

Relationship breakdown

These days, relationship breakdown is something that a large number of people have to cope with. And people working in the licensed trade have the added stresses of working long, antisocial hours often combined with business and financial worries. These pressures can make it even more difficult to devote time and energy to family life.

When you split up from your partner or family, things often just seem a mess. You can find yourself facing urgent practical problems when you don't feel in a state to cope with them.

The information in this factsheet will help you think about some of the main issues, and suggest ways of coping with immediate and longer term problems.

Each relationship breakdown will be different.

It will also be different if you are married or just living together; if you have children; or if you are a same-sex couple who have undertaken a civil partnership.

Whatever your situation, you need to think carefully before things go too far

Like many other people splitting up with a partner, you may find that you feel very angry, confused and mixed up. If you have children, they may feel like this too.

You may need a shoulder to cry on, or someone just prepared to listen. Look to good friends or family members who can help you at this time. Alternatively, you might consider looking for help from organisations – see the end for some you might contact.

Sometimes the chance for one or both of you to air your grievances to an impartial sympathetic listener may avoid a split altogether: once everything's out in the open, it may be possible to think again and start afresh.

In either of these cases, **relationship counselling** may help. Organisations such as **Relate** provide counselling services across the country (see contact details at the end).

Married couples

- If you want to **separate**, you can just do this, especially if you do not have children. You don't need to fill in any forms or ask anyone's permission, though you will probably need to tell some people like landlords, benefits and tax offices, banks,

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etc.

But it may be a good idea to have a formal **separation agreement**, to sort out things including who will stay in the home or pay rent or mortgage, and what will happen to any children. If you are parents, then **both** of you, even if you are not living together, have a legal responsibility for your children. You should put any agreement in writing, preferable after getting legal advice. A properly drawn up agreement can then be upheld by a court later if necessary. You may be able to get help with legal costs.

- If you want to get a **divorce**, then the courts will have to be involved. If both of you agree to the divorce, you may not need a solicitor. If you don't agree, then a solicitor is essential.

You can't apply for a divorce unless you have been married for at least a year. You will have to prove that the marriage has completely broken down, with no hope of patching things up again.

A court can agree to the divorce after one year if you can prove adultery or unreasonable behaviour.

If both of you agree, then you can be divorced after two years' separation, without proving any misconduct.

If you have been deserted for two out of the last two and a half years, and can prove this, you can apply for a divorce without the agreement of your partner.

If one of you is not in agreement to the divorce, and no grounds can be proven, then you will have to wait five years.

What happens in court

If you both agree to the divorce, the court will look at the papers and grant a **decree nisi**. You do not have to go to court for this. The whole thing may take up to six months if you don't have children and there is no money or property to sort out.

If you do have children, the process may take longer. The court may want to see you discuss any arrangements for them. The court must be informed of the child's views on their future but will not act solely on the basis of those views.

Six weeks after the decree nisi, the person who applied for the divorce can apply for a **decree absolute**. If the court agrees with the arrangements made for any children, the application will be granted. This will mean you are now divorced and free to remarry if you wish.

If both of you agree over the divorce, then you will not usually be able to get help with legal costs.

Unmarried couples

There are no legal hoops to jump through if you split up, but you may still need legal advice, especially if you have any children or property. In this case, a **separation agreement** might be a good idea, to sort out who will stay in the

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home or pay rent or mortgage, and what will happen to the children. You should put any agreement in writing, preferably after getting legal advice. A properly drawn up agreement can then be upheld by a court later if necessary. You may be able to get help with legal costs.

If you cannot agree on arrangements for the children, a court can be asked to intervene.

Parental responsibility is the term used for all the rights and responsibilities a parent has for a child, such as providing a home, food and clothing, looking after the child's health and well-being, and deciding what school the child should go to.

If you are an unmarried mother, you will have **sole responsibility** for a child, unless you have jointly registered the birth with the child's father, or you have both made a formal agreement giving him shared responsibility. Sometimes a court can do this.

If you are an unmarried father, you don't **automatically** get parental responsibility.

Both parents are responsible for paying for a child's upkeep, even if the father does not live with the mother, and has not got parental responsibility. If he does not offer to support the child, the Child Support Agency/ Child Maintenance Service can chase him for payments.

Same-sex couples who have undertaken a civil partnership

- If you want to **separate**, you can do this without any formalities, especially where there are no children or property involved. You may want to draw up a written separation agreement.
- If you want to **end your civil partnership**, you will have to ask a court to agree to a **dissolution**. You cannot do this for at least a year after the partnership was registered. You will need to prove in one of the following ways that the partnership has completely broken down:
 - the unreasonable behaviour of your civil partner
 - an agreed separation of two years
 - separation of five years, if you don't both agree
- If there are children involved, the court must be satisfied with any arrangements made for them.
- If both of you agree over the dissolution, then you are unlikely to get help with legal costs.

No matter what sort of relationship you have been in, many of the things you need to deal with will be the same.

Trying to reach an agreement

No matter how complicated the situation, or how bitter the break-up, in the end you will both have to come to some workable agreement, even if it is simply one imposed by the courts. It is usually better (and cheaper) for everyone concerned if you can avoid a long legal battle. One way you can do this is by going to a

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mediator.

Family mediation is **not** a counselling or advice service. It helps people involved in relationship breakdown to talk to each other and come to a workable agreement on important things like children, property and money. The mediator is an impartial third party who will see that you both get to put your views to each other in a constructive way. The mediator does not give advice or make any decisions.

It is an alternative to solicitors negotiating for you or having decisions made for you by the courts. But you will probably still need a solicitor.

Money

If you have a joint bank account, the money is owned jointly: it doesn't matter who put it into the account. In the same way, debts and overdrafts on a joint bank account are the responsibility of both or either partner, no matter whose fault they are. This is something you will need to sort out if you split up.

If you were not married or in a registered civil partnership, neither of you has to pay maintenance for the other when you split up. But if you were married or in a civil partnership, either of you can apply for maintenance from the other. This is the case whether or not you have any children.

At the end of a relationship, both parents are responsible for supporting their children financially. It doesn't matter whether or not you were married, or where the children will live.

Money matters can be sorted out by:

- coming to an agreement – it is sensible to put this in writing and to get proper financial advice;
- through the Child Support Agency and the Child Maintenance Service;
- through the courts.

Benefits and tax credits. If you depended on your partner for money to live on, you may be able to claim benefits in your own right, such as Jobseeker's Allowance, Universal Credit or Income Support. If you work part time you may be able to get Working Tax Credit.

Housing

It is likely that when you split up, at least one of you will need to find somewhere else to live. If you are homeless as a result of leaving your partner, you can ask your local authority for help.

Short-term. A court can give you the right to stay in the family home, to have access to it, or to keep out the other person.

Long-term. Where there is a divorce or the dissolution of a civil partnership, a court can make long-term arrangements about housing. This can include things like who lives in the home, and whether or when it should be sold.

Owner-occupiers. Sometimes, only one partner is the owner. If you are in this situation, and don't have your name on the deeds, you will need to safeguard your right to live in the property and to prevent it being sold without your knowledge.

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Even if you move out when the relationship ends, you may want to move back in again with the children. You can register your rights with the Land Registry.

Rented accommodation. If you have to rent a new home, you may be able to claim Housing Benefit and Council Tax Reduction.

Domestic violence

Unfortunately, domestic violence is very common. It can take the form of threats and harassment, violence or abuse (mental, physical, sexual, financial or emotional). You do not actually have to be living in the same house for abuse like this to count as domestic violence. It can happen between same-sex couples as well as between men and women.

If you are the victim of an abusive relationship, you may need immediate advice and help. You have to decide if you can:

- stop the abuse, and continue in the relationship;
- leave home temporarily;
- leave home permanently
- take legal action.

If you decide to leave, you will have to find somewhere to live, usually at very short notice. This is particularly difficult if you have children. You may be able to:

- stay with relatives or friends
- stay in a women's refuge
- get emergency accommodation, usually B&B, from the local authority as a homeless person

- get privately rented accommodation.
- You may be able to get a crisis loan from the Social Fund. This is provided to meet expenses in an emergency

Useful links

If you are experiencing any of the issues covered in this factsheet, in the first instance call our free helpline on **0808 801 0550**. Our Advisors will listen without judging and will work with you as best they can to achieve a positive outcome. If you prefer you can email: helpline@ltcharity.org.

Visit our website:

www.licensedtradecharity.org.uk; It's full of useful information about the kind of issues we know people who work in the licensed trade face.

Broken Rainbow

Confidential advice

for lesbians, gay men,

bisexual and transgender people experiencing any kind of domestic violence.

Helpline: **0300 999 5428 & 0800 999 5428**

Monday & Thursday 10-8; Tuesday & Thursday 10-5

Website: www.brokenrainbow.org.uk

Email address:

help@brokenrainbow.org.uk



Citizens Advice

They give free, practical, up-to-date advice. They don't judge or criticise anybody, and what you tell them is completely confidential.

You can find their address and phone number in your local phone book.



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Website: www.adviceguide.org.uk

You will almost certainly need a lot of advice and support.

Details of people who can help are listed at the end of this leaflet.

If you are worried about your own or some else's immediate safety, ring the Police on 999.

Child Maintenance Service

Provides information on child maintenance.

Tel: **0800 988 0988**

Monday-Friday 8-8; Saturday 9-4

www.childmaintenanceservice.direct.gov.uk

Welsh language: **0800 408 0308**



National Domestic Violence Helpline

A national 24-hour helpline which gives advice and support to anyone experiencing domestic violence. The helpline is provided jointly by Women's Aid and Refuge.

0808 200 0247

www.nationaldomesticviolencehelpline.org.uk

National Family Mediation Service



Helps people involved in family breakdown to communicate better with one another and reach their own decisions about all or some of the issues arising from separation or divorce –

children, property and finance.

This service is confidential. You have to pay for mediation.

Free helpline 03300 101 367

8.30am-8pm 7 days a week

www.nationalfamilymediationservice.co.uk