

Ending your relationship when you're not married

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If you've been involved in a long-term, committed intimate relationship that's coming to an end, you should know your legal options for dividing property and debts from the relationship.

1. Fast facts

Washington State doesn't have common law marriage. To have a valid marriage here, you must have a marriage license and a valid marriage ceremony (<https://app.leg.wa.gov/rcw/default.aspx?cite=26.04.070>).

Washington recognizes common law marriages from another state if that state allows them.

Where one partner is age 62 or older, you can register as domestic partners.

But Washington law does recognize long-term, stable marriage-like relationships, and judges can treat these differently in court cases. The legal term for this type of relationship is a Committed Intimate Relationship (CIR). If your relationship is a CIR, there's a specific court process for ending it.

Answer a few questions on **Get Family and Safety Forms** to get the right forms for your situation.

If you **don't** think you meet the standard to file a CIR case, and you own real property together (land and the buildings on it), you can file a case for partition or to quiet title to ask a judge to decide who owns the real property. You file those in the county Superior Court where the property is. We don't have forms for those types of cases.

You can file a case asking for the return of personal property in District Court or Superior Court. The District Court limit is \$100,000. For more, you must file in Superior Court.

You can file a small claims case in the county where your ex lives if your claim is only for property valued at \$10,000 or less, and you're okay with a judgment for money rather than return of the property.

If you'd rather not go to court, you can try to reach an agreement with your ex. If you can't on your own, contact a local agency that provides mediation services. Mediation could be cheaper and faster than a court case.

2. Committed intimate relationships

Washington law gives special rights to people who are not married, but who have been in a long-term, stable, marriage-like relationship. These are called “Committed Intimate Relationships” (CIR).

You can file a case in court to end a CIR and divide property and debts from the relationship. First you must prove that your relationship is a CIR, then the judge will decide how to divide your property and debts fairly. The judge can only divide property you got and debts you took on during the CIR.

Answer a few questions on **Get Family and Safety Forms** to get the right forms for your situation.

When is a relationship marriage-like?

There’s no one definition. It depends on the facts of the case. The judge can consider:

- How long your relationship lasted
- Why you were together
- Whether you lived together continuously
- Whether your relationship was stable and committed
- Whether you combined resources and services for joint goals and projects (example: joint debts and bank accounts)

- Whether you both intended to act like a married couple, yet decided not to marry (**example**: you planned to have a family, named each other in your wills, or you retired together)
- Whether you both knew you weren't in a legal marriage
- Whether one of you was married to someone else during your relationship
- Whether either of you saw other people
- Whether one of you moved or made career choices because of your relationship

This isn't a complete list. You should give the judge any facts that show you had a marriage-like relationship.

Same-gender relationships can be marriage-like.

What are some examples of a “marriage-like” relationship?

Courts don't find all relationships marriage-like, even long-lasting ones. Here are some court decisions that have examples you might find helpful.

The court in In re Pennington (<https://case-law.vlex.com/vid/in-re-marriage-of-894004922>), 142 Wn. 2d 592, 605 (2000). looked at two relationships. It decided both were **not marriage-like**.

- **Relationship 1:** One partner wanted marriage. The other refused to marry. They lived together off and on for 12 years, continuously for 5 and a half of those. For the first several years, including some years that

they lived together, the man was married to another woman. The court found their 12-year relationship was long-term, **but** they didn't live together continuously.

The couple had some shared living expenses. The man alone paid others, like the mortgage on their home. The man gave the woman cars and paid for her car insurance. His business paid her a salary and provided health insurance. There was no proof of continuous payment or contribution of time to a specific item of property. One partner was absent from the home for long periods and had another relationship during those absences.

- **Relationship 2:** the couple lived together for 4 years but then had periods of separation and unsuccessful efforts to reconcile. Before they moved in together, the man dated other women. The woman was married to someone else when the couple started dating. The court found the relationship was not continuous.

The couple functioned as a married couple but knew they weren't married. They didn't hold themselves out to the community as married. They had a joint checking account for paying living expenses. Both made deposits into the account. They also had separate accounts. They didn't buy any property together. They helped each other with work-related activities.

The court in Connell v. Francisco (<https://case-law.vlex.com/vid/connell-v-francisco-no-893783255>), 127 Wn. 2d 339 (1995), **did find a marriage-like relationship**. That relationship lasted 7 years. They lived together almost all that time. One partner moved across the county at the other's request. There was an engagement ring. Many thought they were married. One partner's will

left the other most of his property. One partner worked in businesses the other owned, and used the partner's last name in business affairs.

How is a Committed Intimate Relationship different from a marriage or registered domestic partnership?

If one of you dies without a will, the other doesn't inherit the way a surviving spouse does under state law. (If you have a registered domestic partnership, you might be able to inherit without a will.)

An unmarried domestic partner has no claim to the other's Social Security benefits.

You're not automatically the legal parent of any children born to your committed intimate relationship.

You don't have the automatic right to make health care decisions for your partner if your partner can't do it for themselves.

This isn't a complete list of differences. Try to talk to a lawyer.

3. Emergencies

Community organizations can help! If you've experienced domestic violence, harassment, stalking, or sexual assault, or the threat of any of these, get help from your local domestic violence shelter or sexual assault center. Shelters provide safety planning,

temporary shelter, legal advocacy, counseling, and other services.

Visit Washington State Domestic Violence Information & Referral (<https://www.domesticviolenceinforeferral.org/domestic-violence-programs>) to search for local programs by county, or for culturally/community specific (https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=1) or Tribal programs (https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=2).

You can call, text, or chat online with advocates 24/7 at any of these:

- National Domestic Violence Hotline (<https://www.thehotline.org/>), 1-800-799-7233
- National Sexual Assault Hotline (<https://rainn.org/resources>), 1-800-656-4673
- StrongHearts Native Helpline (<https://strongheartshelpline.org/>) (a peer support service of the National DV Hotline), 1-844-762-8483

If real property is an issue, and you think your ex is about to try to sell or borrow money on it, try to talk to a lawyer about getting an emergency order keeping the ex from doing so. You might have to file a money bond first. If you can get a favorable emergency order about real property, you may record a **Lis Pendens** with the county auditor where the property is located. A Lis

Pendens gives legal notice of your case to people who look at the auditor's records in preparation for buying or loaning money against the property.

4. Property

The judge will assume you owned together property that **you got during the relationship**. If one of you can't show otherwise, the judge will divide this property in a way they believe is just and equitable (fair). **This may not mean 50-50.**

The judge will look at:

- The nature and extent of the property
- How long you were together
- Each person's financial situation at the time the judge divides the property
- Non-financial contributions by one partner (**examples:** care for children; help starting a business)

One of you shouldn't benefit at the other's expense.

The judge can't divide property one of you owned before, or inherited or got as a gift during the relationship. That is **separate property**. Only that partner owns it.

If the judge finds the relationship was marriage-like **and** the other partner contributed a lot of labor or money, it could order one to pay back the other

for their contribution.

The Washington state court can't divide some pensions.

Try to talk to a lawyer about a particular type of property, interest, or claim.

If the judge finds that your relationship isn't marriage-like, when dividing the property usually the judge will focus on whose name is on the property. You must prove you're the legal owner (**example:** your name on the title). Otherwise, it may be hard to get the property back if your ex also claims ownership.

There are some exceptions. The law is complicated. Try to talk to a lawyer.

General property laws may help.

Example 1: Your name is on the title to a car. Your ex currently has the car. You may be able to file a court case called a replevin case to get the car back.

Example 2: You own a home together. You may be able to file a partition case (<https://app.leg.wa.gov/RCW/default.aspx?cite=7.52>) to divide the home. In either type of case, the judge might award attorney's fees.

5. Debts

If the judge finds that your relationship is marriage-like, the judge will use the "fair and equitable" standard to divide your debts. The judge can only divide debts that you took on during the relationship.

If the judge finds that your relationship **isn't** marriage-like, the judge will probably hold you responsible for debts that are in your name only. If a debt is in both names, you'll probably be "jointly and severally" liable. This means the creditor can collect from each of you in any portion it chooses. If you earn more than your ex, they may try to collect only from you.

If you have a written agreement with the creditor, it should explain your responsibility.

Whether you agree on how to divide your debts without going to court, or a judge divides them for you, a creditor may still be able to collect from either of you. A creditor can collect against whoever promised to pay the debt. If you both have promised, the creditor can require payment from either or both of you. The creditor doesn't care if you had a particular relationship, didn't keep items you bought, or didn't get the services or money the creditor provided.

Example: Your name is on a credit card. The credit card company can ask you to pay the debt even if the judge orders your ex to pay it.

If a creditor contacts you about a debt your ex should pay, mail the creditor a letter and copy of the court order showing your ex is responsible for that debt. If you have a low income, you can also send a copy of your budget showing you can't pay.

If a creditor forces you to pay a debt that is your ex's court-ordered responsibility, you can go back to court to get your ex to pay you back. If you already paid a debt before any court order dividing debts, and then the judge decides that debt is your ex's responsibility, you should get a judgment for that amount in the court order.

With a judgment against your ex, you can try to collect from your ex. Try to talk to a lawyer.

6. Credit cards, bank accounts

In some cases, you can cancel joint credit cards and bank accounts. **This may not be wise in your case.** Try to talk to a lawyer first. In a court case to divide property and debts, the judge may decide you didn't act fairly if you deprived your partner of necessities or credit **or** used money when you had no right to.

If you decide to cancel joint credit card or bank accounts, and you can't get your ex's consent where a creditor or bank needs it, write the creditor or bank a letter. Say:

- You no longer want the account.

- You won't be responsible for any debts made after the date of the letter.

Send copies of the letter to anyone else authorized to use the account. Keep one for yourself. Keep a record of who got the letter and how you sent it. **Stop using the account after you send your request.**

7. Children

If you have children together, but you've never married or registered as domestic partners, one of you may not have a legal relationship to the child. Read our [parentage guide](#) to learn how and why to establish who is and isn't a legal parent. There are ways to do this with or without going to court.

Once the parents have established their legal relationships to the children, you can [file in court for a Parenting Plan](#), which orders:

- Custody and a visitation schedule
- Who gets to make major, non-emergency decisions about the child
- How the parents will work out major disagreements

Washington courts generally don't use the words custody and visitation. They talk about the **residential schedule** and **decision-making authority** for the children.

Even if you're not a biological or adoptive parent, but you helped raise the children, you may be able to establish a legal relationship to the children.

Depending on the biological parents' situations, they could assign you power of attorney for the children. Or you could file in court to become the children's guardian.

Some courts might let you combine property and debt issues in a parenting plan or parentage case. Try to talk to a lawyer in your community to find out about your court's practice.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.