

Living together? This may affect you.

by Karen Lloyd, **FitzPatricks solicitors**

The Office for National Statistics tells us that cohabitation has increased over the past three decades as marriages decline. Consequently, there has been a rise in the proportion of births occurring outside marriage.

Despite there being over two million heterosexual couples living together in England and Wales, they have significant fewer rights and responsibilities than those who are married. Many couples are unaware of their position and, consequently, take no steps to protect themselves. There is no such thing as common law husband and wife in England and Wales. Many couples believe that they are entitled to something when the relationship ends. If the house in which you share with your partner is in their sole name, then in the absence of a formal agreement, you will have

to prove that you should be entitled to some of the property's equity. You will need evidence that you contributed to buying the property with a deposit or by making mortgage payments and, therefore, there was an understanding between you both that you would be entitled to a share in the property and that you had always acted on that understanding.

The law relating to children also differs if you are a married or an unmarried father. Parents who are married have equal responsibilities towards their children. Until a few years ago, unmarried fathers did not have

the same automatic rights as those of married fathers. The law has moved on in this regard and nowadays unmarried fathers have the same rights as married fathers – if present at the registration of the birth and their name is on the child's birth certificate. They then have what is referred to as 'parental responsibility' for that child.

If the child's birth was registered before December 2003, however, an unmarried father must acquire parental responsibility by either entering into an agreement with the child's mother or by obtaining a Court Order.

So, if you are one of those

two million couples who cohabit and own a house and have children, how can you safeguard your position? Couples can enter into a cohabitation agreement with each other. Family lawyers will also recommend that parties have a Trust Deed drawn up reflecting their property rights and family lawyers will also advise them to make Wills.

If any of the above issues affect you then it is important that you contact a solicitor who specialises in family matters.

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