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E-alert: Think of the Children: New laws impact the de facto blended family

By Angela O'Neill, Senior Associate

Recent changes to Queensland's laws relating to Wills and estates will have significant consequences for de facto couples and their families. The changes give greater certainty to the treatment of de facto relationships in the Wills and estates context.

In brief, the changes mean:

- As in the case of a married couple or registered civil partnership, the breakdown of a de facto relationship now revokes those parts of a person's Will that appoint his or her former partner as Executor of their estate or leave a benefit to that person (subject to some exceptions); and
- Children (including adult children) of one de facto spouse may have a claim on the estate of their parent's partner if the partner dies leaving a Will that does not leave them with adequate provision for their needs.

Previously, the "children" eligible to make such a claim were only natural children, step-children as a result of marriage or civil partnership and adopted children.

People should reconsider their Wills in light of these changes. Whether you are in a de facto relationship, have recently separated or someone whose parent(s) are in a de facto relationship, Broadley Rees Hogan can give you the advice you need to understand your rights and obligations in your personal circumstances and to meet your estate planning needs.

Broadley Rees Hogan encourages everyone to revisit their Will and estate planning regularly and when personal circumstances change.

Should you wish to discuss any matters arising out of this article, please contact the author:

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