



## Spousal maintenance during the coronavirus lockdown

The COVID-19 outbreak is impacting on everybody's lives and the financial consequences of this pandemic continue to grow.

With the majority of businesses now closed, employees furloughed or taking reductions in salary and a rise in redundancies, for those people paying or receiving spousal maintenance during the coronavirus lockdown this is uncertain times.

### Spousal maintenance during the coronavirus lockdown

To start, if you are in receipt of spousal support and your former partner approaches you to ask you to vary their payments, ask for proof of their change in circumstances, such as a copy of a letter from their employer notifying them of a change to their employment status.

### Communication and compromise

It is important to take a practical approach to the payment of spousal maintenance in light of the current situation. If possible, communicate with each other about these payments to reach a sensible solution.

The options below can be used to resolve issues with spousal maintenance during the coronavirus lockdown:

1. Agree to a suitable reduction to payments pragmatically. Look at your income needs and own financial position as well as your former partner's financial position.
2. Consider reducing payments for a set period of time, such as three months.
3. If the payer is not able to meet their obligations, you may wish to consider agreeing to receive nominal maintenance or no maintenance for a set period of time.

If talking directly is not an option, then you can look at negotiations through your solicitors, or mediation, to reach an agreement without going to Court.

### What can the courts do about spousal maintenance during the coronavirus lockdown

It is important to note that the Courts can vary spousal maintenance if a party can demonstrate a change in their circumstances which has immediate financial consequences to justify the change.

If you feel that a Court application is appropriate in your circumstances, it is advisable to contact a solicitor or legal executive who will be able to talk you through the Court process, complete the application of your behalf and advise you on likely costs.



First and foremost, the Court will consider the welfare of any child under the age of eighteen that is financially supported by the parties. Amongst other factors, they look at both parties' financial resources and needs, the current standard of living and how long spousal maintenance has been paid for.

Upon reviewing an application to vary spousal maintenance, the Court has the power to increase or decrease, stop or temporarily suspend maintenance payments.

In fact, the Court has 'enormous flexibility' to vary spousal maintenance payments.

Furthermore, the Court may take the opportunity to consider whether the parties are ready for a clean break and do away with further maintenance payments.

If this is the case, the Court may make a compensatory capital order in place of future maintenance payments.

### Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit [www.stowefamilylaw.co.uk](http://www.stowefamilylaw.co.uk)