Over the Rainbow

Legal and financial considerations for older lesbians negotiating new relationships.

Fay and Judy had been dating for three months and it was magic. Fay’s relationship with Judy felt like the most exciting thing that had happened to her in years.

Ten years ago, when Judy was 47, she had agreed to take on the role of live-in carer for her friend Clair. Clair suffered from Parkinson’s and subsequently dementia, and had reached the point where she needed specialist care. Judy was in the process of organizing all of this when she and Fay first met.

The introduction of the new Same Sex legislation had been the cause of increasing anxiety for them both, with Judy dependent on a Carer’s Pension, and Fay self employed as a Naturopath.

Agencies and others Fay could contact for help and advice:

The Older Persons’ Legal Service
A service of The Aged-care Rights Service
Tel: (02) 9281 3600 or 1800 424 079 (toll-free)

Lesbian and Gay Legal Advice Service.
Wednesday evenings Tel: (02) 9332 1966

Financial Information Service (FIS).
Tel: 132 300

LawAccess NSW
Tel: 1300 888 529 or TTY: 1300 889 529

Legal Information Access Centre (LIAC)
(02) 9273 1558 or liac@sl.nsw.gov.au
Tel: 1300 888 529 or TTY:1300 889 529

Welfare Rights Centre
Tel: (02) 9211 5300 or 1800 226 028 (Toll free)

Centrelink Same-Sex Reform
Enquiry Line Tel: 136 280

Her solicitor.
If Fay does not have a solicitor, she could contact the Law Society of NSW Solicitor Referral Service on (02) 9926 0300 for a list of solicitors in her area who have experience in these matters.

The information contained in this publication is intended for use in NSW, and relates to the law as at 1st May 2016.

Contact OWN NSW:
(02) 9247 7046 or info@ownnsw.org.au
Visit www.ownnsw.org.au to obtain copies of this publication.

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This publication is intended as a guide to the law and should not be used as a substitute for legal advice.

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Shortly after Clair had been moved to a care facility, Judy was notified that she would no longer be receiving the Carer's Pension, and that Clair's house was to be sold in order to pay for her medical expenses.

That day Judy, aged 57, was in tears as she told Fay she was now unemployed and would soon be homeless.

Fay knew what Judy was afraid to ask, and it terrified her too...

**Question.** How can I show support for Judy without making a commitment before seeking professional advice?

**Answer:**
Perhaps the first thing would be to have a serious talk with Judy along the following lines:

Things have become serious between us very quickly and I'm sure that neither of us wants it to stop, but we are old enough to know that if we want it to develop we need to plan carefully for our future.

I made a promise to myself that when it came to my financial security I would never make a decision based purely on emotions.

I feel very strongly about you, but I know that the only way I can make a rational decision is for us to get some professional advice.

I'm sure you can see the sense in this. I know that between us we have friends who'll be able to help out with somewhere for you to stay, and maybe even some casual work until we can work out a solution.

**Question.** What are the issues Judy and I need to consider prior to our seeking professional advice?

**Answer:**
You will need to discuss the following.

- How you see your relationship unfolding into the future.
- Will Fay's income affect Judy's ability to receive any future Centrelink benefits, if they are a legally defined as a 'de facto couple'?
- If one or the other of you is in financial need, what financial support, if any, would each provide to the other?
- How will you structure your finances, including your bank accounts and credit cards, to ensure that both of you each has security and protection?
- If you purchase joint items, i.e. furniture or vehicles, who owns them in the event of the relationship ending?
- How will you be financing holidays and recreational activities?
- What financial contribution will each of you provide for day-to-day living expenses?
- How do you wish to communicate any changes to your family and friends?