

FAMILY PROVISION CLAIMS IN NSW

There must be a deceased person and the claimant must have been:



- Married to them;
- In a de facto relationship with them;
- Their child;
- A former spouse;
- In some cases, a past dependent who lived in their household.

Stepchildren do not have the right to make a claim on their stepparent's future estate if they have not lived with them.



Under the *Succession Act 2006* (NSW), claimants typically have 12 months from the date of death to formalise their claim.

In NSW, the court has the power to determine "*notional estate*," which includes assets that might have been given away.

