



# Free Guide Explaining a Consent Order

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## **What is a Consent Order and why is it Important?**

A Consent Order is a legally binding document used in divorce proceedings in England and Wales to formalise financial arrangements agreed upon by both parties.

It is an important step in ensuring that the financial aspects of a divorce are settled, preventing future claims against each other's assets, income or pensions.

## **What is a Consent Order?**

A Consent Order is a court order that finalises the financial agreement between divorcing parties. Once both spouses have agreed on how to divide their assets, such as property, savings and pensions and how to address ongoing maintenance payments, these terms can be documented in the Consent Order. It is then submitted to the court for approval.

A Consent Order can only be applied for once the Conditional Order (initial stage of a divorce) has been granted. The order usually covers a number of financial issues which include the following -

- Division of property
- Savings and investments
- Pension sharing
- Child and spousal maintenance payments
- Debts and other financial obligations

## **Why is a Consent Order Important?**

A Consent Order makes sure that the financial agreement between both parties becomes legally binding. Without one, either spouse could make a future financial claim against the other, even years after the divorce has been finalised.

In many cases, a Consent Order allows for a 'clean break' which means that both parties can walk away from the marriage with no future financial obligations to each other. Child maintenance commitments, however, are not usually covered by clean break orders, as they remain adjustable based on changing needs.

The court must approve the Consent Order to ensure that it is fair and reasonable to both parties. This adds an additional layer of protection for both individuals, especially if one spouse is less financially knowledgeable or may have been in a weaker negotiating position.

Without a Consent Order, even if both parties agree on financial matters, one spouse has the opportunity to come back later and claim additional assets or income. For example, if one person's financial position significantly improves (such as receiving an inheritance or winning the lottery), the other person could still have a legal right to claim a share of the new wealth unless a Consent Order has been obtained.

If one person fails to comply with the terms of the Consent Order, the other person can return to court to enforce the order, ensuring compliance.

### **How to Apply for a Consent Order**

Both parties must agree on the financial arrangements. Once this is agreed, it is strongly recommended to take some legal advice from Moloney Family Law to ensure the agreement is fair and all details are covered. You can contact us by emailing Tracey at [tracey@moloneyfamilylaw.com](mailto:tracey@moloneyfamilylaw.com).

Moloney Family Law can draft the Consent Order based on the financial agreement. We will outline in detail how assets, liabilities and any ongoing financial obligations will be divided or shared.

Alongside the Consent Order, a document called a 'Statement of Information' is submitted to the court. This outlines the financial circumstances of both parties, including income, assets and liabilities.

The drafted Consent Order is then sent to the court, where a judge will review it. If the judge believes that the agreement is fair and reasonable, they will approve the order and it becomes legally binding.

Once approved, the Consent Order takes effect after the Final Order (the final stage of the divorce) has been granted.

### **Do I Need a Consent Order If We Agree on Everything?**

Yes, absolutely. Even if you and your spouse agree on how to divide your assets and don't foresee any disputes, it is still essential to have a Consent Order. Without a consent order you have not severed the financial ties that exist between you and your spouse. All a Final Order in divorce will do is bring your marriage to

an end which means you can legally remarry again. On its own, a final order in divorce will not sever those financial ties therefore it is important that you get a financial order.

Without the court's approval through a Consent Order, your financial agreement isn't enforceable, and your spouse could still make future claims on your assets.

If you need further help with sorting out your financial order, then please contact Tracey to get advice on the next steps by emailing her at [tracey@moloneyfamilylaw.com](mailto:tracey@moloneyfamilylaw.com).

### **How Moloney Family Law Can Help**

At Moloney Family Law, our dedicated family law solicitors are committed to supporting you through every step of your child arrangement case. From mediation and negotiation to court representation, we provide expert legal advice tailored to your situation, ensuring the best possible outcomes for you and your child.



For more information, please visit our website or contact Tracey.



