How can Thomas Dunton help?

From cohabitation agreements and deeds of trust, to child contact and financial provision, our team of accredited, highly trained and personable family law solicitors are fully accustomed to dealing with the complexities of cohabitation and the legal issues that can arise in these situations. Should you need to make and/or update a will, we also have a team that can help you plan for your future and, above all, protect your legacy.

Our team of family law solicitors are available in person or via telephone and video call. Simply call us on 01689 822554 or email us at family@thomasdunton.co.uk to arrange an appointment to discuss your legal matter.

What else can Thomas Dunton help you with?

Our solicitors are here to talk to you about even the most complex legal matters, to listen to your needs and offer practical solutions.

- Buying & Selling a Property
- Dispute Resolution
- Personal Injury
- Family & Children
- Employment Law
- Mediation
- Powers of Attorney
- Probate
- Contested Probate
- Wills
- Business Law

With a wealth of expertise and experience within the firm, we only ever have our clients' best interests at heart and dedicate the time to listen and understand, to help make the best decisions for you and your loved ones. Don't just take our word for it, here is a summary of just some of the things our clients have said about us...

"Went above and beyond to provide an excellent service to my family at an extremely traumatic and difficult time."

"Kind, patient, helpful and, at all times, very professional."

This guide is not a full statement of the law. Individual advice should be taken before taking any action. The information in this leaflet is of a general nature and may not reflect your individual circumstances. Please also note that details may change.

THOMAS DUNTON SOLICITORS

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THOMAS DUNTON SOLICITORS

Your guide to

The Rights of Unmarried Couples

Unravelling the myths of cohabitation

An increasing number of couples are now choosing to live together without marrying. Contrary to popular belief, legally there is no such thing as 'common law marriage' and there never has been.

Here we explore the myths of common law marriage and outline how couples already cohabiting or planning to cohabit can help safeguard their position.

With the absence of common law marriage, do I have fewer rights if I choose not to marry legally?

Yes. It often comes as a shock to many cohabiting couples who, on separating, find out how little they are protected by law. Cohabiting couples do not enjoy the same rights as their married counterparts, or those who have entered into a civil partnership, irrespective of the length of time they have lived together. This can cause difficulties both on separation and on the death of one cohabitee. In the absence of any legislation to protect unmarried couples, it is important to protect yourselves should things ever go wrong.

So, what happens if it does all go wrong?

Unmarried couples living together are currently treated in law as two separate individuals. You have no automatic rights against your partner if you separate and are therefore not entitled to anything you do not jointly own. It can get quite



complicated (and costly) in proving ownership of any assets, so we always recommend you seek legal advice. Married couples, however, have rights to a fair division of assets whether these are owned jointly or solely. Upon divorce, married couples can also be awarded spousal maintenance from one to the other, can share pensions and can transfer property from one spouse to the other irrespective of ownership.

What about if I have children and I am not married?

Maintenance for children can be claimed by the parent they live with whether or not they are married to each other. If this cannot be agreed between the parties, an application can be made to the Child Maintenance Service (previously the Child Support Agency, or CSA).

Don't leave legal issues too late: seek advice at the earliest stage.

What is a "cohabitation agreement"?

This is how cohabitees set out how they wish their assets to be divided if they do separate in the future, or if one partner dies or becomes seriously ill. It can also provide useful guidance for arrangements regarding personal property, liability for debt, credit agreements, ownership/provision of cars, gifts, living expenses, provision of life insurance for each other and nominating beneficiaries under a pension to name a few examples.

When should I seek legal advice?

The law relating to cohabiting couples is complex. In order to avoid difficulties down the line, it is important to seek legal guidance at the outset of a relationship. Likewise, it is important when entering into any agreement that you and your partner do so freely and voluntarily and that full disclosure has been made of all relevant financial and other circumstances. Independent legal advice will achieve this.

How important is making a will?

It is extremely important that cohabiting couples make a will because cohabitees are not included in the category of those who can benefit under Intestacy Rules. So, if you or your partner dies without leaving a will, the other will not benefit from the deceased's estate.

For more information, please contact our Family Department on **01689 822554**, email **family@thomasdunton.co.uk** or visit **www.thomasdunton.co.uk**