

# 10 things to know if you are living together

## 1. Common law wife

There is no such concept as 'common law wife'; it has no legal recognition.

Many official bodies actually refer to people "living together as husband or wife" but it is important to remember that contrary to popular belief, the concept of a 'common law wife' carries no legal status.

## 2. Property

If you are purchasing or contributing to a property with your partner and you are not married, it is vital that you discuss with your conveyancing solicitor how you own the property. You should consider how the property is to be held i.e. as joint tenants or tenants in common and whether there needs to be a declaration of trust particularly if the property has been purchased in unequal shares.

## 3. Finances

If you are not married, there is no requirement for one partner to financially support the other. You may want to create a household budget, where you determine who pays for what. Alternatively, you can both draw up a cohabitation agreement, which can be used to set out how you will manage your day-to-day finances together, how much each person contributes to rent or mortgage and bills, and whether you will take out life insurance for each other. In the event that you separate, a financial agreement will need to be negotiated separately.

## 4. Debts

You will be jointly and severally liable for debts that are in your joint names. If you have a joint bank account and separate you should consider closing it to prevent your partner accessing joint funds.

## 5. Children

If a child is born to unmarried parents and the relationship breaks down, financial assistance for the resident parent (the parent that the child lives with) can be sought through the Child Maintenance Service and, if the non-resident parent's income is in excess of £156,000 (gross) also through a Court application.

To find out the non-resident parent's liability in terms of child maintenance, follow this link - <https://www.gov.uk/calculate-your-child-maintenance>

Child Maintenance:-

- a) Is based on the gross (before tax)
- b) Income of the parent the child does not live with;
- c) Is based on the number of children who need to be supported (both inside your own household and elsewhere);
- d) Will take into account whether the paying parent has any other children that they need to support;
- e) Will take into account how often the children stay with the paying parent overnight per annum.

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## 6. Parental responsibility

An unmarried father will need to acquire parental responsibility whilst the mother of the child automatically acquires it.

As a father you can acquire it in the following ways:-

- a) Being registered as the child's father on a register of births in the UK;
- b) Marrying the child's mother;
- c) Entering into a parental responsibility agreement;
- d) Obtaining a Court order giving parental responsibility;
- e) Being named in a child arrangements order;
- f) Being named in a child arrangement order as a person with whom the child is to spend time with or otherwise have contact and the Court decides that it would be appropriate to make a parental responsibility order in the father's favour;
- g) By becoming the child's guardian;
- h) By adopting the child.

## 7. Domestic Violence

If your partner's behaviour is violent and/or threatening, you may be able to apply to Court for a non-molestation and/or occupation order. This is a Court order preventing your partner from taking certain actions such as coming to your home, harassing or intimidating you. An occupation order may order your partner to leave the home.

## 8. Inheritance

If one party receives inheritance through the course of the relationship and it is spent on both of you jointly, you are unlikely to be able to claim it back after you have separated.

If you own substantial assets, you should consider your position in relation to inheritance tax and take independent financial advice.

## 9. Will

Due to the laws of intestacy, if you are an unmarried couple and wish to make sure your partner inherits, you should make a Will.

If you don't, your inheritance will pass on to your closest relative, or to your children when they are 18 and not your partner unless Court proceedings are involved. A will allows you to say whom your property will pass to and who will benefit after your death. It can also set out who should be the guardian of your children.

## 10. Separation

In contrast to married couples, no intervention from the Court is needed when unmarried couples separate. 47% of the public aged 18-34 think cohabiting couples have the same legal rights as married couples when in fact they do not. It is important to know that if an unmarried couple separates, the law provides little protection. If you are unsure about your position or need further advice you should contact a family solicitor.

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