

Will a trust protect my relationship property?

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In the past decade, courts have increasingly recognised the contributions that partners make to trust assets, even if they're not named beneficiaries. Raising children, running a household, or completing DIY renovations are all ways someone may add value to a property or business owned by a trust. As a result, courts are now willing to treat those contributions more generously as grounds for a claim after separation.

In practice, this means that a trust is no longer the solid brick wall it once was. While still useful, trusts should be coupled with other legally binding measures such as a Contracting Out Agreement (aka a “pre-nup”) to provide stronger, clearer protection.

It’s also worth noting that if assets are deliberately placed in a trust to keep them out of reach of a partner or spouse, that move can itself be challenged in court. Trust law and relationship property law overlap in complex ways, so no two cases ever look the same. That’s why reliable, tailored legal advice is essential.

At CLM, our highly experienced Family Law team understands the fine balance between protecting assets and respecting family relationships. Our team of six specialist lawyers are skilled at both defending trust structures and challenging them when necessary. Negotiated settlements are always our goal, but we don’t shy away from litigation if it’s the best path forward. We’ll always be upfront with you about your options – sometimes that means hearing hard truths about the strengths and weaknesses of your position. But we believe clear advice is better than false reassurance.

Our approach combines technical expertise with genuine empathy. We know these issues don’t just involve paperwork – they involve families, relationships, and big emotions. We’ll guide you through the process with honesty, respect and practical solutions that suit your circumstances. We work with families of all shapes and sizes and are proud to be a Rainbow Tick accredited firm.

Because trusts sit at the intersection of family law, relationship property, and estate planning, you’ll also benefit from CLM’s broader legal expertise. Our full-service firm can bring in other legal specialists when needed, ensuring no angle is overlooked.

If you’re relying on a trust to protect your property, or are worried about whether you can make a claim against one, come and talk to CLM’s Family Law team. We’ll help you understand your rights and put the most effective protections in place.