



Is any future inheritance I receive safe?

Questions often arise, in the course of family law negotiations, about whether someone's potential inheritance should be taken into account when splitting relationship assets following the breakdown of a marriage or de facto relationship.

In essence, if the person who is bequeathing the money, say your parent, still has the capacity to change their will, then the answer is no.

However, if, say, your parents have lost capacity, for example, as a consequence of dementia, and you are a beneficiary of their will, then there is a guarantee you will get that inheritance and it will be taken

into account as a future financial resource in your hands. This means that your ex will then get an uplift to their percentage entitlement to the relationship property, to account for that financial resource.

If your parent has already died, the assets you inherit will form part of the relationship asset pool which is divided between you.

You can protect any future inheritance you might receive, either by entering into a financial agreement during your relationship or a Deed of Release under the Succession Act. If something like this might impact you, you should speak to a lawyer about how best to ensure any future inheritance is protected.



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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