

ASK THE ADVISER

7) Relationships - The latest in a series of articles by Iain Gregory of Caithness CAB

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“Today we will start with a love story. Many decades ago my father found himself posted to a RAF Station in the south of England. This was due to a slight misunderstanding concerning the exact location of the German / Polish border and to his having unwisely proved himself to be an excellent single-seater pilot whilst at Uni. My mother, due to further confusion regarding the sovereignty of the Channel Islands, found herself relocating rapidly and embarrassingly for a socialist, to a post as Vice-Principal of Cheltenham Ladies College. By chance they both had a leave pass for the same day and both headed for the City. Father was in full uniform, because this guaranteed unlimited free beer and the adoration of many females. As it transpired Herman Goering also planned a visit that day. In due course the Air Raid sirens went off and Father spent a few minutes bunging assorted civvies into the nearest shelter before finally slamming the door. With Teutonic efficiency our fellow Europeans duly arrived and proceeded to charge about the sky, dropping bombs, creating mayhem and generally behaving boorishly. Between bomber engines, high explosives going off, our own fighters getting stuck in and the clatter of ack-ack guns, all hell basically broke out. Mother was not frightened of the bombs as she subscribed to the view that you would never hear the one that got you anyway, but she found the noise alarming. Noticing a handsome young Officer next to her she inquired if she could possibly hold his hand until the Germans shoved off. As she later said “he looked at me, smiled beautifully, and said “of course you may my dear” so I grabbed his hand and I haven’t let go of it for 50 years”. And the rest of the tale is at the end so please read on.

At Caithness CAB we spend a lot of time dealing with Relationship matters. Unfortunately, not all marriages and partnerships go as well as my parents one did and when things go adrift you can find yourself in considerable difficulties. What do you do about getting counselling? How do you start the divorce process? What are you entitled to if there is joint property? Who has to pay for what? How much money should one partner pay to the other if there are children? How do you arrange access for visits? What about the house? What about joint assets? What benefits are you entitled to? What do you do about Child Tax Credits and Child Benefit? There are a thousand questions that must be asked and the chances are that you will be given lots of different advice from different people and most of it will be wrong.

The first step is to visit CAB and if you can do this before the break-up actually takes place all the better, but we are quite used to helping people who have literally just left the family home and who are in dire straits and who do not know where to turn. We have a simple system – the kettle goes on, the tissues come out and, when you are ready to talk, we will listen. The first priority is to make sure that you and your

children are safe and we will always major on this at the outset. If need be our highly professional colleagues at Women's Aid will always assist and advise as well.

The second step is to find out about your housing – is the house rented or owned? Is it a sole tenancy or a joint tenancy? Is it owned or mortgaged in sole or joint names? Are you a lodger? To quote the CAS manual “In general, any automatic rights to the housing that has been shared will be based on the property rights, for example who the tenant is or who the owner is. Within a marriage or a civil partnership, both partners have a right to remain in the matrimonial home until a court orders otherwise. In cohabitation, the rights to occupy depend on who owns or rents the property. When it is a joint tenancy or the partners are joint owners then the right to the property is equal. Partners who are not tenants or owners, either on their own or jointly with their partner, are in a vulnerable position in terms of their right to stay. In such cases, the vulnerable partner in a cohabitation (including a same-sex partner) can apply to court for rights to occupy, but does not have automatic rights as in marriage or a civil partnership. This is the case even when there are children. If one partner has paid more towards the property s/he can apply to court for compensation from the other partner when the relationship ends”. All of which seems complicated, but we will, I promise you, steer you through it and will (if you decide it is your wish) refer you to one of the excellent local solicitors (a woman if you prefer) and will work with our HC contacts if you are homeless.

Money, as always, is a vital matter. The days when a woman could simply be thrown out with nothing are, thankfully, over. Equally, men too have rights and we will make sure that you know exactly where you stand in terms of property ownership and financial entitlements from your ex-partner. The Benefits side of this can be very complex, but we deal with it daily – in short, if you were making joint claims for Working Tax Credit, Child Tax Credit, Housing Benefit, Council Tax Reduction or any of a host of benefits, then we need to tell the relevant agencies right away, notify a “Change of Circumstances”, submit new claims and make sure that you have enough money to get you through until everything is sorted out. You will often be told by your ex-partner that “you aren't entitled to anything”. It is not unknown for a client, usually a woman, to be convinced that this is the case – well, it isn't and we will deal with this for you. Equally, we will tell you what your responsibilities are – you may have a liability for rent or mortgage payments and you need to know this. Also, and you may not think of this at the time, it is vital to make sure that any insurance policies on the house, or protecting a mortgage or covering your use of a car, continue to be paid, and we can help here as well.

I always think that children are the ones who suffer the most when parents separate and, if at all possible, it is best if we can set aside our own feelings and try and reach an amicable agreement as regards support and access. When you come to see us we will provide you with a lot of information – too much to take in all at once - so we will print it all off for you so that you can decide on what is best for the children and for you and your ex-partner. We can also refer you to counselling and Mediation services if you wish.

Divorce is of course the ultimate step and, in many cases, it may well not be amicable, which is where your solicitor comes in. Again, we will go over all the options with you, including with what is alarmingly referred to as “DIY Divorce” and

will give you a full printed guide along with a list of local solicitors, but the main thing to remember is that Scottish Law basically recognises two legal grounds for divorce – The marriage has broken down irretrievably or An interim gender recognition certificate has been issued to either spouse. Irretrievable breakdown is covered by four headings and these are:-

- unreasonable behaviour by either spouse
- adultery by either spouse
- separation for at least one year provided the other spouse consents to the divorce; or
- separation for at least two years, in which case the other spouse's consent is not necessary.

There are lots of other matters we need to deal with as well and although you will think that the world has come to an end, we will steer you through it all and help you to rebuild your life. Finally, always remember that everything you tell us at Caithness CAB is totally confidential and we will never, ever judge you on anything.

And the end of the love story? Well for half a century Mother held his hand every day. They had a family, achieved many of their hopes and dreams & suffered tragedy and loss but were always together. And then one November night as they sat by the fireside in Huna Mother again asked him to hold her hand. He looked at her and then reached out and held her hand gently whilst she quietly went to sleep for the last time”