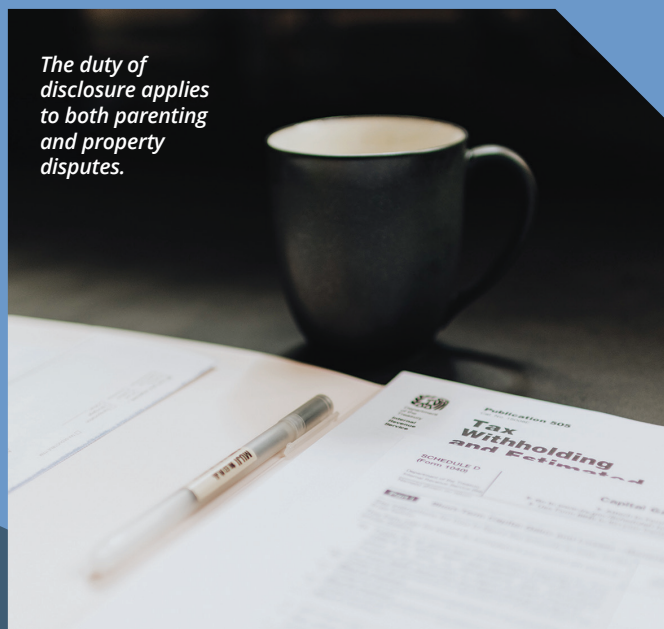


Family law and disclosure

DO I HAVE TO PROVIDE THAT?

The duty of disclosure applies to both parenting and property disputes.



After you separate, you might not want your former partner to know the ins and outs of your spending, or how much money you're earning.

However parties to a family law matter have a duty to provide each other, and the court where there are proceedings, full and frank disclosure. It means information and documents that are relevant to an issue in the matter need to be disclosed to your former partner. This includes information that the other person may have previously been unaware of and

applies to each document that is or has been in the possession, or under the control, of the person who is required to provide the document.

The duty of disclosure applies to both parenting and property disputes. It is an ongoing obligation for the course of the family law dispute – it is not enough to provide disclosure once at the start of the matter and then never again.

The Family Law Rules set out certain documents that parties to proceedings are required to disclose, however your disclosure requirements will vary depending on the

circumstances of your matter and the issues specific to your case.

Documents that may be required to be disclosed in property matters include:

- Payslips detailing your income and other earnings
- Documents detailing any entitlement or interest in property
- Property appraisals and valuations
- Bank account statements detailing savings and liabilities, and
- Documents relating to any trust or company.

Documents that may be

required to be provided in parenting matters include:

- Medical reports about a child or parent
- Criminal records, and
- School reports.

It is important to understand that any document produced during the negotiations or proceedings by way of disclosure cannot be used for any other purpose. You cannot take them to the Child Support Agency, for example.

If you are unsure what information and documents you need to provide to your former partner, it is important to obtain legal advice to

ensure you are complying with your obligation of disclosure. Equally, it can be useful to obtain advice about the information and documents you should be requesting from your former partner, to ensure you can make fully informed decisions about your property and parenting matter.

If you would like to make an appointment with Wightons Family Law team to obtain advice about your situation, phone 5221 8777.

This article is general information only and is not legal advice or a substitution for such advice.

Wightons Lawyers

Family Law

Our dedicated Family Law team understand the impact of separation on families and that each matter is unique.

We provide advice and representation for all aspects of your family law matter, including:

- Divorce and Separation
- Property Settlements
- De facto and same sex relationships
- Financial Agreements
- "Prenuptial" Agreements
- Spousal Maintenance
- Parenting Arrangements
- Dispute Resolution Process
- Child Support
- Relocation Applications
- Recovery Orders
- Family Violence and Intervention Orders

Call us on (03) 5221 8777 to arrange an appointment with our Family Law Team. Appointments are available at our Geelong, Corio and Ocean Grove offices, as well as by telephone and online.

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