

Many people mistakenly believe that if couples live together for long enough, or after having children, they become 'common law spouses' and automatically develop legal responsibility to support each other financially. This is a widespread misconception. If they split up, the courts cannot divide finances or property between the two, just because it might be fair.

Parents do have financial obligations towards any children they may have, but there are no equivalent responsibilities for a partner. Partners are not entitled to financial support even if one partner – often the mother – has given up or reduced work to raise children. This means that person could be left with no financial security, without a home and with no access to pensions or savings.

Living together (or cohabiting) is becoming more common. There are 3.3m cohabiting couples in the UK - one family in five. It is the fastest growing family type. There are many reasons couples may choose not to marry, however most don't realise that they are leaving themselves in a precarious situation.

We're campaigning to reform the law, but, in the meantime, it's important to raise awareness so these families are able to protect themselves.

### WHAT IS THE PROBLEM?

**Finances and property:** It is not always clear who owns what when a relationship ends. Whereas married couples who divorce can have their property legally divided, unmarried couples without proof of ownership do not have the same rights. For example, Fred is named on the deeds to the house and Vera is not, but she has contributed by paying food and utility bills for years. If they split up Vera has no legal protection.

**No automatic rights of inheritance:** Unless specifically named in a will, or if a valid will has not been created, a cohabiting partner is not entitled to share in or make claims on their deceased partner's estate.

### WHAT PROTECTION IS AVAILABLE?

The law doesn't provide basic protection, so couples in this situation must take action to protect themselves and their family. There are a number of ways to do this:

- A **cohabitation agreement** will set out both partners' intentions around property, finances and how they would support their children if they separate.
- If acquiring property jointly, ensure both names are on the deeds to the house, and enter into a **declaration of trust** if parties intend to own in unequal shares.
- Taking out **life insurance** and creating a **will** are also recommended.

These are standard ways to document a couple's intentions, but everyone is different, so couples should seek professional advice.