

Will I need to financially support my Spouse after we are divorced?



I have always earned a lot more than my Spouse, will I need to financially support my Spouse after we are divorced?

The answer to this is that financial support does not necessarily stop when you divorce, particularly where one spouse earns more than the other; where there has been a long marriage and if there are dependent children under the age of 18. The Court will always consider whether there should be any maintenance at all and if maintenance is to be paid, the Court would need to consider the income of each party (including any bonuses) and the needs of both parties.

There are different types of maintenance orders for spouses:

- a. If there is a spousal maintenance order made for joint lives, this means that it is payable until one of the parties dies, or the receiving party remarries.
- b. There can be spousal maintenance orders for a fixed number of years. For example, a spousal maintenance order could be made until the youngest child of the marriage is 18 years old. It is worth noting that the Court can extend the term of these orders. The Court can in circumstances where it is appropriate also make an order preventing extensions.
- c. Sometimes the Court will make a nominal maintenance order for, say, £1 per annum. This is more common where there are similar incomes but there are children under 18. This is to keep the maintenance order alive in case the person with whom the children live is unable to sustain employment/income, whilst at the same time having responsibility for children. Where care of children is shared, nominal orders can be made in favour of each parent.
- d. Sometimes, rather than a spousal maintenance order, the parties can agree to capitalise maintenance instead, which means that a lump sum is payable representing a number of years' worth of maintenance, rather than this being paid on a monthly basis. This can be a good idea where there may be otherwise uncertainty

in the future, eg if the paying party is likely to be made redundant. This, though, is effectively a clean break and means that the receiving party cannot apply to the Court for any further maintenance.

Maintenance can always be varied at any time whilst it is in payment and careful thought also needs to be given to things like death, illness and unemployment which would affect a maintenance order in payment.

Maintenance for children is different to spousal maintenance and needs to be considered separately, although how much child maintenance is being paid will affect whether it is reasonable for additional spousal maintenance also to be paid.

For more information please follow the link wards.uk.com/service/family-and-divorce or to contact one of our family and divorce team please follow the link wards.uk.com/meet-the-service-team/family-and-divorce.

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