



Is my future inheritance safe if my marriage breaks down?

This is a tricky question in family law matters because if you're entitled to an inheritance at some time after your separation and/or property settlement, it can be taken into account as a future financial resource in your hands which would have the effect of decreasing your percentage entitlement to the relationship pool of assets.

The relevant issue is whether you're in fact "entitled" to the inheritance at the time you do your family law property settlement.

Just being a named beneficiary in a will doesn't mean you will necessarily get the inheritance at some point in the future. People are entitled to change their testamentary wishes at any time up until their deaths.

If the person who has bequeathed

something to you is of sound mind and able to change their will at any time and especially if they are in good health such that death isn't imminent, then any future inheritance you might receive would probably not be taken into account by a family law court in assessing your entitlements to the assets you and your ex are dividing up.

If however, the person who has bequeathed something to you has lost capacity to change their will at the time of your property settlement, or if they have died before you do your property settlement, even if probate hasn't gone through, then the inheritance you will receive will be a factor taken into account in your family law matter. Depending on the quantum of the inheritance, it could have a major impact on your percentage entitlement to the pool of assets you share with your ex.



FREE 10 MINUTE CONSULTATION

For a FREE confidential 10 minute phone consultation, call Managing Director, Fiona Reid.

Fiona Reid is the Managing Director of Reid Family Lawyers, a boutique specialist family law firm with offices in Brookvale and Surry Hills. She is supported by a team of expert family lawyers. The firm has a wealth of experience in all facets of family law including complex property matters, parenting matters, child support and spousal maintenance issues, relocation, de facto and same sex issues, surrogacy and adoption.



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