



## Inheritance or Gifts in Family Law

---

- There is no presumption or rule that excludes inheritances or gifts from property settlement after parties separate.
- It is important to remember that it is the current assets that must be identified and valued and not just assets that existed at separation.
- For example, if one receives an inheritance post separation, it must still be disclosed as it must be identified and valued.
- There is no presumption or rule as to how to treat an inheritance or gift. It is not automatically divided equally, nor is it automatically excluded. The Court's treatment of such inheritance and/or gift will depend on many different factors, such as the quantum, timing and nature of the gift or inheritance and other factors, including the length of the relationship, other contributions the parties have made and what is a just and equitable Order in the circumstances of your particular case.
- A spouse needs to obtain independent advice from a specialist family lawyer who can advise them as to the impact of the inheritance or gift and as to what difference it may or may not make in an ultimate property settlement outcome.