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## Disputes after 'living together' has ended

Many people still believe that 'common law marriage' exists and that as a result, living with someone for a certain period of time means you are automatically entitled to some support or to share their property after you split up. Sadly, this is not the case.

### Maintenance

When you separate from a partner to whom you have not been married, or with whom you did not register a civil partnership, there is no legal scope for one person to pay maintenance to the other to help them adjust to their changed circumstances. If you have children together, however, they must be provided for: see the section on 'children' below.

### Property

If the two of you have bought anything jointly, you will own it together in the proportions in which you paid for it. If you bought a house together, you will have chosen either to be 'joint tenants' or 'tenants-in-common'.

- If you bought as joint tenants, each of you will be entitled to half of the value of the equity in the property.
- If you bought as tenants-in-common, you will have been asked at the time to specify in what proportions you would own the property, and your entitlement will reflect those proportions.

It is possible to claim that these arrangements did not reflect what was agreed or intended between you if you have very strong evidence to support your claim. In a recent case, the Supreme Court decided that where it is clear that both parties intended their legal shares in a property to be different from those shown in documents but there was no agreement on the detail of the shares, the court can impose a solution that it considers fair.

Items bought by either one of you will usually remain your own property. This includes the home in which you were living together, although it is possible to make a court claim for part of the value of the property or its sale proceeds in certain circumstances. These are:

- If you have made a direct contribution to the purchase price, either to the deposit or initial payment, or to the mortgage repayments; or
- If there was a 'common intention' that you were entitled to share in the property and you relied on that to your financial disadvantage.

Claims on other people's property require a substantial amount of evidence for the court to find in your favour. Applications are made under the general law of trusts as there is no specific provision for cohabitation claims in English law at present.

### Children (financial arrangements)

The law expects parents who do not live with their children to maintain them financially. It is sensible to look to make an agreement about regular child support, or an application can be made to the Child Maintenance Service.

In certain circumstances, it is possible to apply to the court for housing provision, a lump sum payment and other regular payments for a child to be made to the parent with whom the child usually lives, by the child's other parent.

The law affecting cohabiting couples was recently reviewed by the government following a Law Commission Consultation Paper in 2007, which recommended that there should be scope to make claims for maintenance in some circumstances, and for the limited adjustment of property rights. The government has now declared it will not implement any reforms in the near future.