

## Breaking Up checklist

### A year ago Katie made some costly mistakes...

“I had been living with Paul for nine years when things started to go wrong. I thought it was just that we had both been working really hard, and I kept badgering him to take some holiday. Then he told me he wasn't going to come on holiday with me, he was leaving me. He had been having an affair with his boss for a few months and was in love with her. She was married, and she was leaving her husband to be with him. I was gobsmacked! I hadn't had a clue.

I went to my mum's house that night and I'm still living there. A week after I'd moved out I went back and Paul helped me pack up my clothes, the laptop I used for work, and a few odds and ends.

Obviously I was very hurt and angry but I really wanted everything to be as amicable as possible. We met one evening to discuss what we should do. I wanted to sell the house but Paul didn't. So we agreed he'd buy me out, at a reduced rate because he couldn't afford any more. We divided the debts between us. We were working out what to do about the furniture and appliances when his girlfriend turned up – I just left.

We never did divide the furniture and Paul got to keep everything. Somehow he even kept the car I had bought. I tried to speak to him a few times but eventually I gave up. I wanted to move on. I don't think he was trying to be difficult; he was just never very organised.

One year later I found out that he didn't quite live up to his end of the bargain where the debts were concerned. The bank took us to court because he stopped making payments. We now had a Community Court Judgement against both of us, and the first I knew of it was when I failed a credit check for a mobile phone.

When we split up I didn't know how to begin sorting things out, and I didn't want to argue with him. I didn't want to see him at all if I could avoid it. But that decision cost me a lot in the long run. ”

### Breaking up is hard to do...

**Breaking up is always painful, and many people just want to get away from the whole sorry affair as quickly as possible, even if it means leaving loose ends untied. But this isn't a great solution. Loose ends have a way of tripping you up when you least expect it, and realising several years too late that you made a costly mistake can make you feel angry and resentful.**

**Here's our checklist of what you need to think about, when you need to get advice, and what you need to do to have a fresh start.**



### Checklist



- The home
- Inform relevant bodies
- Benefits
- Debts
- Joint accounts
- Children
- Wills
- Private pension
- Life insurance
- Financial settlement
- Inform everyone

## The home

Whether you own your home or have been renting, the decision about what to do with it now you're splitting up is always a difficult one, as if agreeing on anything whilst splitting up is easy!

You need to think about:

- Who is going to stay and who is going to go, at least in the short term?
- Can you end your tenancy now or are you locked into it for a few more months?
- What would happen to your tenancy if only one of you stayed? Do you have a right to stay in the property if it's only you living there? Can either of you stay?
- 'What will you do about paying the rent or mortgage?'
- How will you manage if you find a new place to live?
- Will you sell your house? How will you divide the sale price? What will you each do to ensure a quick sale?
- What will you do about all your stuff – stuff that you may have bought together?

See the LivingTogether housing guide for the lowdown on your rights whether you own or rent your home. You may also need to get legal advice to make sure you understand your position.

You then need to come to an agreement about what you will do. Remember, you can have a two-stage plan for dealing with your housing situation in the short and longer term.

If you're having trouble coming to an agreement you may want to consider using a mediation service to help you. You should only consider going to court as a last resort because it is a long, expensive and stressful process.



## If one of you is staying in the property:

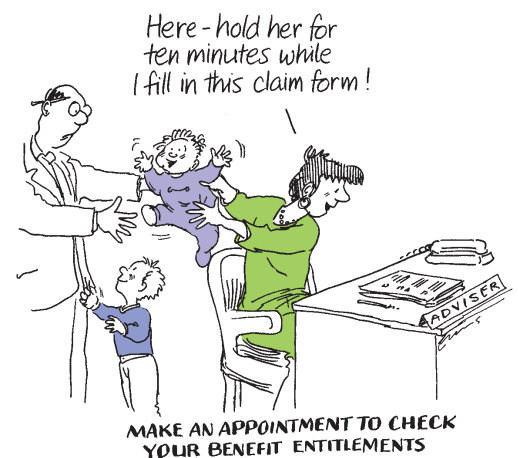
- Make sure that the utility bills and council tax are put in to that name. If you don't the other partner could be pursued for payment.
- If you are now the only adult in your household be sure to tell the Council Tax Department at your local authority. If you fill in the relevant form you will be entitled to a 25% discount on your council tax.
- Inform your landlord or mortgage lender that your partner has now left.
- Inform your home insurers that your partner has left.

## Benefits

If you are receiving any benefit you need to inform the agency that deals with that benefit that you are no longer living as part of a couple – this may be your local benefits agency, the Inland Revenue, and your local authority (for housing and council tax benefit). If you have moved you also need to ensure they all have your new contact details.

If you have not been receiving benefits but are now on a low income, you might be entitled to further help, particularly if

you have children. Make an appointment at your local Citizen's Advice Bureau or advice agency and the adviser will check that you're getting everything you're entitled to. Alternatively look at the DWP website and remember to check the Inland Revenue tax credit website to see if you qualify for tax credits. See the 'Further help' section.



## Debts

If you have joint debts, or debts were built up jointly, you need to decide how you will deal with them.

Legally, if the debt is in your name, you and you alone are responsible for paying it off; it doesn't matter who spent the money in the first place. If you are leaving your partner with debts you helped to build up it is probably only fair that you agree to make a voluntary

contribution towards them. However, if you don't want to, nobody can force you.

If you have debts in both names that one of you has agreed to pay off, you should inform the credit company of your agreement, and give them new contact details for both of you. Your private agreement does not change the fact that you are both liable for the debt, but if they understand the arrangement they should let you know if the payments are not being made. This is important because if for any reason your ex doesn't make the payments, the company will take debt recovery proceedings against both of you. They don't have to serve you with notice of the proceedings in person, so you could wake up one day to discover that a county court judgement has been made against you, without you knowing anything about it.

If you're having problems with your debts make an appointment with your local advice agency or Citizen's Advice Bureau. Take the details of all your debts, and talk it through with them. They can negotiate with the companies on your behalf and may be able to reduce the amounts you have to pay each month.

## Joint accounts

If you have a bank account in joint names you will need to take action, otherwise you might find that your partner takes all the money out of the account. Normally you only need one signature to withdraw money. You can change this so that both of you have to sign. This stops your partner being able to take money out without you knowing, but it also means you can't have access to the money without their say-so.

If you have decided it would be easier for one of you to keep the account, make sure you let your bank know the situation and change the account into one name only. This provides security for both of you.

If you keep the account, change it so that it is in your name only. Then you can sleep safe in the knowledge that your ex cannot get their hands on your hard-earned money.

If you are having your name taken off the account, you have the

security of knowing that you will not be held responsible if your ex runs up a massive overdraft.

Having said that, removing a name from a joint account isn't always as easy as it sounds. Some banks will only take the instruction from the 'main account holder', which is simply the person whose name was put first on the form that opened the account. To save any hassle, write a quick note to the bank manager straight away whilst you are sorting out your split, explaining what you want them to do, and then **both** sign it.

*I'm sorry, Mr Bates - she's already switched the account to the Cayman Islands in her name!*



**TAKE SWIFT ACTION ON JOINT BANK ACCOUNTS ...**

## Naomi's story

When I split up with Mark, my partner of 22 years, we agreed that he would keep the money left in our joint bank account. It seemed easiest to just have my name removed from the account. So I handed my cut-up debit card and cheque book into the bank with a letter asking to have my name taken off the account. However, they were unable to change the account until they received confirmation from Mark because his was the first name on the account. But for some reason Mark didn't give his agreement. I don't think he was being malicious – he just didn't want to let go. Despite me asking on many occasions, it took 8 months for the bank to take my name off the account, and in all that time the account went in and out of the red: debts which I could have been held responsible for! In the end it was only solved because I went into the bank one day and made a real fuss – I demanded that they if they refused to take me off the account they should give me a new debit card and cheque book! If I could be held responsible for the debts I should at least be able to spend the money myself!

I think one of the most annoying points is that when we opened the account nobody mentioned the disadvantages of being the 'second' name on the account. They didn't even let us choose who would be the first person named on the account. They just automatically put the man's name down first. (Funnily enough this seems to have happened to all my friends as well!)

## If you have children

When it comes to sorting out where the children should live, and how you will ensure they maintain a close relationship with both of you, you are in the same legal position as married couples. It is always difficult but you have to try to ensure the break up affects your children as little as possible. You should try to come to an agreement yourselves, before involving the courts – consider using a mediation service if it's proving difficult.

You may find the 'Parenting Plans' booklet very useful – it is designed

to help you make arrangements for your children, and to help you to discuss the issues with them – see the 'Further help' section.

You are both financially responsible for your own children. If your children don't live with you, you should pay child support. You do not have to pay child support for your partner's children unless you have adopted them.

There is a new website and helpline: Child Maintenance Options **0800 0834 375** that you can go to for advice on maintenance for your children.

They will advise you on your choices and help you sort out an agreement if possible. If you can't agree then they will tell you about how to use the Child Support Agency.

Whether or not you are moving, it is a good idea to tell your children's teachers the new situation. They need to understand what is happening as the situation at home may make a difference to your child's behaviour in the short-term. See the children section at **[www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)** for more information.

## Wills

If you have a will which leaves all your worldly possessions to your ex-partner and you no longer want this to happen, remember to destroy your will, even if you are not yet ready to make a new one. If a solicitor drew the will up for you, inform him or her, so that they know that the will has been revoked.

## Private Pension and Life Insurance

If you have nominated your partner to receive death benefits

from your pension, or the pay out from a life insurance policy, you may wish to review the situation. Call the companies concerned and discuss the situation.

## Financial settlement

When couples that were living together break up neither partner is entitled to any maintenance from the other, and the court can't order a transfer of savings or property that were owned by one of you to the other (if the other one did not contribute towards it and

it was never treated as joint property).

However, if you both thought that such a transfer would be fair, you could make a voluntary agreement. If you owned property in joint names it may not always be clear what your shares are. Sometimes you can work it out fairly, but it isn't always easy to reach an agreement.

When you come to any sort of agreement between yourselves it is useful to write it down, including specifics like the amount and dates of any agreed payments, in case there is any dispute later on. If you have agreed to transfer property from one person to another you should consult a solicitor.

If you are unable to come to an agreement about financial issues you could take the matter to court, but this is likely to be a very drawn out and expensive business. You should only consider this as a last resort. You may want to consider using a mediation service to help you arrive at a fair settlement instead.



**DESTROY YOUR WILL IF YOU NO LONGER WANT IT TO BE VALID. (TELL YOUR SOLICITOR.)**

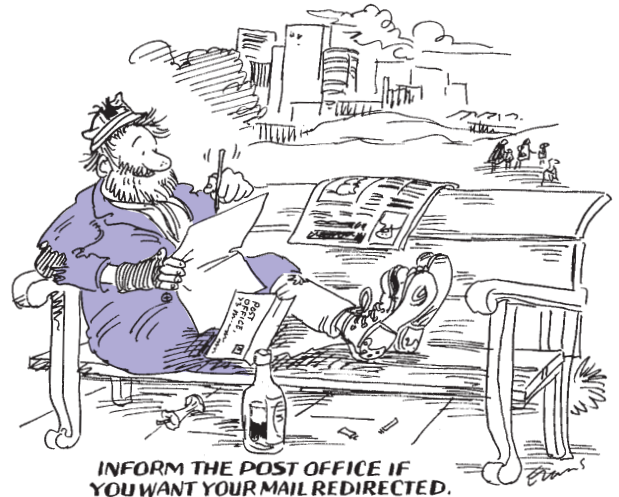
## Family Mediation

Family mediation is a way of helping couples who are splitting up come to agreements about how they do it, how they'll deal with the home and property, and coming to arrangements about the children. You can use a family mediation service as soon as you have made the decision to end your relationship, or at a later date if there are still outstanding problems.

Couples referred to mediation by a solicitor may be eligible for legal aid to cover the costs. For more details see Advicenow's family mediation section: [www.advicenow.org.uk/family-mediation](http://www.advicenow.org.uk/family-mediation).

## If you move out, you need to inform:

- The bank and all credit companies or anyone you have a hire purchase agreement with
- Your doctor, dentist, and any other health workers
- Your child's school
- The water, gas, electricity and telephone companies
- The post office – if you need your mail to be redirected
- The company you have your buildings and/or contents insurance with



## Further help

### For information about benefits:

[www.dwp.gov.uk](http://www.dwp.gov.uk)

### For information about tax credits and to see whether you qualify:

<http://taxcredits.hmrc.gov.uk/HomeNew.aspx>

### If you have children:

#### Parenting Plans

[www.cafcass.gov.uk/publications/leaflets\\_for\\_adults.aspx](http://www.cafcass.gov.uk/publications/leaflets_for_adults.aspx)

### Advice on child maintenance:

[www.cmoptions.org](http://www.cmoptions.org)  
Helpline: 0800 0834 375  
(8am to 8pm Monday to Friday, and 9am to 4pm Saturday)

### How to find your nearest advice agency or CAB:

#### Community Legal Advice

[www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)  
Helpline: 0845 345 4345  
(9am to 8pm Monday to Friday, 9am to 12:30pm Saturday)

### For more information if neither of you can move out straight away:

#### Resolution's Living Apart Together tips

[www.resolution.org.uk/site\\_content\\_files/files/living\\_apart\\_together\\_hints\\_and\\_tips.pdf](http://www.resolution.org.uk/site_content_files/files/living_apart_together_hints_and_tips.pdf)

### For information about family mediation and to find a mediator:

#### Advicenow

Advicenow's Family Mediation section explains how mediation works, who can get it for free, and gives you the opportunity to 'listen in' on what a family mediation session is like with our sound files. [www.advicenow.org.uk/family-mediation](http://www.advicenow.org.uk/family-mediation)

#### Family Mediation Helpline

The family helpline can help you decide if family mediation is right for you and help you find a good family mediator in your area. Telephone: 0845 60 26 627 [www.familymediationhelpline.co.uk](http://www.familymediationhelpline.co.uk)

#### Legal Services Commission

[www.legalservices.gov.uk/civil/family/mediation.asp](http://www.legalservices.gov.uk/civil/family/mediation.asp)

#### UK College of Family Mediators

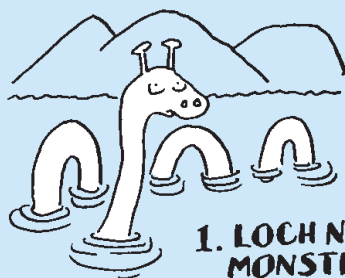
[www.ukcfm.co.uk](http://www.ukcfm.co.uk)  
Telephone: 01179 047 223  
Email: [ukcfm@btclick.com](mailto:ukcfm@btclick.com)

### To find an experienced family solicitor:

#### Resolution

All good family solicitors will be members of Resolution. Resolution members encourage solutions that consider the needs of the whole family – and in particular the best interests of the children. [www.resolution.org.uk](http://www.resolution.org.uk)  
Telephone: 01689 820 272  
Email: [info@resolution.org.uk](mailto:info@resolution.org.uk)

## THREE THINGS THAT DON'T EXIST.



1. LOCH NESS  
MONSTER



2. CATS' NINE  
LIVES



3. COMMON LAW  
MARRIAGE

This leaflet is one of a series produced by [advicenow.org.uk](http://advicenow.org.uk)'s LivingTogether campaign.

The LivingTogether campaign aims to increase awareness and understanding of the legal issues around living together. We explain exactly what rights couples living together *really* have, and show you practical ways you can protect yourself and your partner.

We provide information and practical material to help you ensure your partner will inherit from you if you die; understand your housing rights and show you how to protect them with a living together agreement, explaining financial implications and what you can do to minimise them, and how to ensure your partner is treated as your next of kin in an emergency.

**For more information about your rights when you are living with your partner see [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)**

**advice  
services  
alliance**

ONE  
PLUS  
ONE

The LivingTogether campaign is led by Advice Services Alliance in partnership with One Plus One ([www.oneplusone.org.uk](http://www.oneplusone.org.uk)) and is funded by the Ministry of Justice.

Advice Services Alliance (ASA) is the co-ordinating body for UK advice services. ASA members include AdviceUK, Age UK, Citizens Advice, DIAL UK, Law Centres Federation, Shelter and Youth Access. ASA works with its membership and government to develop policy on delivery of legal and advice services; champions the development of high quality information, advice and legal services; and provides supporting services to advice networks.

**The LivingTogether Campaign applies to England and Wales only. The law in Scotland and Northern Ireland is significantly different.**

**The law is complicated and every case is different.**

**If in doubt, get advice.**

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