

## Latest news from SFLA

Submitted by: Partners PR

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### COUPLES DON'T KNOW THE HALF OF IT WHEN SPLITTING UP

Common law marriage still tops the list of myths which family lawyers have to correct when meeting clients for the first time, a vox pop survey of solicitors has confirmed.

The Solicitors Family Law Association (SFLA), which has over 5000 members, asked a sample of solicitors across the country to list the most common myths and misunderstandings presented to them by new clients.

Couples often believe that once they have lived together for six months, they have the same rights as married couples if they split up. Some claim to get their knowledge of the law from watching Eastenders and Coronation Street.

An SFLA spokesperson says: "Unmarried couples who believe that just because they live together they have rights if they split up, could find themselves in serious difficulty. Too often, unmarried couples believe that they have an automatic right to half of all the family property when the reality is that they may actually have no rights at all."

The SFLA is campaigning for the introduction of a new law to protect cohabiting couples who are left vulnerable following the breakdown of a relationship. Currently the law only offers protection and a right to share the family property to those who are married.

Married couples too have many misconceptions about how the legal system works in divorce. Other frequently believed myths over children and money include:

- I'll get half of everything if we divorce
  
- It's all in my name so she gets nothing - for unmarried couples this may be true, but for married couples it is unlikely to be the case
  
- If we're separated for 5 years, we're automatically divorced
  
- We can divorce on the grounds of irreconcilable differences
  
- I'm allowed to change the locks because he walked out
  
- She won't let me see the kids so I don't have to pay maintenance

For unmarried couples, the whole area of property law is riddled with misunderstandings. Live-together couples who split often believe in the following myths:

- After living together two years it's the same as being married

- I've paid for all the groceries over the years, so I'm entitled to half the house
- We've got children so if he dies I get his pension
- He's on our son's birth certificate so I am his common law wife

According to the SFLA, misunderstandings span the whole age and social range. There is clearly confusion out there. One solicitor even reported that a client had feared being sued by his partner's father for "the use and enjoyment of his daughter's body and mind" whilst they were a couple.

People are often genuinely surprised when they learn the true nature of their status on separation or divorce. As a vital first step, cohabiting couples should at least ensure that they have in place a legal agreement on the ownership of the family home in the event that the relationship ends.

A website [www.sfla.org.uk](http://www.sfla.org.uk) gives helpful advice on issues like divorce family breakdown and cohabitation.

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Notes to editors

The SFLA is an association of over 5000 solicitors started in 1982 whose members believe that aggressive lawyers and reliance on the court process can add to distress and anger on the breakdown of a family relationship. SFLA members abide by the Code of Practice designed to promote a conciliatory atmosphere in which matters are dealt with in a sensitive, constructive and cost-effective way.