



# Domestic Abuse in Financial Remedies Proceedings - A Summary of Resolution's October 2024 report

In mid-2023 a multi-disciplinary working-party was established by Resolution to consider the relationship between domestic abuse and the division of finances on separation and how domestic abuse is addressed in financial proceedings. A comprehensive survey was opened to family law professionals and it received a huge 526 full responses. This week Resolution has published the highly anticipated report as produced by the working-party.

## What can economic abuse look like?

Economic abuse is defined in s1(4) of the Domestic Abuse Act 2021 as “*any behaviour that has a substantial adverse effect on the [victim’s] ability to (a) acquire, use or maintain money or other property, or (b) obtain goods or services*”.

In reality, economic abuse can look like one party withholding money from the other, limiting the others access to money and hiding assets from the other. These are just a few examples; economic abuse can take various forms.

## Findings in Resolution's report

Resolution received anonymous personal accounts from victim-survivors as a part of their research and these feature in the report; they make for hard reading.



In summary, the results of the survey showed that:

- 80% of professionals believe domestic abuse and specifically economic abuse is not sufficiently taken into account in financial remedy proceedings
- 85% of professionals said it is not sufficiently taken into account in Schedule 1 cases
- 87% said it is not sufficiently taken into account where the parties have cohabited but not been married

Key issues that arose were the insufficient availability of legal aid; the failure of perpetrators to comply with full and frank disclosure; and the failure of perpetrators to comply with Court Orders.

### **Recommendations within Resolution's report**

Resolution's view is that the current approach of the Courts to s25(2)(g) of the Matrimonial Causes Act 1973, i.e. conduct, leads to unfair outcomes for some victim-survivors of domestic abuse.

The recommendations, broadly, as set out in the report are that:

- Amendments to the Family Procedure Rules should be considered to ensure that parties are safeguarded from ongoing domestic abuse.
- The law should make it clear that the duty of full and frank disclosure starts when the parties engage in non-Court dispute resolution and not just when / if Court proceedings are started.
- If there is ongoing economic abuse, the balance should shift away from non-Court dispute resolution continuing.
- There should be an expedited process whereby financial arbitration awards and



agreements reached at private Financial Dispute Resolution hearings are converted into binding Court Orders.

- Amendments should be made to the Financial Remedies Court Efficiency Statements to specify that financial remedy proceedings should not be used by perpetrators to facilitate ongoing domestic abuse.

- Consideration should be given to the review of the law and procedure regarding interim financial remedy.

- There should be a review of the law regarding Legal Services Payment Orders to recognise that ongoing economic abuse may obstruct a victim-survivors from being able to access resources to instruct a lawyer to assist with resolving their finances.

- Financial thresholds and requirements for securing legal aid should be reviewed.

- Legal aid rates for financial remedy work should be increased.

- Consequences of non-compliance with a financial remedy Order should be stipulated at the time of making the Order.

- The Law Commission's recommendations made in 2016 regarding extending existing methods of enforcement and introducing new methods of enforcement should be introduced.

- A new Practice Direction should be introduced setting out the approach that should be taken in cases where there is domestic abuse.

The implementation of these recommendations would provide more certainty, clarity and much-



needed support to victim-survivors on an interim and long-term basis when dealing with their finances post separation. It would also aid the swift resolution of financial matters which would undoubtedly help victim-survivors.

### **What does this mean for victim-survivors of domestic abuse?**

A huge amount of work has gone into producing this groundbreaking report. It is hoped that the report will pave the way for developments in the law concerning financial remedy which will benefit victim-survivors.

Resolution hopes to work with the Ministry of Justice, the Family Procedure Rules Committee, Judges and other stakeholders to bring about change.

Family law solicitors at The International Family Law Group LLP are very familiar with issues of domestic abuse and specifically economic abuse. If you or anyone you know requires advice, please contact the firm using the details below.

View the full report [here](#)

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