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## **Enforcement of family financial orders**

In a report published today, the Law Commission recommends a package of reforms to make the law governing the enforcement of family financial orders more effective, accessible and fair.

Every year, many thousands of separating couples apply to the courts for financial orders. The courts can order the payment of money or transfer of property for the benefit of former spouses, or civil partners and any dependent children.

However, the orders made are not always complied with. As the orders are made by the court to meet needs, non-compliance can have a devastating impact. Rent or mortgage payments may be missed; basic necessities may become unaffordable; children's standard of living may be affected. Enforcement can be difficult, especially for those who have to represent themselves. Ineffective enforcement causes real hardship, results in costs to the state and undermines confidence in the justice system.

The Law Commission recommends wide-ranging reform to improve the current law, including new powers for the courts to obtain information about debtors, and making a wider range of assets available for enforcement purposes. The Commission also recommends new powers for the courts, in appropriate cases, to apply pressure to debtors who can pay but are choosing not to, by disqualifying debtors from driving and prohibiting them from travelling out of the UK.

Professor Nicholas Hopkins, Law Commissioner for property, family and trust law said: "The current law for the enforcement of family financial orders is unnecessarily complicated and often ineffective. These problems cause real hardship for the individuals involved. Judges need the necessary powers to ensure that those who can pay, but choose not to, comply with court orders. We make extensive recommendations to make the law governing the enforcement of family financial orders more effective, accessible and fair."

### **Notes for editors**

1. The Commission's project is about the enforcement of orders for the payment of money, or the transfer of property, between family members. It is not about how much people should have to pay. The enforcement of child support payable after a calculation by the Child Maintenance Service is outside the scope of the project.
2. The Law Commission is a non-political independent body, set up by Parliament in 1965 to keep all the law of England and Wales under review, and to recommend reform where it is needed.
3. For more details on this project, visit [www.lawcom.gov.uk](http://www.lawcom.gov.uk)
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