



## DE FACTO RELATIONSHIPS JURISDICTIONAL REQUIREMENTS

Parties who separated from a de facto relationship must meet the following requirements to access the Family Court of Western Australia for property matters under the *Family Court Act 1997*.

These requirements are set out in s 205U, s 205X, s 205Z and s 205ZB of the Act.

1. They must have separated after 1 December 2002; and
2. A Court must be satisfied—
  - a. that one or both of the parties to the application were resident in Western Australia on the day on which the application was made; and
  - b. that—
    - i. both parties have resided in Western Australia for at least one third of the duration of their de facto relationship; or
    - ii. substantial contributions of the kind referred to in section 205ZG(4)(a), (b) or (c) have been made in WA by the applicant.
3. A Court may make an order in relation to a de facto relationship only if satisfied—
  - a. there has been a de facto relationship between the parties for at least 2 years;
  - b. there is a child of the de facto relationship who has not yet attained the age of 18 years and failure to make the order would result in serious injustice to the partner caring or responsible for the child; **or**
  - c. the de facto partner who applies for the order made substantial contributions of a kind mentioned in section 205ZG(4)(a), (b) or (c) and failure to make the order would result in serious injustice to the partner.
4. An application must be brought within 2 years of the de facto parties separating. Outside of this application period, a party must seek leave to apply and show that hardship would be caused if leave were not granted.