



## Handy hints for separating couples

**T**here are many issues to consider when you first separate.

However, of great importance something which should be considered in the first instance is this: Most couples when buying their home buy it as joint tenants. Most of my clients when asked don't even realise this. The consequence is that when one dies the other automatically inherits the entire house. This is the case even if you make a will stating otherwise. To avoid this you need to sever the joint tenancy. This is a straightforward procedure. It means that you then each own a share of the house which you can leave to family members other than your spouse/civil partner.

If you are going to do this you must also at the same time make a will excluding your spouse, otherwise they would automatically inherit your estate in any event as your next of kin.

These are issues which should be considered as soon as it becomes evident that you and your spouse/civil partner have decided to permanently separate.

The whole idea of making your new will is to protect your share of the house. In many cases clients will choose to leave their share of the house to their children or their parents. You should sign a separate document at the same time as executing your will explaining that you do not wish to leave your estate to your spouse. This makes your intentions clear and would be taken into account by the court if your spouse/civil partner challenged your estate. They are likely to do this prior to a final financial settlement being reached between you upon divorce/dissolution.

Many couples will have joint bank accounts. This is fine whilst you are still in a relationship. However, after separation one party may remove large sums of money from a joint account which could leave the other struggling financially. Under the circumstances it would be better for you to discuss the matter and agree that each can take a certain amount from the account. This would be pending a final financial settlement. Thereafter the account should be frozen so that no further monies can be removed until a settlement has been reached.

In some cases one party will cause a joint account to become overdrawn. Unfortunately the other party is just as liable to pay back the debt to the bank. If you think that there is any danger of this happening ask the bank to freeze the account. Advise them in writing (and keep a copy of the letter) that no further funds are to be removed.

Finally, don't forget to inform the council tax department that your partner is no longer living with you. If you are the only adult left in the house you will be entitled to the single persons discount.



by Jacqueline Emmerson