

## Frequently Asked Questions

### Civil partnerships

#### **My relationship has broken down – how do I end my civil partnership?**

The process to dissolve your civil partnership is very similar to the procedure used for a divorce in that you file a petition, obtain a conditional order and then a final order which finally dissolves your partnership.

You must have been in your registered civil partnership for a year before you can apply for dissolution and you have to show that the relationship has irretrievably broken down based on one of four facts.

The whole process can take on average a period of about 6 months but, on the basis that the petition is not defended by your partner there should not be any need for either of you to attend court and the case can be dealt with "on paper".

#### **My partner has parental responsibility for his/her children, now that we are in a civil partnership – how do I obtain parental responsibility?**

Parental Responsibility (PR) is a phrase used in the Children Act 1989 to refer to "the legal rights, duties, powers, responsibilities and authority which a parent has over a child and his property".

The Children Act provides for the acquisition of PR by civil partners in the same way that stepparents can gain PR after marriage. This can be either by agreement with the person who already has PR, or with the agreement of both the child's parents if they both have PR (there is a specific form that needs to be completed by both parties and by the court. This document then has to be registered at the Principal Registry).

Alternatively, the stepparent can apply to the court for PR. Again, it would be sensible to obtain legal advice before embarking on any court action as if there is a dispute over PR it might be helpful to consider other methods to resolve the issue without the need for court proceedings.

**My civil partnership has broken down and we are in the process of dissolving this but, I am worried about what happens about the house and sorting out a financial settlement. What happens next?**

The Civil Partnership Act 2004 (CPA) makes provision for how financial relief can be obtained when a partnership ends. The court can make orders for - periodical payments (maintenance) - lump sums - property adjustment (what is to happen to the home) - a variation of an existing settlement - pension sharing.

When considering making a financial order the court has to take into consideration many different factors such as income, earning capacity and other financial resources, the financial needs and obligations of each civil partner and the standard of living enjoyed by the family before the

breakdown of the partnership as well as the age of each partner and the duration of the partnership, any physical or mental disability, the contributions which each has made or is likely to make in the foreseeable future to the welfare of the family as well as the effect of the dissolution upon pensions and inheritance and occasionally the conduct of each partner.

Before any Court application, it is usual to try to resolve the issues through negotiation. Most importantly it is sensible to seek legal advice, as can be seen from what is written above, there is a lot to consider and advice at an early stage may well save you considerable time and money.

**For further information, or to arrange an initial consultation, please email [lawyer@wbw.co.uk](mailto:lawyer@wbw.co.uk) or complete our get in touch form and we will be delighted to help you.**