



I Have Always Been the Main Homemaker – What Am I Entitled to on Divorce?

For many women, they have taken the role of homemaker whilst their husbands have been the main breadwinner in the family. This traditional role has led to many women feeling concerned that if they were to leave an unhappy marriage, they would be left penniless.

The law has adapted over time to ensure that women (or men, should there be a role reversal) are not left in a state of destitution on the breakdown of a marriage. The courts recognise that the contribution of a spouse who has spent years bringing up children and maintaining the house is as equal a contribution to the marriage as the husband who has been working in paid employment away from the home.

In recent years there has been an increasing number of “silver divorces”, with more people in the age 50 – 54

age range being granted a divorce than those in the 30 – 34 age range in 2013. This is a surprising trend and one that as divorce lawyers, we are seeing increase on a day by day basis. This age group often contains a large number of women who have dedicated a number of years of their lives to bringing up their children and caring for the home, which has resulted in them having limited or no pension provision and often no recent employment through which they can generate an income and pension.

Our legal system is equipped to address this problem. The Court has the power to order the main breadwinner to pay spousal maintenance to the home maker to provide her with enough income to meet her reasonable needs. It can also order a pension sharing order transferring part of any pension pot to the homemaker. All other assets, including properties, savings etc. can be divided between the parties. Unless there is a good reason to depart from equality, if you have been in a long marriage (which is more common than not amongst over 50s) then it is highly likely that the court would consider an equal division of the assets to be an appropriate means of dividing the matrimonial pot.

The criteria that the court has to consider, as set out in the Matrimonial Causes Act 1973, allow the court to consider a range of factors that could mean a departure from equality. For example, the 60 year old wife of a successful businessman may be entitled to in excess of 50% of the assets to recognise the fact that her 55 year old husband still has 10 – 15 years of earning a high income ahead of him in which to increase his assets after the divorce, whilst his wife who has not worked for an extended period of time, is unlikely to have the earning potential to improve her asset position

It is worth noting that there is no “one size fits all” outcome in English divorce law – the court has a wide ranging discretion when it comes to dividing matrimonial assets. What is important to remember though, is that if you have stayed at home to bring up children, or given up a successful career to support your husband, the law will recognise that as a contribution to the marriage and will not penalise you for it.

We would always suggest that you contact a solicitor to discuss your options if you are concerned about your financial position on divorce and Lester Aldridge has a team of [specialist family lawyers](#) who are able to assist you.