

# Separating — should you have the family home?

IF YOU are in the sad situation where you have decided to separate, should you leave the family home? **Neil Remnant (pictured) head of family law at JMP Solicitors, in Grantham**, answers some frequently-asked questions.

The family home is often the most valuable asset a couple own. A separating spouse or partner may wish to leave the family home for a variety of reasons, but before doing so, the implications should be carefully considered with a specialist family lawyer.

**“It is not my fault that the relationship has broken up”**

Guilt may be a driving factor for you to leave your house, but if you leave the family home, you may later regret doing so.

If you both jointly own the property, you are both legal owners and have the right to occupy unless there is a court order that orders otherwise.

If one of you leaves the house, you will still have a right to return. The other person has no rights to keep you out without a court order.

**“It is not my house, should I leave?”**

Even though you legally do not own the house, provided you are in a civil partnership or marriage you may be protected by ‘home rights’. These include a right to remain in the prop-



erty, unless a court determines otherwise.

**“Will I have to continue to pay the mortgage if I leave?”**

If you are joint owners with a joint mortgage, then yes.

**“If I leave, will I get penalised on a future financial settlement?”**

If you leave the family home, it doesn't mean that you have surrendered your rights to the property. The courts can still be asked to consider whether there is an interest in the home and, if so, how that should be dealt with. Whatever the scenario, it is important that you get impartial advice from an experienced and qualified family law lawyer.

Call JMP Solicitors on 01476 565 295 for a free confidential appointment with our family law team.