



Action to take when a relationship ends

This factsheet is not a comprehensive guide to the law, nor a substitute for legal advice. You should get legal advice before entering into any agreements about the children, property or finances.

Things to do straight away

The following are matters that, if they apply to your situation, should be dealt with urgently. Depending on your situation, you may also need to get legal advice urgently about arrangements for your children, housing, finances or divorce.

If you are experiencing violence

If you or your children are at risk of harm by remaining in the family home and are in need of somewhere safe to stay, contact an organisation such as Refuge, see Further help and information on page 5. Also see Know your housing rights on page 4 for how you can apply for a court order to help you stay in your home and keep the violent person away.

If you have come from abroad

If your passport or Home Office document states that you have 'limited leave to remain in the UK' because you entered the UK as a spouse, fiancé, same-sex civil partner (from December 2005), or long-term cohabitee, you should seek specialist advice (see Further help and information on page 5) before notifying the Home Office or applying for any financial help or housing.

Protect your home

If you are married (or in a same-sex civil partnership from December 2005) but your name is not on the title deeds of the property, or unmarried but can show you have an interest in the property (for example, because you have made a financial contributions towards it), you need to take action to prevent your ex-partner from selling or mortgaging your home without your knowledge. You should register your matrimonial home rights (or rights of occupation if you are not married) on the title deeds of the property at the Land Registry. You can do this yourself (Citizens Advice can help you) but if you are unmarried you should seek advice from a solicitor. Also see Know your housing rights on page 4.

Claim benefits and tax credits for the family

Splitting up from your partner may mean you become entitled to new benefits or tax credits or are now entitled to a higher amount. If you're already receiving benefit, or if your ex-partner was claiming benefits for the family, you must inform the benefits and/or tax credits office of the change. You should do this straight away so that you don't get overpaid or lose money.

- Make sure you are receiving Child Benefit and Child Tax Credit for the children you have day-to-day care of. If you do not, this may affect whether you are entitled to other benefits and/or Working Tax Credit.
- If you do not work, or work less than 16 hours per week, and your ex-partner is not supporting you, contact your local Jobcentre Plus office (the number will be in your local phone book) about making a claim for Income Support. Note that a claim for Income Support is also treated as an application to the Child Support Agency unless you state you wish to 'opt-out' – contact our helpline (see page 4) for more information about this. Also contact your local authority about making a claim for Housing Benefit (for people who pay rent) and Council Tax Benefit.
- If you are working 16 or more hours a week contact the Inland Revenue about making a claim for Working Tax Credit. If your income is low, you may also be entitled to Housing Benefit and Council Tax Benefit from your local authority.
- If you have been left without money for essentials like food or fuel – apply for a Crisis Loan from the local Jobcentre Plus office. If you have been left without essential household items (for example, essential furniture, cooking utensils, bedding) and you receive Income Support or income-based Jobseeker's Allowance, apply for a Community Care Grant from the local Jobcentre Plus office.

Make arrangements for child maintenance

If it is not possible to come to an agreement with your ex-partner about maintenance for your child, you may wish to apply to the Child Support Agency (Call 08457 133 133 or visit www.csa.gov.uk) to assess and collect maintenance on your child's behalf. If you are married or a civil partner (from December 2005), your solicitor will advise you as to whether you should apply to court for a Maintenance Order for maintenance for yourself.

Apply for a Council Tax discount

If you are now the only adult living in the household you qualify for a 25 per cent Council Tax discount. Older children for whom you still receive Child Benefit and students are not counted as adults for Council Tax purposes. Contact your local authority.



Get advice about debts

If there are debts that were taken out by your ex-partner or jointly, you should get specialist advice first to check if you are liable for the debt and/or to prepare a proposal on how the debt can be repaid. See Further help and information on page 5.

Contact the bank about any joint bank accounts

You may need to act quickly to prevent your ex-partner from emptying a joint bank account. Contact the bank to cancel the mandate (the instruction to the bank) that was signed by both of you when the account was opened. The arrangement can then be changed so that cheques can only be drawn with both signatures or the account can be closed and a separate one opened. Also check if the account has an overdraft facility, you may be liable for repayment of the overdraft even if you did not spend the money.

If there is a dispute about the funds in the account, arrange for the account to be frozen and speak to your solicitor about negotiating on your behalf or, in a real emergency, applying to the court to make an order. You can freeze the account on your instruction alone, and it will only be unfrozen if both you and your ex-partner give written instructions or if a court order has been made. The bank itself may decide to freeze an account if they are notified of a dispute or even just that you are separating.

If you do not have your own bank account, you will need open one so that any benefits and tax credits you are entitled to can be paid into it.

Cancel joint credit cards

If you are the main card holder you should put a stop on the card and ask for a new card to be issued to you.

If you believe your ex-partner will dispose of joint assets

If you were married, you can apply to court for an order to prevent your ex-partner disposing of property or other assets. You will usually have to start divorce proceedings first and you will need to provide as much information as possible about the assets and prove to the court that disposal is likely to happen. You should instruct a solicitor to do this.

People you should tell when you split up

- Your mortgage lender or landlord (private, housing association or local authority). You should find out what your rights and options are first, see Further help and information on page 5 and Know your housing rights on page 4.
- Your local Jobcentre Plus and Inland Revenue offices, and the Housing and Council Tax Benefit department at the local authority, see Claim benefits and tax credits

for the family on page 1.

- The Council Tax section at your local authority, you may now qualify for a discount see Apply for a Council Tax discount on page 2.
- Banks and creditors, see above.
- Water, gas, electricity and telephone companies. You may need to change the name of the person responsible for future payments. Meter readings for gas and electricity should be taken. This may help you to negotiate with your ex-partner for payment. You should also ask the supplier for their code of practice on treating joint debt after a couple has separated. Some water companies in England and Wales may reduce part of their charge if there are fewer occupants in the household.
- Insurance companies.
- An employer if the person to be contacted in an emergency has changed.
- If relevant, an employer and/or trade union to change the name of a nominated beneficiary in the event of your death.
- Your children's school to help the teachers to understand any unusual behaviour triggered by the separation and so they can keep you informed if your child is upset or experiencing difficulties. The school will need to have details of both parents in case they need to contact one of you in an emergency, and so they can send school reports or other notices to you both. They should also know if there is a change to who collects the child from school. It will help if both of you make clear decisions about each of your involvement with the school.
- Your GP, dentist and any other health professional who deals with you or your children. You may also need to change the details of the person or people that should be contacted in emergencies.
- The Television Licensing Authority and the Driver Vehicle Licensing Authority. If you have a TV and/or a car, you will need to inform them of any changes to ownership or address.
- If necessary, the post office to re-direct your mail.

Making or altering a will when you split up

If you have not already made a Will, then you should do so now to ensure that any property you own is distributed in the way you want.

If you were married and have separated but not yet divorced, your assets will be dealt with by a complex set of rules called 'the Intestacy Rules', which set out how



your assets will be divided between your spouse and your children on your death. This also applies to same-sex Civil Partners from December 2005. Any Will made before your separation is still valid. On divorce or dissolution of a civil partnership, if you or your ex-spouse/civil partner has a will in which either of you may benefit or if either is appointed as the executor, these parts are no longer valid, although the rest of the will continues to be effective.

You may also need to appoint a guardian for your child in the event of your death. This is particularly important if you have sole Parental Responsibility for your child. For more information about this, ask for our booklet, *Children's Rights and Parents' Responsibilities*.

Know your housing rights

Your housing rights depend on what type of housing you live in and whether you are married, in a same-sex civil partnership (from December 2005) or cohabiting when the relationship breaks down.

If you are considering leaving the home

If you are considering leaving the home, you should first think about how you will meet your long-term housing needs and seek legal advice about claiming any financial interest you may have in the property.

If you want to leave home because of violence or the threat of violence see *If your partner refuses to leave the property* below.

Note: The Housing Department at the local authority may say that you have made yourself intentionally homeless and refuse to provide housing (this will not apply if you have left the home because of fear of violence).

If you and your ex-partner jointly own the home

You both have the right to stay in the home. You also have the right to return to the property. If you have been excluded from the home, you can ask a court to enforce this right, unless a court has made an order excluding you.

If your home is owned by your ex-partner

See *Protect your home* on page 1 for how to prevent the property being sold or mortgaged without your knowledge.

If you are married

You both have the right to stay in the marital home while you are still married even if you do not have an interest in the property. Rights of occupation also apply to same-sex couples registered as Civil Partners from December 2005.

If you are not married

If you have a beneficial interest in the property (for example, because you have made financial contributions towards it), you have the right to remain in or return to the

home. You can obtain a court order to enforce this right.

If you do not have an interest in the property, there is no automatic right to remain there and your ex-partner can give you reasonable notice to leave (28 days is considered by the courts to be reasonable). You may want to get legal advice to see whether a court order can be made allowing you to remain in the property for the benefit of the children.

If your home is rented in joint names

If you have a joint tenancy with your ex-partner you have a right to stay in the home and a court can enforce this right.

If your ex-partner gives notice to quit, this may end your tenancy also. If agreement is possible, you should arrange with the landlord for the tenancy to be transferred to your name only. While you are a joint tenant, if your ex-partner leaves and refuses to pay rent, you are liable to pay all the rent and any arrears that are owed.

A court can make an order to allocate the tenancy (whether the home is rented from a private landlord, housing association or the council) to one of the joint tenants. The order is likely to be in favour of the parent with care of the children.

If the tenancy is in your ex-partner's name

Whether you are married or cohabiting, you can apply to court for a tenancy to be transferred if it is for the benefit of the children. You will need legal advice to do this see *Further help and information* on page 5.

If you are married

You have the same rights as your ex-partner. The court may order the tenancy to be transferred to you on divorce. This also applies to same-sex couples registered as civil partners from December 2005.

If you are not married

You do not have an automatic right to stay in the home unless a court order is made. If you have to leave the property, you can apply for housing from your local authority as a homeless family.

If your partner refuses to leave the property

In many cases if you have the right to continue to live in the home, your ex-partner will also have the right to remain there, for example, because they are joint owners or tenants.

If your ex-partner has been violent or threatens violence you can apply to the court for an Occupation Order. This order can exclude them from living in the home. You can also apply for an order to regulate who uses which part of the home.





One parent families

FACTSHEET

Further help and information

One Parent Families

Helpline: 0800 018 5026

Website: www.oneparentfamilies.org.uk

Free information for lone parents on a range of issues including relationship breakdown, benefits and maintenance as well as helpful organisations and groups throughout the UK. The Lone Parent Helpdesk on the website provides more information about issues to do with splitting up.

Citizens Advice

Check the phone book for your local Citizens Advice Bureau or find details at:

www.adviceguide.org.uk

For general advice and factsheets: *Ending a relationship – unmarried couples who live together* and *Ending a marriage*.

Community Legal Service Direct (part of the Legal Services Commission)

Tel: 0845 345 4 345

Website: www.clsdirect.org.uk

Contact to find legal aid solicitors. Also have a 'legal aid calculator' on the website to work out if you qualify for publicly funded help with legal costs and produce information leaflets *Divorce and separation*, *Family Mediation* and *Living together and your rights if you separate*.

Joint Council for the Welfare of Immigrants

Tel: 020 7251 8708 advice line

Website: www.jcwi.org.uk

Provides independent confidential advice on immigration and nationality issues.

National Debtline

Te: 0808 808 4000

Website: www.nationaldebtline.co.uk

Call for free independent advice on how to deal with debt problems.

Refuge

Tel: 0808 2000 247 24hr National Domestic Violence Helpline (run in conjunction with Women's Aid Federation England)

Website: www.refuge.org.uk

Provides emergency accommodation, advice and support for women and children escaping domestic violence.

Refugee Council

Tel: 020 7346 6777

Website: www.refugeecouncil.org.uk

Provides information and advice to asylum seekers and refugees.

Resolution (new name for the Solicitors Family Law Association)

Helpline: 0845 7 58 5671

Website: www.resolution.org.uk

Association of solicitors specialising in family law who adopt a constructive, conciliatory approach to relationship break-ups. They provide a list of local solicitor members who specialise in family law and also produce free factsheets on divorce which you can download from the website, if you do not have access to the internet you can telephone them and ask them to print and post them to you.

Rights of Women

Tel: 020 7251 6577

Website: www.rightsofwomen.org.uk

Free, confidential legal advice by telephone for women on family law, divorce/relationship breakdown, children/contact issues and domestic violence. Also produce factsheets on Divorce and Ancillary relief.

Shelter

Tel: 0808 800 4444 24-hour national helpline

Website: www.shelter.org.uk

Provides information and advice about housing issues.

We would like to thank Helen Howard for her help in the checking of the content of this publication.

If you are a lone parent and would like to find out more about our other services or become a member of One Parent Families for free, call the **Lone Parent Helpline** on **0800 018 5026** for information, free publications and details of other helpful organisations throughout the UK.

For 24-hour access to a range of information visit our lone parent helpdesk at www.oneparentfamilies.org.uk/helpdesk

