

## Bingham Life Family Q & A

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Q. My relationship with my husband has been rocky for a while and over Christmas he announced he was leaving. Apart from being devastated, I don't even know what to do about the house and the children. He's moved out, but a friend recently said that he could come back – and then throw me out! Is that right?

**Cristina Court, solicitor in the Family Law department at Fraser Brown solicitors in Bingham answers:**

A. Your friend is partly right in that married partners each have a right to remain in the matrimonial home irrespective of who bought it or who has a mortgage on it. So legally he can return, but then he cannot ask you to leave.

As regards your children, you are both responsible for them financially and this will be the case until they are 16 years old, or 19 if they are in full time school education. When it comes to residence and contact, the paramount concern is the welfare of the children and you should seek legal advice to ensure that the best outcome is achieved for all involved.

You should also consider the issue of financial settlement and how the matrimonial assets are to be distributed between you. As well as having responsibility for the children, married couples also have a legal obligation to support each other in the form of maintenance until they are divorced and this can sometimes extend beyond divorce.

It would be best, if you are able to, to resolve matters between you amicably. You can do this by negotiating directly, via solicitors, in mediation, or collaboratively. If you are unable to reach an agreement an application to the court is the last resort.

However you decide to take it forward please make sure you fully understand the processes involved so you can make considered decisions.

If you would like to talk to our Family Law solicitor at our Bingham Branch, Cristina Court call 01949 838 439 or email [familylaw@fraserbrown.com](mailto:familylaw@fraserbrown.com)



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