

Mary and John Case Study

“First Principles”

Proper Provision

Financial Disclosure

Legal Advice

CIM

Elder Mediation

Some issues from the Case Study

Family Home

Inheritance/ gifts

Property owned prior to marriage

The parties' respective contributions to the acquisition of assets, including savings and the clearing of debt

Redundancy payments

A party seeking orders by way of 'compensation' for behaviour of the other party

What options would the courts consider?

Welfare of the children- access, care arrangements and the voice of the child

Maintenance- to whom, for whom and how?

Pensions

Practical considerations eg ability for either party to raise finances, planning permission rectification etc

Contents of Divorce Order

Decree of Divorce

Maintenance

Children- access, custody/ care arrangements

Property adjustment orders

Lump sums and other asset division

Pension Adjustment Orders

Financial Compensation Orders (for maintenance provision etc)

Succession Rights

(Costs and liberty to apply also sometimes included)

Mediated Settlement

Children's arrangements

- Where they live and the care arrangements
- Maintenance/ financial provision
- Holidays, travel and passports
- Education
- Health- medical, dental and therapeutic
- Communication between the parents
- Testamentary guardians
- Extended family contact
- Relocation
- Review

Mediated Settlement

Financial Terms

- Family home
- Contents of family home
- Division/ allocation of other property and assets
- Maintenance- confirm child support/ add spousal maintenance
- Family Home Protection Act clause
- Debts/ liabilities
- Pension
- Taxation
- Succession Rights