

Relationship Breakdown



This leaflet explains:

If your relationship has broken down you may have a number of worries. This leaflet provides advice about housing and suggests where you may be able to get some practical advice or support.

- Rights to your current home
- Responsibility for children
- Helping you to stay in your home
- Advice for owner occupiers
- Advice for tenants
- Dealing with financial problems
- Experiencing violence
- Rent and mortgage arrears
- Where to go for housing advice

Relationship Breakdown



We subscribe to Language line, a telephone interpretation service to help us in communicating with customers who do not speak English as a first language. If you require further assistance, or information in another language, please contact us.

نحن مشتركون مع لانغويج لاين (Language line)، وهي خدمة الترجمة الفورية عبر الهاتف لمساعدتنا على التحدث مع الزبائن الذين لا يتكلمون اللغة الانجليزية كلغة أولى. يرجى الاتصال بنا إذا اردت المزيد من المساعدة أو المعلومات بلغة أخرى.

Arabic

我们使用语言线 (Language line) 公司的电话翻译服务，帮助我们与英语不是母语的顾客沟通。如果你需要更多协助，或需要此信息的另一种语言版本，请与我们联系。

Mandarin

W celu komunikowania się z klientami, których jęz. ojczysty nie jest jęz. angielskim korzystamy z usług tłumaczenia przez telefon Language Line. Prosimy o kontaktowanie się z nami w celu uzyskania pomocy lub informacji w innym języku.

Polish

Temos uma assinatura com a Language Line, um serviço de interpretação por telefone que nos permite comunicar com os nossos clientes cuja língua materna não é o inglês. Se necessitar de informação ou de assistência noutra língua deve contactar-nos.

Portuguese

Наша организация является пользователем услуг компании Language line. Language line оказывает услуги телефонного перевода для общения с лицами, не владеющими английским языком. Если вам нужна дополнительная информация об этих услугах или если вы хотите получить информацию на другом языке, просим сообщить нам об этом.

Russian

Rights

Rights to your current home

If your relationship has broken down, your rights to remain in your current home will depend on your circumstances. For example,

- your marital status
- if you have any children
- the type of tenancy you have and whose name it is in
- or the legal arrangements you have in place for the purchase of the home.

You can get advice on your rights to remain in your current home from a solicitor, the Citizen's Advice Bureau or from a Housing Advisor at the Council Offices - see back cover for details.

If you leave the home temporarily this should not affect your rights, but it is advisable to seek advice as early as you can.

Responsibility for Children

The law encourages you to come to an agreement with your former partner over the care of your children.

Mothers, whether married or unmarried, and married fathers legally have "parental responsibility" under the Children Act. Unmarried fathers can be given parental responsibility by applying to the court or by written agreement with the mother.

If parents can't agree where the child should live, legal action would be necessary to obtain a "Residence Order", to decide who they live with. This is different to a "Contact Order" which decides who the child sees and in what circumstances.

Helping you to stay in your home

There may be legal remedies to help you to remain in your home. You should get advice from a solicitor about what may be appropriate in your circumstances.



Owner Occupiers

Advice for owner-occupiers

If you are married, you have "matrimonial home rights" which prevents your partner from evicting you from the home without a court order, whether or not you are legally the owner or joint owner of the property. The property can't be sold without your consent, although you will need to register your interest in it through a solicitor to prevent this.

You should seek legal advice on your options which may include:

Family Law Act Transfer: this is where ownership of the property is transferred from one spouse to the other. This would be appropriate where the sale proceeds are likely to be small; one partner has the greater need or there are other special circumstances.

Postponement of Sale: this means that the sale of property is postponed for a specified time, for example until the youngest child reaches 18.

Lump Sum Payment: this is where one spouse buys the other out and the court decides their shares

Tenants

Advice for tenants

If you are married, you have the same right to occupy the home as your spouse, even if you are not legally a sole or joint tenant. Neither of you can be excluded from the home without a court order. You can ask the court to grant an 'occupation order' to allow you to remain in the home until divorce, and to transfer the tenancy to your sole name after divorce.

You should seek advice on your legal options which may include:

Family Law Act Transfer: this is where the court can order the transfer of the tenancy from one spouse to the other on divorce, or from one partner to another without the need for the tenancy to be assigned. If you were not married the court will take into account the nature of the relationship, length of time you have lived together and whether there are any children involved

Property Adjustment Order: in certain types of tenancy the court may consider ordering that the tenancy be assigned. Assignment will take place when the deed of assignment is signed.

If you have been or are living together and you are not married you can't apply for a property adjustment order. However, you can use the Family Law Act.

Financial Problems

Dealing with financial problems

Your relationship break down may impact on your financial circumstances. If you have debts, it is important to seek advice about your benefit entitlement. You can get advice from the Council Housing or Housing Benefits teams, see back cover for details, from the Benefits Agency or the Citizens Advice Bureau.

If you own your home, you may be able to claim Income Support to help with mortgage interest payments. Your level of benefit will depend on your individual circumstances. You can make a claim at the Benefits Agency. It is also a good idea to contact your mortgage lender to let them know that your circumstances have changed and to discuss any difficulties you are having in making payments.

Violence

Experiencing violence

If you are experiencing violence, or feel threatened by it, please contact a Housing Advisor at the Council Offices immediately. There are many options open to you - we may be able to help by providing an emergency place to stay and support for you and your children, if you have any.

If you are still liable for rent on a home and have left because of violence, but you intend to return you may be able to claim Housing Benefit on it and your temporary home for up to 52 weeks. Even if you do not intend to return, you can still claim rent for the two homes for up to four weeks. You need to talk to the Housing Benefits team at the Council Offices - see back cover for details.



Arrears

Rent Arrears

Your landlord will evict you if you do not pay the rent. In the majority of tenancies, landlords are required by law to go to court before they can evict you. It is very important that you seek advice about the type of tenancy you have if your landlord wants to evict you without going to court.

If you fail to pay your rent and you are taken to court, your landlord will have to pay the court fee, which will probably be added to the amount of rent you owe.

It is better to negotiate to clear your rent debts with your landlord and to stick to any agreement you have made. Failure to do so could result in you losing your home.

Arrears

Mortgage Arrears

If your mortgage lender issues a summons for arrears against you, the matter will be heard at the County Court. If you are unable to pay off the arrears, the court is likely to issue an Outright Possession Order, giving a date you are required to leave the property. A Suspended Possession Order will enable you to stay in the property, as long as you comply with the terms of the Order. In these circumstances, you are likely to have to pay current mortgage instalments together with a fixed monthly sum towards the arrears.

If you are experiencing problems, you should seek advice about what benefits you may be entitled to. A Housing Advisor at the Council Offices can help you with this, please make sure that you contact us early as it gives us more chance of resolving the situation. Meanwhile, we also suggest that you identify which debts are your most important, and work out a personal household budget to calculate how you can reduce your debts.



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How to get in touch with us:

Write to us at:

South Holland District Council
Housing Section
PO Box 8, Priory Road
Spalding, Lincs PE11 2XQ

Call in and see us at the Council
Offices in Priory Road, Spalding -
any weekday from 8.30am to 5.15pm,
except on Fridays when we
close at 4.45pm.

Telephone: 01775 761161
ask to speak to Housing

E-mail: info@sholland.gov.uk

Website: www.sholland.gov.uk

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