

What is spousal or de facto maintenance?



FAMILY VIOLENCE LAW HELP

www.familyviolencelaw.gov.au



What is spousal or de facto maintenance?

If you were married or in a de facto relationship you may be able to get spousal or de facto maintenance.

This is money paid to you by your ex-partner to cover your reasonable living expenses. This is different and separate to child support.

You can apply for spousal or de facto maintenance after you separate, even if you are separated under one roof, however, there are time-limits.

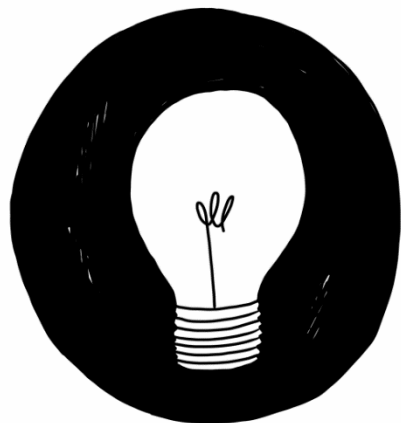


Am I entitled to spousal or de facto maintenance?

Spousal or de facto maintenance is not an automatic right.

You need to prove you need financial support because you can't afford your reasonable living expenses, and that your ex-partner has the ability to pay for them.

To find out if you may be eligible, get legal advice.



How much do you get?

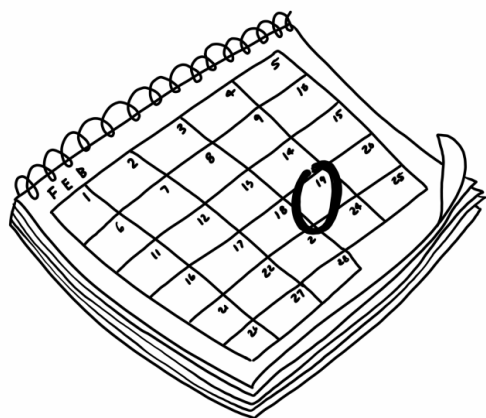
There is no set amount and it depends on your situation. Get legal advice.



Are there any time-limits to apply to the court for spousal or de facto maintenance?

Yes, there are important time-limits you should be aware of:

- If you were married—you must start court action for spousal maintenance no later than 12 months from the date of your final divorce. If you have a valid divorce from overseas, this time-limit may not apply to you. Get legal advice.
- If you were in a de facto relationship – you must start court action for de facto maintenance no later than 2 years after the date you separated.



If you are outside these time-limits, you can ask the Court for permission to apply out of time. The court will only allow you to do this if you have a very good reason for not applying in time. Get legal advice.