests and liabilities of the parties to the former relationship. Your ex's new partner does not automatically become part of the property settlement simply because they are now in a relationship.

However, the new relationship may change your former partner’s financial circumstances.

For example, if your ex lives with a new partner who pays some or all of the household expenses, this may reduce your ex’s living costs and be relevant to their financial position. Similarly, if the new partner owns the home and your ex pays little or no rent, this may be relevant when considering their future housing needs.

If your ex buys property with their new partner the circumstances around this will also be relevant.

What if my ex’s new partner earns a high income?

A new partner’s income is not automatically treated as your ex’s income.

However, the situation may be different where the new partner provides significant financial support. For example, there is a difference between a new partner who simply lives with your ex and one who pays the mortgage, household bills or other significant expenses.

The same applies if you have started a new relationship. Your new partner’s assets do not automatically become part of your former relationship’s property pool. However, if the relationship has significantly changed your financial circumstances, this may be relevant.

What if my ex has remarried or has another child?

A new marriage or de facto relationship can bring additional financial responsibilities. Your former partner may, for example, have additional children to support or new financial commitments arising from their household.

These circumstances may be relevant when considering their current and future financial position, although the impact will depend on the circumstances of the individual matter.

Does timing matter?

Yes.

A new relationship that began shortly before a property settlement may have limited financial significance if there has been little financial interdependence.

The position may be different where the relationship has continued for a significant period and the parties are living together, sharing expenses or combining their financial resources.

The key question is not simply whether your ex has a new partner. It is whether the new relationship has changed their financial circumstances in a way that is relevant to the property settlement.

What should you do?

If you or your former partner has re-partnered before your property settlement is finalised, it is important that relevant financial circumstances are properly disclosed and considered.

It is also worth avoiding unnecessary delays. The longer a property settlement remains unresolved, the greater the opportunity for changing financial circumstances and new relationships to complicate matters.

Do not assume that your ex's new partner's assets will be included in the property pool, or that having a new partner automatically means your ex is entitled to less.

Every property settlement is different. The Court considers the circumstances of the parties and what is just and equitable, that is, what is fair and appropriate in the circumstances.

If you are concerned about how a new relationship may affect your property settlement, speaking with one of Andersons Solicitors experienced family lawyers can help you understand your position and the options available to you.

We offer a 90-minute initial meeting to develop a "Family Road Map" tailored to your personal situation.

All your concerns will be addressed in this appointment, and your lawyer will explain the process and outline a plan for next steps. All of a set fee.

For more information or to book your 90 minute "Family Road Map" appointment, please call 8238 6666 or complete a **Contact Form.**