

# Relationship breakdown



## Practical steps when ending a relationship

Relationships suffer when people experience personality differences, lack of time spent together, infidelity, lack of positive interactions, low sexual satisfaction, and low overall relationship satisfaction. People working in the licensed trade have the added stresses of working long, antisocial hours often combined with business and financial worries.

### Relationship counselling

Relationship counselling can help with a whole range of issues. Whether you're trying to work through a difficult situation with your partner or want help maintaining a happy relationship, talking things over with a counsellor can make a real difference. This can also be useful for couples who decided to separate or divorce and would like to do it in a healthiest way possible.

Licensed Trade Charity partnered with Relate and funds relationship counselling\* This service is for everyone, regardless of whether they're married, single, living together or apart, straight or gay.

### Ending relationships

The end of a relationship is always a difficult time. Splitting up with your partner will have emotional, practical and financial impact on both of you and anyone else in your household, including children.

### Married couples

- If you decide to separate, you don't need to fill in any forms, though you will probably need to tell some people like landlords, benefits and tax offices, banks, etc

Having 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 can be helpful. A properly drawn up agreement can then be upheld by a court later if necessary

- If you want to get a divorce, the courts will have to be involved. You can get divorced in England or Wales if all of the following are true:
  - You've been married for over a year
  - Your relationship has permanently broken down
  - Your marriage is legally recognised in the UK (including same-sex marriage)
  - The UK is your permanent home, or the permanent home of your husband or wife

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.

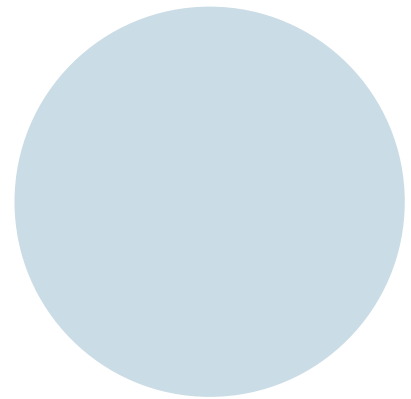
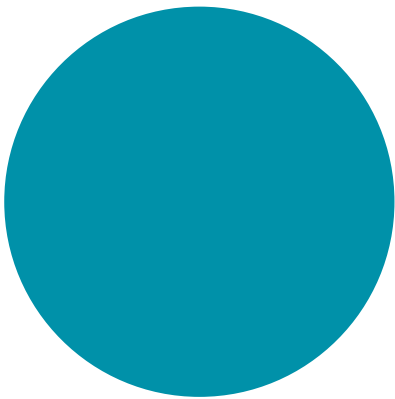
If one of you is not in agreement to the divorce, and no grounds can be proven, then you will have to wait five years.

## 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.

If you do have children, the process will 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.



## 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 is a good idea, to sort out who will stay in the home or pay rent or mortgage, and what will happen to the children. If you cannot agree on arrangements for the children, a court can be asked to intervene.

## Looking after children

Parental responsibility means 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 one of the parents does not live with the child and has not got parental responsibility. If they do not offer to support the child, the Child Maintenance Service can liaise between both parents.



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## Same-sex couples who have undertaken a civil partnership

- If you want to separate, you can do this without any formalities. 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

## Reaching an agreement

You will both have to come to some workable agreement. It is better (and cheaper) for everyone concerned to avoid a long legal battle. One way you can do this is by going to a mediator.

Family mediation helps people involved in relationship breakdown to talk to each other and come to an 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.

## 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 in both of your names and overdrafts on a joint bank account are the responsibility of both or either partner. 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 must 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 you have any children.

At the end of a relationship, both parents handle supporting their children financially. It doesn't matter whether 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 Maintenance Service
- Through the courts



## 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

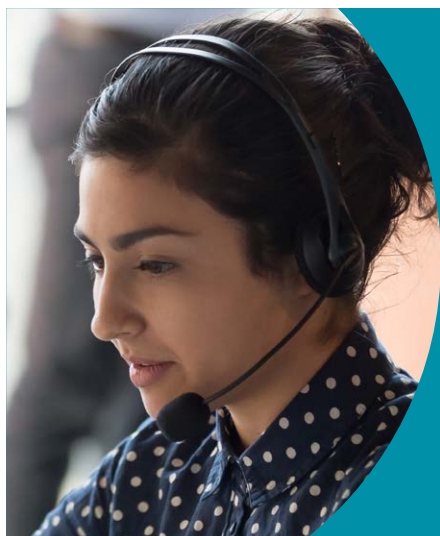
Where there is a divorce or the dissolution of a civil partnership, a court can make long-term arrangements about housing. This can include things like who lives in the home, and whether or when it should be sold.

### Home owners

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. 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 and are on a low income, you may be able to claim Universal Credit to help with living and housing costs.



The Licensed Trade Charity are available 24/7, if you'd like to talk about your situation, we can help you. Contact us for confidential, free of charge support. If you are experiencing any of the issues covered in this fact sheet, in the first instance call our helpline on:

**0808 801 0550**

Our Helpline Team will listen without judging and will work with you as best they can to achieve a positive outcome. If you prefer, you can email: [enquiries@ltcharity.org.uk](mailto:enquiries@ltcharity.org.uk) or visit our website at [www.licensedtradecharity.org.uk](http://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.



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