

Who Keeps the Engagement Ring?

Article by Townsville Family Lawyer [Bridget Barrie](#)

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When a couple separates, especially if it's early on in a relationship, I am often asked: Who keeps the engagement ring?

Generally speaking, all matrimonial property is included in the property pool and is available for distribution between the parties. An engagement ring is classed as matrimonial property and is included in the property pool.

A value will be assigned to the engagement ring. As with all assets in a matrimonial property pool, if the parties cannot agree on a value, then an independent expert valuer may need to be appointed.

If the parties cannot reach an agreement about who gets to keep the engagement ring, then several factors will be considered to determine what happens with it. For example - the sentimental value of the ring, the length of the relationship, the value of the ring, and the financial and non-financial contributions of each party during the relationship may be relevant.

Sometimes an engagement ring may have significant sentimental value and the parties may agree to exclude the ring from the property pool for this reason.

If parties cannot come to an agreement about how the engagement ring should be dealt with then The Family Law Act 1975 (Cth) provides that this is for the Court to decide. The Court's treatment of the engagement ring will differ on a case-by-case basis and each case may be different.

In the case of *Marsden & Baker* [2013] Fam CA 320, the engagement ring had been sold by the wife and the proceeds were used to pay various day-to-day expenses. The Court found that the proceeds of the sale of the engagement ring should form part of the property pool.

So what happens with the engagement ring?

There is no simple answer to this and each situation is dealt with separately.

If the ring cost a modest amount, it might be considered by the court to form part of that parties personal effects and it is excluded from the matrimonial property pool.

If the ring is of significant value, it is likely to be treated as matrimonial property that will be divided between the parties.

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Everyone's situation is unique. We always recommend that people see an experienced family lawyer to discuss your situation and obtain customised advice about how the law specifically applies to you.

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