



Guide to Living Together

Many couples now choose to live together rather than get married. Often partners in this situation are referred to as 'common-law' husbands or wives, but in fact there is no such legal status. When a couple who were living together (or co-habiting) decide to separate, there are some special issues to consider.

If you want help regarding the legal implications of living together, or separating after living together, please contact us. We will arrange to have a meeting during which we will take the details of your situation and give an indication of costs (including if you are eligible for financial assistance) for any action you decide upon.

Co-habiting

Can I make some arrangements to protect my interests before we start living together?

Nobody wants to think about the end of a relationship as you are about to start living together, but you could make some simple arrangements to protect your interests in the future. We will be able to advise you how to protect your interests before you either buy or rent a property together.

What are the differences between living together and being married?

The main difference between co-habiting and being married is that there is full legislation to deal with the separation or divorce of married couples, whereas there are no such law governing co-habiting.

Separating after co-habitation

What happens to the children if we are not married and decide to separate?

For unmarried parents the mother will automatically gain parental responsibility. The father will also automatically gain parental responsibility if he is named on the child's Birth Certificate and the child was born after December 2003. Otherwise the father will have to either enter into an agreement with the mother or apply to the Court to gain parental responsibility.

There are a number of instances where the agreement of all those with parental responsibility is required, for

example to change the name of a child or to take them out of the country.

What happens to our home if we separate after living together?

As there are no specific laws, proceedings are decided very much on the basis of what contribution each partner made whilst they were living together.

If the house is in the sole name of your partner this does not mean that you have no legal interest in the property if you have been contributing to the mortgage or to home improvements. If, for example, a property was jointly owned and each partner made an equal contribution to the upkeep of the property they are generally entitled to half of the equity in the property if they separate.

We can advise you of your rights if the house needs to be sold and whether you should move out your home.

What about other things like the furniture?

Again there are no specific laws and it will depend upon the individual circumstances, but we will be able to help advise you regarding ownership disputes over furniture, jewellery etc.

Paying for your case

Will I qualify for financial assistance (Public Funding)?

Publicly funded Legal Aid is available via our Stamford office.

Please note: As a result of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO), which came into force on 1st April 2013, Legal Aid is only available for family law cases involving domestic violence, forced marriage or child abduction. Legal Aid continues to be available for child protection matters (care proceedings).

We will be able to advise whether you are eligible for financial assistance and will complete the necessary forms for you.

We like to be as open and honest as possible about our charges. If you have any questions about this aspect please speak do not hesitate to contact us.



If I do not qualify for financial assistance, how much will I have to pay?

A large number of our clients do not qualify for financial assistance. In these cases, the costs of any actions we take will need to be met from your own income or reserves.

We work on a time-costing basis. In other words, you are only charged for the time we spend working on your case. This is a fair method of charging as it reflects the amount of work we undertake on your behalf. You will be told the hourly rate at which you will be charged at your first meeting.

If you are ineligible for financial assistance you should ask for an estimate of the likely costs. Solicitors are obliged to provide an estimate of their costs at the beginning of the case.

What is 'money on account'?

We will ask for money 'on account' which is an up-front payment that means that we can start working on your case. Once you have made the payment, the fees for any time we spend on your case will be taken from that amount.

When will I receive a bill?

We will send you monthly bills that state what the costs are for and provide you with a computerised breakdown of the bill. Your bills will show the amount you have given us as 'money on account', and if there is any outstanding balance to pay. Please pay any outstanding balance promptly, because if we do not receive payment we may not be able to continue working on your case.

How can I pay?

We try to make it as convenient as possible for you to pay. We take cash, cheques, and all major credit cards. Many clients set up a standing order for a certain amount each month so that they know they can budget for their charges.

What if I face financial difficulties because my circumstances change?

The first thing you must do is to let us know immediately if your financial circumstances change so that we can re-assess your situation. Usually we try to reach some financial arrangement to help you in this situation.



Why use Hegarty Solicitors?

For more than 35 years Hegarty Solicitors has provided high quality legal services to a wide range of businesses and individual clients. The firm has a strong regional presence as well as a growing national reputation in key areas of law.

The firm holds the Lexcel Practice Management Standard and ISO 9001:2008 - your independent verification that the firm is reputable and client focused.

Lawyers in our family law department are all professionally qualified and have a wealth of experience in this area of law.

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