



myerson

# Financial Applications in the Family Court

In an application for divorce, before the decree has been made absolute, the court is able to consider parties' financial position and make wide-ranging orders allocating the income and capital of parties between themselves and in respect of any children. The court has the same powers in respect of dissolution of civil partnership.

<b>Property Adjustment Order / Order For Sale</b>	<ul style="list-style-type: none"><li>• An order transferring property from one party to the other, or ordering a sale of property</li></ul>
<b>Lump Sum Order</b>	<ul style="list-style-type: none"><li>• An order that one party pays a lump sum of money to the other</li><li>• The lump sum can be secured or unsecured</li></ul>
<b>Pension Attachment or Sharing</b>	<ul style="list-style-type: none"><li>• A pension attachment order is an order making an attachment to a party's pension</li><li>• The attached benefits are payable from the pension fund to the recipient on the other party's retirement</li><li>• A pension sharing order is an order which transfers a pension or part of a pension to the other party at the time of the divorce</li><li>• The recipient then acquires a pension fund in their own name</li><li>• Pension benefits can be offset against the other available assets when dividing assets between the parties</li></ul>
<b>Spousal Maintenance</b>	<ul style="list-style-type: none"><li>• This is an order for payment of money on a regular basis</li><li>• Otherwise known as an order for periodical payments</li><li>• Payments will end on the death or remarriage of the party in receipt</li><li>• Maintenance can be for life or for a set duration</li><li>• Maintenance orders can be varied upwards or downwards</li></ul>
<b>Interim Maintenance</b>	<ul style="list-style-type: none"><li>• An order for payment of maintenance while the divorce proceedings are ongoing, before Decree Absolute</li><li>• Otherwise known as maintenance pending suit or interim periodical payments</li><li>• The court will consider a party's monthly needs and the shortfall from their other sources of income</li><li>• An application can only be made for interim maintenance once a petition has been issued</li><li>• The court has the power to make an order for costs against the losing party in an application for interim maintenance</li></ul>
<b>Child Maintenance</b>	<ul style="list-style-type: none"><li>• Generally, the court does not have the power to make a child maintenance order</li><li>• Instead, the parents can enter a voluntary arrangement or either parent may apply to the Child Maintenance Service</li><li>• The court can only make an order for child maintenance by consent where parties have agreed, and such an order generally will only last for 12 months, after which time either party can apply to the Child Maintenance Service</li><li>• A child maintenance calculator can be found at <a href="http://www.gov.uk/calculate-your-child-maintenance">www.gov.uk/calculate-your-child-maintenance</a></li></ul>
<b>Legal Services Order</b>	<ul style="list-style-type: none"><li>• An order requiring one party to pay to the other to enable the other to obtain legal services for the purposes of the proceedings where the applicant would not otherwise be able to afford to pay for legal services</li></ul>



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