JUSTLY - GUERNSEY

Separating from Your Partner

Trinity Chambers

Justly Guide: Separating from Your Partner — What Are Your Rights?

Relationship breakdowns are emotional and stressful — especially when children, property, or finances are involved. If you're splitting from your partner, it's important to understand where you stand legally and how to take the next steps with confidence.

1. First: Are You Married, in a Civil Partnership, or Cohabiting?

Your legal rights differ depending on your relationship:

- **Married or Civil Partnership**
  You may need to go through divorce or civil partnership dissolution.
  You can apply for financial support, housing rights, and parenting arrangements.
- **Unmarried / Cohabiting**
  The law doesn't treat you the same as a married couple.
  You may need to deal with shared property, children, or informal agreements differently.

Clarify your legal status before taking further steps.

2. What Are You Trying to Resolve?

Common legal issues include:

- Where children will live and who they'll see (child arrangements)
- How to divide money, savings, pensions, and debt
- What happens to your home (owned, rented, or mortgaged)
- Spousal or partner support (especially if one person has been financially dependent)

Make a simple list of what's in dispute and what's agreed.

3. Can You Talk Things Through?

Where safe and appropriate:

- Mediation may help you agree on parenting or financial arrangements.
- Agreements reached through calm discussion — even with professional help — can avoid expensive and stressful court processes.

If there has been domestic abuse or serious conflict, mediation may not be suitable. Let your legal advisor know.

4. If You Have Children

The law focuses on the best interests of the child, not parental entitlement.

You can:

- Create a Parenting Plan to agree schedules and responsibilities.
- Apply for Child Arrangement Orders if you can't agree.

Even without court orders, both parents are legally responsible unless rights have been removed.

5. What If We Share a Home?

Depending on your situation:

- Joint mortgage or rental — You'll both remain legally responsible until it's resolved.
- One partner owns the property — The other may still have a claim (especially if they contributed financially or have children).
- Emergency? — If there's violence or threats, you may be able to apply for Occupation Orders to stay in the home temporarily.

Legal advice is important before moving out or asking someone to leave.

6. Finances and Support

During or after separation:

- You may need to apply for spousal support (maintenance).
- The court can divide pensions, savings, or shared debt if divorcing.
- Child maintenance may be arranged privately or through court.

Keep copies of all financial documents — income, rent, bills, debt, assets.

7. When to Get Legal Help

You should seek advice when:

- You're unsure about your rights or your children's future
- There's disagreement over property or money
- You feel unsafe or coerced
- You've received court papers or letters from a lawyer

Citizens Advice, legal aid, or private family law solicitors can help you understand your options.

8. Helpful Services in Guernsey

- Legal Aid Guernsey — Apply for representation if eligible
- Trinity Chambers / Family Law Firms — For legal advice or court help
- Guernsey Family Mediation Service — If you're open to a structured discussion
- Social Security — For income support or housing if your situation changes

9. Next Steps Checklist

Identify your legal relationship (married, cohabiting, etc.)
Make a list of your concerns (kids, money, housing)
Speak to a trusted advisor or mediator
Keep written records of everything
Don’t sign or agree to anything without understanding it

Separating is difficult, but you’re not alone. Legal support and practical tools are available — and you deserve a process that respects your rights and your future.