

Over the past 20 years, the fastest growing family type has been unmarried couples living together (cohabiting), more than doubling from 1.5 million to 3.3 million families. There are many reasons couples might choose to skip getting married, however merely living together for any amount of time does not provide any legal protection regarding finances or property should the relationship break down.

The situation becomes more complicated if children are involved – and the majority of cohabitants do not know what type of financial support for children they would be entitled to if they separated.

As the law doesn't provide basic protection, it's important to educate these couples so they can protect themselves accordingly.

WHAT IS THE PROBLEM?

Many unmarried couples believe that they automatically have the same rights as married couples after having children or living together for a set period of time. Not only is this untrue, but often partners don't realise until it's too late that they have virtually **no legal protection** regarding property not registered jointly. They also have no recourse to 'spousal' maintenance, even if they have children.

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, if one person is named on the deeds to the house and the other had contributed by paying food and utility bills for years, the latter would have 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 CAN YOU DO?

If you are working with an unmarried couple, encourage them to protect themselves. There are different options and they should **seek professional advice**.

They should consider the following:

- A **cohabitation agreement** will set out both partners' intentions around property, finances and how they would support their children if they split.
- 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.
- They should also consider taking out **life insurance** and creating **a will**.

Awareness is key and by taking precautions early on a couple can avoid arguments and potentially costly court battles further down the line.