



FINANCIAL ORDERS IN DIVORCE & CIVIL PARTNERSHIP DISSOLUTION

The financial issues surrounding relationship breakdown are often the most difficult to resolve.

Whether resolved through the court process, collaborative law or mediation, the outcome for both parties must be fair and reasonable.

There is a misconception that everything is divided in half. Not true – the family courts have a wide discretion when exercising their power to make orders for financial relief and must take on board the welfare of any minor children. S.25 of the Matrimonial Causes Act 1973 sets out a 'checklist' that the court will consider in every case, taking account of:

- income, earning capacity, property and other financial resources
- financial needs, obligations and responsibilities
- the standard of living enjoyed by the family before the breakdown of the marriage
- the age of each party to the marriage and the duration of the marriage
- any physical or mental disability of either of the parties to the marriage
- the contributions which each of the parties has made or is likely to make in the foreseeable future to the welfare of the family, including any contribution by looking after the home or caring for the family
- the conduct of each of the parties, if that conduct is such that it would, in the opinion of the court, be inequitable to disregard
- the value to each of the parties of any benefit that might be lost as a result of the dissolution of the marriage (e.g. pensions)

The vast majority of financial applications are resolved by agreement and it is essential to have expert advice – you only get one chance to achieve the right result. We will always focus on the outcome for you both by guiding you through the process whether with or without court proceedings.

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