Joint VAWG Sector response to the Ministry of Justice's A fairer end to relationships consultation

14 August 2026

Executive Summary

This is a joint response from 37 organisations from across the violence against women and girls (VAWG) sector. It represents the collective views of specialist domestic abuse organisations and frontline services with extensive experience of supporting domestic abuse survivors.

We welcome these landmark reforms as a once-in-a-generation opportunity to strengthen protections for domestic abuse survivors, regardless of their relationship status, and to ensure domestic abuse is properly considered in financial remedy and cohabitation proceedings.

Domestic abuse is widespread and has profound economic consequences. The Office for National Statistics (ONS) estimates that 2.2 million women aged 16 years and over experienced domestic abuse in England and Wales in the year ending March 2025.[1] ONS figures also show that cohabitants experience domestic abuse at around twice the rate of those who are married or in civil partnerships, making effective legal protections for cohabiting survivors particularly important.[2]

The Government has rightly identified survivors of domestic abuse, including economic abuse, as being at the greatest risk of harm and financial insecurity at the end of relationships. We know from experience that certain groups of women, such as Black, minoritised, and migrant (BMM) women, are disproportionately affected due to heightened and compounded socio-economic disadvantage and additional structural barriers to justice. To achieve its

[1] ONS (2025): Domestic abuse in England and Wales overview: November 2025 https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2025

[2] ONS(2025): Domestic abuse victim characteristics, England and Wales: year ending March 2025 https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2025.

stated aims, these reforms must ensure that domestic abuse is recognised and considered throughout financial remedy and cohabitation proceedings, including by giving due consideration to less visible forms of economic abuse as well as the intersecting impacts of abuse on marginalised women. Without this, survivors will continue to face unfair financial outcomes that prevent them and their children from safely rebuilding their lives.

The following summarises the main points and recommendations set out in our joint VAWG sector consultation response:

- **Domestic abuse should always be considered in financial remedy and cohabitation proceedings, with courts able to adjust financial settlements to address the economic loss and disparity caused by domestic abuse and deliver fair outcomes.**
- **We welcome the proposal to extend legal rights on separation to qualifying cohabitants, which would provide important financial protections for cohabiting survivors, particularly those in religious-only marriages, who currently have limited rights on separation.**
- **Cohabitation reforms must include strong safeguards for domestic abuse survivors, with flexible eligibility and qualifying criteria and stronger protections around opt-outs, so that domestic abuse does not prevent survivors from accessing their legal rights.**
- **The courts should be able to recognise dowry as non-matrimonial property where appropriate and, where dowry-abuse has occurred, return or reflect those assets in the financial settlement to achieve a fair outcome.**
- **The legal framework must reflect the realities of domestic abuse, including ensuring that survivors who are the financially stronger party are protected from exploitation as well as enhancing protection for those who are the financially weaker party. This should include avoiding rigid evidential requirements, allowing survivors to raise domestic abuse at any stage, and providing appropriate judicial guidance and specialist training to prevent financial proceedings from being used by perpetrators to continue their abuse or secure an unfair financial outcome.**

Consultation Question Responses

Part 1: Reforming the Law of Financial Remedies on Divorce

2. Do you agree with the Government's view that the court should consider the sharing principle as the starting point and consider the needs principle where equal sharing would not allow needs to be met? You may wish to give reasons in the text box.

We do not agree that the sharing principle should be the starting point. Instead, the court's overriding objective should be to reach a fair financial outcome, using either the needs or sharing principles according to the facts of each case. The law should also make clear that the court must take account of the impact of domestic abuse, including economic abuse, when deciding what is fair. Equal sharing does not necessarily produce equal or fair outcomes, particularly where domestic abuse has occurred. We therefore support an approach of equitable, rather than equal, sharing in cases where the sharing principle applies, giving courts discretion to depart from a 50:50 division where necessary to reflect the economic loss and disparity caused by domestic abuse.

Starting with equal sharing risks creating the impression that a 50:50 split is the usual outcome. In reality, most cases are decided according to the parties' needs because there are not enough assets for equal sharing to meet both parties' housing, income and pension needs. Therefore, setting equal sharing as the starting point could result in unfair outcomes and many survivors' needs not being met.

It is also important to recognise that many people try to reach an agreement without a judge deciding the case, and who negotiate based on what they think the law sets out. In BMM communities, negotiations can involve family elders, community leaders and religious arbitration tribunals, which can disadvantage women in religious marriages. For survivors of domestic abuse negotiating with a controlling and abusive ex-partner, there is already a significant imbalance in power, and there may also be unequal access to information about family finances between the parties. Survivors may be intimidated, harassed or pressured to accept an equal split even when it does not meet their or their children's needs or take into account the economic loss or disadvantage they have experienced as a result of the domestic abuse. Equally, if a starting point of needs is set, where there are enough resources to meet needs, a survivor may be pressured to only receive a settlement that is enough to meet their immediate needs and not sharing, which would also lead to an unfair outcome. This is an

even greater concern for survivors who cannot access or afford legal advice and have to represent themselves in negotiations. Language and interpretation barriers can further restrict survivors' ability to participate effectively.

A fair outcome must recognise that domestic abuse often leaves survivors in a much worse financial position than if they had not experienced abuse. Economic abuse can leave survivors with coerced debt, damaged credit records, fewer savings, lower earnings, insecure housing, fewer possessions and little to no pension provision. BMM women's experiences may additionally include the confiscation or appropriation of valuables and other assets as part of dowry-related abuse; financial demands extending to their families abroad, including for immigration costs; exploitative unpaid domestic and caregiving labour; and exclusion from opportunities to secure financial independence. At the same time, perpetrators may keep control of assets, hide money or use the legal process itself to continue their abuse by delaying proceedings or refusing to provide full financial information.

If the court starts from an assumption of equal sharing, there is a real risk that these inequalities will be overlooked. Instead, the court must take into account the domestic abuse and have the flexibility to decide what is fair in each case. That includes recognising where a survivor has greater financial needs because of the domestic abuse or where the economic harm caused by the perpetrator justifies a different division of assets, taking account of past losses and the impact on future economic opportunities. A fair financial settlement should help survivors rebuild their lives safely and independently and should not allow perpetrators to benefit from the economic harm they have caused.

3. Do you agree with the Government's view that it should codify the distinctions between matrimonial and non-matrimonial property, in line with the Supreme Court's decision in Standish? You may wish to give reasons in the text box.

No. While we support greater legal certainty about the distinction between matrimonial and non-matrimonial property, we are concerned that codifying the approach set out in Standish could produce unfair outcomes for survivors of domestic abuse, particularly economic abuse. Any legislation must ensure that courts have flexibility to recognise the realities of domestic abuse and should not assume that legal ownership or use of property during the relationship accurately reflect the true reality.

Domestic abusers often perpetrate economic abuse to control survivors' money, assets and access to financial information throughout the relationship. Survivors may be prevented from owning property in their own name, pressured into transferring assets into joint ownership or to a third party such as a family member, or denied information about family finances. Perpetrators may also conceal income or assets, remove survivors' names from property without their knowledge or retain sole ownership of valuable assets while leaving survivors responsible for paying household bills, coerced debts and other financial liabilities.

As a result, legal ownership and the source of funds used to acquire an asset may not reflect who acquired, controlled or benefited from it in cases of domestic abuse. Without appropriate safeguards, codifying the distinction between matrimonial and non-matrimonial property risks allowing perpetrators to benefit from their economic abuse and leaving survivors with unfair financial settlements. The court must retain the flexibility to look beyond formal ownership and consider the impact of domestic abuse when determining whether property should be treated as matrimonial or non-matrimonial.

We are also concerned about the impact on property transferred or held under religious or cultural traditions, including mahr, jahez, dahej, stridhan and other forms of dowry. In many cases, these assets are intended to remain the woman’s property or provide her with financial security if the relationship ends. Dowry-related abuse can involve perpetrators and their family members demanding or appropriating money, jewellery, property and other assets through coercion, threats, humiliation, harassment or wider patterns of control, depriving women, disproportionately BMM women, of property and financial security. Women may often have little or no documentary evidence of their ownership of such property, particularly where dowry-related assets and gifts have not been formally recorded. Courts should not automatically treat them as matrimonial property simply because they have been used during the relationship or time has passed. Where a survivor cannot recover these assets because they have been stolen or misappropriated by the perpetrator or their family, the court should be able to reflect that loss when determining a fair financial settlement.

Finally, we welcome the proposal to include the well-established principle that non-matrimonial property may be used where matrimonial assets are insufficient to meet financial needs. This flexibility should also extend to addressing the economic disadvantage caused by domestic abuse, including, where appropriate, compensation for survivors.

10. Do you agree that this checklist should include an explicit reference to any disadvantage suffered as a result of the relationship? You may wish to give reasons in the text box.

Yes, with modifications. We consider that two additional factors should be added to the checklist:

1. Domestic abuse

2. Economic disparity instead of economic disadvantage

Domestic abuse

We strongly recommend that the Government include a standalone factor requiring the court to consider domestic abuse, including economic abuse, utilising the statutory definition of domestic abuse set out within the Domestic Abuse Act 2021, and its accompanying statutory guidance, which recognises harmful practices such as 'honour'-based abuse, and immigration related abuse within the definition of domestic abuse, alongside the proposed Section 25 factors.[3] This would ensure the court routinely considers the full impact of domestic abuse, including in cases where the perpetrator may have exploited or sabotaged a survivor's money and economic resources, and also enable the courts to take into account the ongoing impact of post-separation abuse.

Perpetrators use economic abuse to restrict, exploit and sabotage survivors' money and economic resources, as well as their opportunities to achieve financial independence. Surviving Economic Abuse's research shows that over four million UK women experienced economic abuse in a 12-month period, with economic exploitation being a common tactic of domestic abuse, with one in nine UK women (11%) experiencing at least one economically exploitative behaviour from a current or ex-partner in a 12-month period.[4] Economically exploitative behaviours can include the perpetrator refusing to contribute their agreed share of the household costs, stealing money or assets, or preventing survivors from working, studying or otherwise building their financial independence. As a result, legal ownership,

[3] It should also refer to Practice Direction 12J for contact proceedings which recognises dowry related abuse and transnational marriage abandonment as a form of domestic abuse

[4] 11% of UK women experienced economic exploitation from a current or ex-partner, 10% experienced economic sabotage and 9% experienced economic restriction within a 12-month period. Surviving Economic Abuse (2025): Counting the Cost: The Scale and Impact of Economic Abuse in the UK Counting-the-Cost-report-Surviving-Economic-Abuse-July-2025.pdf library/sites/law/documents/2024/FINAL%20DA%20Report.pdf.

income or earning capacity alone may not accurately reflect the survivor's true financial position or the economic loss or disadvantage they have experienced as a result of economic abuse. Furthermore, survivors often continue to experience economic abuse after separation through the perpetrator's misuse of ongoing legal and financial ties. This can include the abuser hiding their income or assets, refusing to sell jointly owned or family property, withholding child maintenance and deliberately prolonging financial proceedings to increase survivors' costs – all of which must be taken into account when determining a party's needs.

Economic disparity

We welcome the proposed inclusion that the court should take into account any economic disadvantage suffered by a party during the relationship when assessing needs and sharing. However, the consultation's reference to relationship- generated economic disadvantage should instead be relationship-generated economic disparity. This better captures both the economic disadvantage experienced by one party and the corresponding economic advantage the other may have benefited from as a result of the way the relationship was organised. The legislation should expressly require the court to consider relationship-generated economic disparity as part of its assessment of fairness. This factor should inform both the application of the sharing principle and the assessment of needs. This is particularly important for survivors of domestic abuse. Domestic abuse frequently creates enduring economic disparity through restrictions on education, employment, career progression and financial autonomy, as well as exploitative unpaid domestic and caregiving labour, limiting survivors' earning capacity and pension provision, while simultaneously enabling the perpetrator to enhance their own economic position.

11. Do you think that domestic abuse should more readily be taken into account in relation to the distribution of assets by the court in financial remedy and cohabitation proceedings? You may wish to give reasons in the text box.

Yes. Domestic abuse, including economic abuse, should **always** be considered by the courts in relation to the distribution of assets. Research has shown that domestic abuse can have lasting effects on survivors' financial circumstances, including their access to assets, earning capacity, housing security and ability to negotiate a fair settlement.[^5] Loss and disadvantage to survivors through controlling, coercive and abusive behaviour can occur both during the relationship and after separation.

The University of Bristol's "Fair Shares" report found that three in 10 (28%) of divorcees surveyed reported that the abusive behaviour of their ex-spouse was the main reason for the breakdown of their relationship.[5] Despite this high prevalence, domestic abuse is rarely taken into account in financial remedy proceedings. Resolution's survey of family law professionals found that around 80% of legal professionals believe that domestic abuse, and specifically economic abuse, are not sufficiently taken into account in financial remedy proceedings.[6] The current threshold is so high that survivors may be advised not to raise domestic abuse or may find that serious patterns of coercive and controlling behaviour are treated as irrelevant.

As a result, financial remedy proceedings often fail to account for the economic disadvantage survivors experience as a result of domestic abuse. Surviving Economic Abuse's "Counting the Cost" report evidences that perpetrators frequently leave survivors with depleted assets, coerced debt, damaged credit records, reduced earning capacity, insecure housing and diminished pension provision while they conceal or control financial assets.[7] Southall Black Sisters' frontline experience supporting BMM women reinforces these findings and highlights additional and often less visible dynamics that contribute to their economic disadvantage, including the confiscation or appropriation of valuables (such as dowry) and belongings; ongoing extraction of earnings and financial demands on women and their families abroad, including in relation to immigration costs; exploitative unpaid domestic and caregiving labour; and exclusion from opportunities to work, study, or develop the skills needed to secure financial independence. Research by Women's Aid estimates that the average cost of fleeing an abusive partner is almost £50,000 in the first year after separation.[8] Many survivors continue to experience financial instability for years because of post-separation economic abuse.[9]

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[5] This is likely to be the tip of the iceberg as there may be more cases that featured domestic abuse but it was not the primary reason for the end of the marriage or respondents may feel too afraid to disclose or unable to recognise their experience as abuse. University of Bristol (2024): Dividing property and finances on divorce: what happens in cases involving domestic abuse? https://www.bristol.ac.uk/media-library/sites/law/documents/2024/FINAL%20DA%20Report.pdf.

[6] Resolution (2024): Domestic abuse in financial remedy proceedings https://resolution.org.uk/wp-content/uploads/2024/10/Resolution_DAFRP_Report_ONLINE.pdf

[7] Surviving Economic Abuse (2025): Counting the Cost: The Scale and Impact of Economic Abuse in the UK Counting-the-Cost-report-Surviving-Economic-Abuse-July-2025.pdf

[8] Women's Aid (2024): The Price of Safety: https://www.womensaid.org.uk/wp-content/uploads/2024/09/Price-of-Safety-Report-2024-Final-Version.pdf

[9] Surviving Economic Abuse (2025): Counting the Cost: The Scale and Impact of Economic Abuse in the UK Counting-the-Cost-report-Surviving-Economic-Abuse-July-2025.pdf

[^5] University of Bristol (2024): Dividing property and finances on divorce: what happens in cases involving domestic abuse? https://www.bristol.ac.uk/media- Domestic abusers also exploit financial remedy proceedings to continue their abuse.[10] They may hide or dissipate assets, provide incomplete financial disclosure, prolong proceedings or use litigation to intimidate survivors. This can increase legal costs, prevent effective participation in proceedings, and pressure survivors into accepting unfair settlements simply to end the abuse. These challenges can be further compounded for BMM women by limited knowledge of their legal rights, difficulties accessing specialist legal advice and representation, and additional cultural and linguistic barriers to navigating proceedings and pursuing their financial entitlements, which may increase pressure to settle out of court or deter women from pursuing financial claims altogether. This can include cultural and religious pressures from the extended family and the wider community.

This lack of recognition of domestic abuse in financial remedy cases has a significant impact on whether domestic abuse survivors can achieve fair outcomes on separation. The University of Bristol's "Fair Shares" report found that female domestic abuse survivors had limited pension provision and low levels of spousal maintenance as part of their financial settlement, and experienced greater financial hardship five years after separation.[11] Furthermore, rather than ending at separation, financial remedy proceedings may provide a further opportunity for coercive control, including economic abuse.

The most effective and principled way to consider domestic abuse in relation to the distribution of assets by the court would be to recognise domestic abuse as a distinct statutory factor within section 25(2) of the Matrimonial Causes Act 1973 (MCA 1973), separate from the existing conduct provision. This would acknowledge that domestic abuse has significant consequences for the parties' financial circumstances and the fairness of the eventual award. Domestic abuse should be considered alongside the other statutory factors when determining what fairness requires in the individual case. It should inform the court's assessment of both needs and sharing, including, where relevant, its interaction with relationship-generated economic disparity, the parties' financial resources and earning capacities, their standard of living during the marriage, and any other factor affected by the abuse. This would enable the

[10] Ibid.

[11] University of Bristol (2024): Dividing property and finances on divorce: what happens in cases involving domestic abuse? https://www.bristol.ac.uk/media-library/sites/law/documents/2024/FINAL%20DA%20Report.pdf.

court to take a holistic view of the parties' circumstances, recognising that the financial consequences of domestic abuse are often reflected across a number of the statutory factors rather than being confined to a single issue.

We know from our work with survivors that they strongly believe that the family courts should give greater weight to domestic abuse, including economic abuse, when determining financial settlements. While some stakeholders may have concerns that routinely considering domestic abuse could increase the length or cost of proceedings, earlier and more effective recognition of domestic abuse would enable the courts to better identify and respond to litigation misconduct, use case management and costs powers more effectively, and reduce the opportunities for perpetrators to prolong proceedings, increase legal costs or use the court process as a tool of abuse.

Only by recognising domestic abuse through financial remedy and cohabitation proceedings, including in relation to survivors' needs and both the perpetrator's conduct during the relationship and misconduct during the legal proceedings, can the legal system become safer and more efficient and better support survivors to achieve fair financial settlements after separating from an abusive partner. Courts should be supported to recognise and respond to these impacts through measures such as specialist domestic abuse training for judges and lawyers, and a trauma-informed approach to financial proceedings. Specialist community-based 'by and for' organisations should also be adequately resourced to play a central role in developing and delivering this training to ensure culturally competent understanding of the structural barriers faced by BMM women and forms of abuse that disproportionately affect them, including dowry-related, 'honour'-based abuse and immigration abuse.

12. To what extent should domestic abuse, if established, influence the court's decision-making in financial remedy and cohabitation proceedings?

- **It should only be considered in exceptional circumstances**
- **It should be considered where it has had a clear financial impact**
- **It should generally be considered where domestic abuse has occurred**
- **It should not be considered in financial remedy or cohabitation proceedings**
- **Other (please explain)**

Domestic abuse should **always** be taken into account wherever it has occurred. We wish to be clear that "generally" should be interpreted to mean that domestic abuse, including economic

abuse, should always be considered wherever it has occurred, without any additional threshold. It should not be interpreted as permitting courts to disregard domestic abuse in any case. Rather, the impact that domestic abuse has on the financial outcome should depend on the circumstances of the individual case.

Domestic abuse, including economic abuse, is well-evidenced to cause devastating and long-lasting economic impacts on survivors. Furthermore, we strongly believe that domestic abuse should not only be considered in exceptional circumstances and/or when it has a clear financial impact. This is because domestic abuse is highly prevalent, not exceptional, within the family courts, and requiring parties to litigate whether domestic abuse was sufficiently exceptional or whether a sufficiently direct financial impact had been established could deter survivors from raising domestic abuse, delay resolution and risk providing further opportunities for perpetrators to continue coercive and controlling behaviour through the litigation process. A general requirement to consider domestic abuse, is likely to produce fairer and more efficient outcomes. This is particularly important in cases involving economic abuse, where perpetrators may conceal financial information, control access to documents or otherwise prevent survivors from obtaining the evidence needed to demonstrate the abuse or its consequences. For BMM women, these evidential barriers may be further complicated by abuse involving wider family members, including where finances, assets, documents or property are controlled or withheld by more than one perpetrator.

We recommend that domestic abuse, including economic abuse, should be recognised as a factor that can fundamentally affect the fairness of a financial outcome. Where domestic abuse has occurred, the court should be required to consider the domestic abuse, given the evidence that perpetrators cause current and future economic loss and disadvantage to survivors, when determining a financial settlement to ensure it delivers fair financial outcomes.

To ensure that this approach reflects survivors' lived experiences of domestic abuse, we propose that the court should be required to identify domestic abuse at an early stage of proceedings. Evidence should not be limited to a criminal justice outcome,[12] but should include relevant evidence, such as existing findings from related proceedings, records from

[12] Requiring a criminal conviction as evidence would create an exceptionally high and unrealistic evidence threshold: fewer than one in five survivors report domestic abuse to the police, and, for those who do, even fewer manage to secure a criminal conviction. ONS (2025): Crime Survey England and Wales The value of ONS domestic abuse statistics | National Statistical

domestic abuse services, letters from local authorities or health professionals, and financial information like bank statements, that reflects the survivor's lived experience. A fact-finding hearing should only be required where there is a genuine dispute about an allegation of domestic abuse that cannot be resolved through the available evidence and where findings are necessary to the matters of the case.[13] .

This approach should be established through legislation, with the Family Procedure Rule Committee required to develop procedural rules and guidance setting out the approach the court should take. The court should retain flexibility to determine how domestic abuse is reflected in the outcome of an individual case. However, it should never be permitted to disregard domestic abuse simply because it is not considered exceptional enough or because its financial consequences cannot be precisely quantified. We believe that effective implementation would benefit from the judiciary receiving specialist domestic abuse, including economic abuse, training, including with 'by and for' organisations adequately resourced to contribute to its development and delivery. Without this, there is a risk that the significance of domestic abuse, including economic abuse, will continue to be overlooked or misunderstood.

13. If domestic abuse were more routinely considered in financial remedy and cohabitation proceedings, how do you think this should affect the division of assets between parties? For example, what principles should guide how misconduct is reflected in financial outcomes and how should this be applied in practice?

Domestic abuse, including economic abuse, should **always** be taken into account where it has occurred because it affects the fairness of a financial outcome as outlined above. The court should recognise that perpetrators' domestic abuse causes economic loss and disadvantage to the survivor throughout the relationship, when a survivor leaves, and often long after the relationship has ended through the long-lasting impacts of the abuse as well as post-separation abuse. This should be reflected when assessing both the survivor's current and future needs, whether a compensation award is necessary, how assets are shared, and making

[13] It is worth noting that fact-finding hearings are infrequently used in child contact proceedings within the family courts. A report by Cafcass and Women's Aid found that out of 438 records of domestic abuse allegations that were identified, the court ordered just five fact-finding hearings in relation to domestic abuse allegations. Cafcass and Women's Aid (2017): Allegations of domestic abuse in child contact cases https://www.cafcass.gov.uk/system/files?file=migrated/Allegations-of-domestic-abuse-in-child-contact-cases-2017.pdf

orders that reduce opportunities for the perpetrator to continue domestic abuse after separation and achieve a fair outcome.

The court should not require survivors to quantify every financial loss for domestic abuse to be taken into account when determining the outcome. Perpetrators often hide or misappropriate assets, control financial information, coerce survivors into debt sometimes without their knowledge, prevent them from working or exploit them through unpaid domestic and caregiving labour, damage their credit or restrict access to the documents needed to evidence the full extent of the economic disadvantage they have experienced. Requiring proof of the precise financial impact would place an unrealistic and unfair evidential burden on survivors, and risks allowing perpetrators to benefit from the very conduct that forms part of their abuse. The law should make it clear that perpetrators cannot obtain a financial advantage by concealing assets, failing to provide full and frank disclosure or deliberately frustrating financial remedy proceedings through delay, non-compliance or other obstructive conduct.

In practice, where domestic abuse has occurred, the court should first ensure that the survivor's housing, income and pension needs are met, including childcare and other caring responsibilities, recognising the greater economic disadvantage they are likely to face as a result of the abuse. The court should then consider whether a further adjustment to the division of assets is required to compensate for the economic loss and economic disparity caused by the abuser. Judges should retain discretion as to the appropriate level of any adjustment, but legislation should make clear that, where domestic abuse has occurred, the court must always consider whether an adjustment is necessary to ensure the perpetrator does not benefit financially from their domestic abuse, including economic abuse, and that perpetrators should not be able to obtain a better financial outcome in cases where domestic abuse has occurred.

The law should also recognise that economic abuse can take different forms and may disproportionately affect particular groups of women. The Law Commission's scoping report records evidence from Southall Black Sisters that women may experience dowry-related abuse.[14] For some women, particularly BMM women, dowry assets may represent their principal or only independent source of wealth. Evidence from a lived experience focus group

[14] Law Commission (2024): Financial remedies on divorce and dissolution: a scoping report https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/54/2024/12/Financial-Remedies-scoping-report-Dec-24-1-3.pdf

conducted by Southall Black Sisters situates dowry-related abuse as a continuing process of financial extraction and exploitation rather than a one-off transaction. It may develop into a long-term pattern of coercive control, including economic abuse, which may also include the extraction or appropriation of women's earnings, the concealment of the perpetrator's own income, and continuing financial demands on women and their families. The court should therefore be able to take account of dowry-related abuse when determining a fair financial outcome and, where appropriate, ensure that dowry assets are returned or otherwise reflected in the financial award.

14. If courts were more readily able to take domestic abuse into account in financial remedy and cohabitation proceedings, what impact do you think this would have on those proceedings (for example, the length of cases, evidential requirements, costs to parties and the overall experience of victim-survivors)?

Always recognising domestic abuse, including economic abuse, where it has occurred in financial remedy and cohabitation proceedings should improve the fairness and effectiveness of proceedings rather than make them longer or more expensive.

Domestic abusers already prolong proceedings by concealing assets, failing to provide disclosure, breaching court orders, making repeated applications and using litigation as a means to continue controlling, intimidating and abusing survivors. The University of Bristol's "Fair Shares" research found that cases where the primary reason for the divorce was domestic abuse were more than three times as likely to involve contested financial remedy proceedings than cases where domestic abuse was not the primary reason (22% compared with 7%).[15] Orders that fail to take account of coercive and controlling behaviour may be more difficult to implement, generate further enforcement proceedings, encourage repeated applications and fail to achieve a durable financial resolution. Early identification of domestic abuse and litigation misconduct has the potential to reduce, rather than increase, future litigation by producing orders that are more robust and less vulnerable to further abuse.

We support a legislative framework requiring courts to identify and consider domestic abuse at the earliest opportunity, while allowing survivors to disclose abuse at any stage of proceedings where it is safe to do so. This legislative approach should be bolstered by requiring the Family Procedure Rule Committee to develop procedural rules and guidance

[15] University of Bristol (2024): Dividing property and finances on divorce: what happens in cases involving domestic abuse? https://www.bristol.ac.uk/media-library/sites/law/documents/2024/FINAL%20DA%20Report.pdf.

setting out how the courts must always consider domestic abuse where it has occurred because of the economic disadvantage it can cause survivors. This must include clear guidance on the requirement to consider all available evidence in accordance with the definition of domestic abuse in the Domestic Abuse Act 2021 and the statutory guidance, and how the domestic abuse should inform their decision-making to ensure a fair financial outcome, developed in consultation with specialist domestic abuse organisations, including 'by and for' organisations. We believe that the court should consider how the domestic abuse should affect the financial settlement by taking into account survivors' current and future needs and both the perpetrator's conduct during the relationship and any post- separation abuse, including misconduct during the legal proceedings, to help ensure survivors can receive a fair financial settlement. We strongly believe that the Government should make it clear that perpetrators should not be able to directly or indirectly benefit from the abuse in cases where domestic abuse has occurred.

Effective implementation will depend on judicial training. Judges should receive specialist training on domestic abuse, including economic abuse, so they are confident in assessing evidence, identifying patterns of coercive control, including economic abuse and post-separation abuse, and distinguishing genuine allegations from attempts by perpetrators to misuse the process. To ensure reforms benefit all women, including those most marginalised, training should be developed and delivered with adequately resourced specialist 'by and for' organisations, so judges understand the additional structural barriers faced by these groups and forms of abuse that disproportionately affect them, including dowry-related, 'honour'-based, and immigration-related abuse.

Always considering domestic abuse where it has occurred is also likely to improve survivors' experience of the family justice system. Survivors consistently tell us that being unable to raise their experiences of domestic abuse allowed perpetrators to manipulate proceedings, increased legal costs, made them feel fearful and intimidated during proceedings and prevented the court from reaching a fair financial outcome. For many BMM survivors, additional barriers to accessing legal knowledge and advice, language and interpretation barriers, and the cultural stigma associated with separation or divorce, alongside the systemic lack of recognition or understanding of their experiences, can make it even harder for domestic abuse to be raised and properly considered, turning the family justice system into a further site of injustice.

15. Do you agree that the language currently used to describe the threshold for considering misconduct in financial remedy proceedings (sometimes referred to as the "gasp factor") is inappropriate and should be replaced? You may wish to give reasons in the text box.

Yes, the language is inappropriate, and the underlying threshold should be removed rather than simply renamed. The current language is inappropriate because it trivialises domestic abuse and suggests that only the most shocking cases are relevant. Furthermore, given the prevalence of domestic abuse within the family courts, it is unlikely that evidence of domestic abuse will produce such a level of shock as to cause a gasp among the judiciary, given judges' daily exposure to cases involving it.[16] Notably, this threshold creates particular barriers for BMM women whose experiences of abuse are already too often inadequately recognised or understood within the justice system, particularly where they fall outside stereotypical understandings of domestic abuse.

We strongly recommend that the Government scraps the threshold and instead requires the court to always consider domestic abuse where it has occurred based on all the available evidence a survivor can provide, using the statutory definition in the Domestic Abuse Act 2021 and its accompanying statutory guidance, so it is consistent with other parts of the family justice system. The court should then decide how it will impact the individual case.

There is also a risk that any replacement or renaming of the threshold would be interpreted in the same way as the current conduct exception. The requirement that conduct must be "such that it would in the opinion of the court be inequitable to disregard it" has, through case law, become an exceptionally high bar. As a result, conduct arguments rarely succeed, even in cases involving serious domestic abuse. Replacing the "gasp factor" with another threshold risks recreating the very problem these reforms are intended to address. No additional statutory threshold should be attached to this provision, and to do so would be contrary to the public policy objective across Government to halve VAWG in a decade.

[16] Three in ten (28 per cent) divorcees, the vast majority of whom were women (79 per cent), reported that the abusive behaviour of their ex-spouse was a reason for the breakdown of their relationship. This is likely to be the tip of the iceberg as many other cases may have featured domestic abuse, but the abusive behaviour was not the primary reason for the breakdown of the relationship. Ibid. University of Bristol (2024): Dividing property and finances on divorce: what happens in cases involving domestic abuse? https://www.bristol.ac.uk/media-library/sites/law/documents/2024/FINAL%20DA%20Report.pdf.

16. What forms of behaviour do you think should be considered as "misconduct"? You may wish to give reasons in the text box.

We believe it would be helpful for legislation to clearly state that domestic abuse perpetrators often use legal proceedings to continue to exert control and perpetuate abuse, and include examples of what abusive behaviour is considered misconduct. This should include litigation abuse and other conduct connected with domestic abuse, including economic abuse, such as those listed below. The legislation should not contain a fixed list because perpetrators continually adapt their behaviour to exploit legal and procedural mechanisms to continue their abuse, and new forms of abuse emerge. Instead, statutory guidance could provide examples of conduct that courts should consider.

From our work alongside survivors, we know that domestic abusers routinely weaponise financial remedy proceedings as a tool for economic abuse. Perpetrators can do this by using loopholes within the legal system that allow them to hide or dissipate money and assets, make false or incomplete financial disclosures, prolong or frustrate hearings and intimidate and abuse survivors during proceedings. The impact of this abuse on survivors is significant. It can prevent survivors from properly participating in proceedings and their ability to advocate for a fair outcome due to fear of the abuser, particularly where they are litigants in person.

As discussed, we are concerned that a statutory list, even if described as non-exhaustive, could risk some forms of abusive behaviour not being considered as misconduct because they do not feature on the list. The court should be able to consider any behaviour that causes, or is likely to cause, harm, economic disadvantage or an unfair financial outcome, even where the precise financial loss cannot be quantified. The legislation should make clear that misconduct includes behaviour that conceals, dissipates, controls or frustrates access to financial resources, intimidates or harasses a survivor or encourages others to do so, or otherwise impedes their effective participation in proceedings or undermines the court's ability to reach a fair outcome.

Examples can include:

- mortgage-related abuse, including deliberately failing to make mortgage payments, refusing to cooperate with a sale or transfer, frustrating refinancing or otherwise using joint mortgage liabilities to maintain control after separation;

- transferring, concealing or placing family assets beyond the reach of the court, including through third parties, companies, trusts or family members;
- reckless or deliberate dissipation of assets that might otherwise have formed part of the assets available for distribution;
- withholding, concealing, disposing of or misappropriating assets, belongings or documents belonging to the survivor, including through family members or other third parties;
- creating or asserting false liabilities, including alleged debts owed to family members, businesses or business associates;
- deliberately reducing or destroying one's income or earning capacity, or choosing not to work, in order to reduce financial obligations or the apparent value of resources available for distribution;
- failing to provide full and frank financial disclosure or submitting incomplete or misleading information;
- using the legal process to harass, control or financially exhaust the survivor, including through unnecessary applications (this is particularly relevant where the survivor is the financially stronger party), repeated delays, increasing legal costs or pressuring or intimidating a survivor into accepting an unfair financial settlement;
- misusing children or child arrangements to obtain a financial advantage;
- failing to comply with court orders, deadlines or hearings without good reason;
- insulting, intimidating, harassing, coercing or threatening the survivor and/or court staff, whether in person, in writing, electronically or through third parties;
- deliberately preventing the other party from accessing jointly owned assets or bank accounts after separation; These behaviours undermine the court's ability to achieve a fair outcome and frequently increase the costs, complexity and length of proceedings. The law should therefore make clear that they may attract appropriate consequences, including adverse inferences, add- back, adjustment of the substantive award, costs orders and other case management or procedural sanctions. Clear statutory recognition would both deter such behaviour and reduce the scope for perpetrators to obtain an advantage through non-compliance.

20. Do you consider that these proposed safeguards will ensure individuals understand the consequences of their pre-nuptial agreement and provide sufficient protection against coercion? You may wish to give reasons in the text box.

No. We do not support making qualifying nuptial agreements automatically binding. The existing approach, under which courts give nuptial agreements substantial weight **where it is fair to do so**, provides greater flexibility to achieve fair outcomes at the end of a relationship.

Making agreements automatically binding risks preventing courts from responding appropriately to domestic abuse and other significant changes in circumstances. The proposed safeguards cannot protect against significant changes in circumstances that arise during the relationship, such as the birth of children, illness, disability, caring responsibilities, financial hardship or the emergence of domestic abuse. A qualifying nuptial agreement that appeared fair when signed may produce profoundly unfair outcomes many years later if the court is prevented from responding to those changed circumstances. Agreements should not remain binding indefinitely where there have been significant changes in circumstances. They should be reviewed and renewed following major life events. This is particularly important because domestic abuse, including economic abuse, often begins or escalates during significant changes in circumstances, like pregnancy.

Additionally, the proposed safeguards cannot protect a party against the other party's coercive control. Domestic abuse often involves subtle, cumulative and psychological forms of coercion which may not be apparent to legal advisers and may not prevent an agreement from appearing, on its face, to have been entered into voluntarily. Survivors may receive legal advice and still sign an agreement that is unfair because of the impact of the coercive control and/or because they feel they have no realistic alternative. This risk may be heightened for BMM women where coercion operates alongside barriers such as insecure immigration status, no recourse to public funds (NRPF), language barriers, cultural and religious pressures, economic dependency and limited access to independent legal advice.

Furthermore, the requirement for full financial disclosure may create particular risks for survivors of domestic abuse. Some survivors discreetly build a financial reserve as part of a safety plan to enable them to leave an abuser safely. Requiring full disclosure of all financial resources may expose those plans, increasing the risk to the survivor and undermining their ability to leave safely.

The proposed reforms also appear inconsistent with the Government's aim of strengthening the way domestic abuse is taken into account in financial remedy proceedings. It would be contradictory to improve the court's ability to recognise domestic abuse while simultaneously introducing binding agreements that could prevent the court from responding to its consequences.

Therefore, it is important that where domestic abuse has occurred, the court should retain full discretion to depart from the agreement where necessary to achieve a fair outcome and to avoid perpetuating the economic consequences of the domestic abuse. This recognises that domestic abuse fundamentally undermines the fairness of the agreement and that survivors cannot give genuine, free and informed consent in the context of coercive and controlling behaviour. Any reform must make it clear that a nuptial agreement can be set aside by the court where domestic abuse has occurred, even if there is no evidence that the abuse was taking place when the agreement was signed. The Government should also consider whether an agreement that is unfair or unreasonable should remain legally binding.

Part 2: Reforming the Law for Cohabitants on Separation

25. Do you agree that cohabitants captured within the framework should be two people living together as a couple in an enduring family relationship?

Yes, subject to safeguards. We agree that the framework should cover two people living together as a couple in an enduring family relationship. However, "living together" must be interpreted flexibly. Periods spent apart because of work, caring responsibilities, housing circumstances or safety should not automatically prevent a relationship from qualifying.

This is particularly important for survivors of domestic abuse, who may leave and return to the abuser several times before a relationship ends, due to well-documented barriers to leaving an abuser. Perpetrators may also conceal the relationship, exclude survivors from conventional evidence such as survivors' name on tenancies, bills or financial records, or maintain another household. Courts should therefore consider the relationship in the round rather than relying on continuous co-residence or conventional evidence of a shared life.

The framework should also expressly include those who are effectively cohabiting within religious-only marriages that are not legally recognised, who may understand themselves to be married but have no access to the financial protections available on divorce. This is

particularly important for BMM women, given frontline experience of perpetrators misleading women about the legal status of their relationship.

We support allowing claims where the respondent is married to or in a civil partnership with someone else. A perpetrator's abuse, deceptive tactics or coercive control must not be allowed to prevent a survivor from establishing a qualifying relationship.

26. What factors, as outlined by the Law Commission's 2007 report, do you think the court should take into account when considering whether individuals are cohabitants? Please tick all that apply.

- Existence of a joint household
- Stability of the relationship
- Financial arrangements
- Responsibility for children
- Presence of a sexual relationship
- Public recognition of the relationship
- Other (please specify) Religious-only marriages

All of the proposed factors, except presence of a sexual relationship, should be capable of being considered and religious-only marriage added as a factor; however, they should be non-exhaustive and serve only as guidance for the court when assessing whether individuals are cohabitants. Claimants should not be required to meet all the factors, nor should any single factor be accorded greater weight or treated as determinative. For example, the absence of joint finances, property, children or public recognition should not exclude a claimant because domestic abuse can shape or obscure these indicators. Perpetrators routinely control finances, assets and how the relationship appears, while sexual abuse or safety concerns may also make a sexual relationship or public recognition unreliable indicators.

The presence of a sexual relationship is not a reliable indicator of whether a relationship functioned as an enduring domestic partnership. Relationships may be committed and financially interdependent without being sexual. In cases involving domestic abuse, sexual activity may have been coerced or non-consensual. Reliance on this factor also risks unnecessary inquiry into highly private matters that are unlikely to assist the court in determining whether there was seamless cohabitation. It is also an inquiry that risks

becoming highly retraumatising in the context of domestic abuse where sexual activity, or the lack of it, may have been used as a tool of abuse during the relationship.

A lack of public recognition should also not weigh against a finding of seamless cohabitation. There are many legitimate reasons why couples may not publicly present themselves as a couple, including concerns for privacy or safety, cultural or religious considerations, or coercive and controlling behaviour. In particular, perpetrators of domestic abuse may deliberately isolate survivors or seek to conceal the relationship.

Meanwhile, a religious marriage ceremony may provide important evidence that the parties were in a committed family relationship and had a shared life together, even though the marriage may not be legally recognised in England and Wales. To that extent, there should also be an additional factor of the existence of a religious-only marriage for the court to take into account when considering whether individuals are cohabitants.

With regard to the "joint household" and "financial arrangements" factors, the guidance should clarify that the court should consider the reality of the parties' shared life, including how property was used, rather than formal ownership or legal rights alone. This is particularly important in cases involving domestic abuse, including economic abuse, where a survivor may have contributed to a shared home without formal legal or tenancy rights.

Furthermore, the Government should consider expanding the "responsibility for children" factor to include the parties' domestic and caregiving arrangements. This would recognise unpaid domestic and caregiving work as relevant evidence of a shared life, including in cases where such responsibilities extend beyond childcare. As with the other factors, none of these considerations should be essential or accorded greater weight than other relevant evidence.

28. Do you agree that the minimum age to be eligible for the framework should be 18?

- Yes
- No
- Undecided

No. The Government's proposal to align eligibility with the minimum age for marriage is inappropriate because the framework is not about determining who can enter a legally binding relationship, but ensuring that people are not left without protection when a cohabiting relationship ends.

Young people are particularly vulnerable to abuse within intimate relationships, and under-age religious marriages that may occur in the UK or whilst overseas; thus a blanket age threshold would exclude some of the youngest and most vulnerable survivors of domestic abuse. Many young people under 18 may live with a partner, share children, become financially dependent and experience abuse through control of their money, housing, education, employment or possessions. The Youth Endowment Fund's[17] research into the experiences of more than 10,000 children aged 13 to 17 in England and Wales found that violence within teenage relationships is a significant issue. More recent research by Surviving Economic Abuse[18] found that nearly a third (31%) of girls aged 16 to 18 in the UK had experienced economic abuse, with many experiencing it within the first month of the relationship. Evidence from across the VAWG sector shows that domestic abuse, including economic abuse, can begin well before the age of 18 and escalate very quickly, causing coerced debt, housing insecurity, homelessness, mental ill health, and reduced future opportunities.

There should therefore be no minimum age threshold. However, this should not prevent courts from considering the claimant's age and welfare and applying appropriate safeguards when determining a fair financial outcome.

29. Do you agree with the Government's proposal that couples without children must have lived together for a minimum of three years, before they can access the cohabitation framework? If you disagree with the three-year minimum duration period suggested above, what period would you propose having instead?

- **Yes**
- **No**
- Undecided

If you disagree with the three-year minimum duration period suggested above, what period would you propose having instead?

- **None – we think there should be no minimum duration in cases of domestic abuse**
- 1 Year

[17] Youth Endowment Fund, How do boys and girls experience violence? (2024)

[18] Surviving Economic Abuse and Ipsos UK (2026): https://survivingeconomicabuse.org/news/one-in-three-girls/

- 2 Years
- 4 Years
- 5 Years
- More than 5 Years

No. There should be no minimum duration requirement where domestic abuse has occurred. A three-year threshold risks excluding survivors who have experienced significant harm early in the relationship and creating an opportunity for perpetrators to end the relationship before the survivor becomes eligible.

Perpetrators often progress relationships quickly and use the early stages of a relationship to take control of a survivor's finances, housing, assets or documents, restrict their employment, coerce them into debt, or socially isolate them. A minimum duration requirement may create an incentive for perpetrators to exploit a survivor and then end the relationship just before the three-year threshold is reached. It also creates an arbitrary distinction between survivors in otherwise similar circumstances, potentially denying some survivors access to protections despite the abuse and resulting harm they have experienced. It may also inadvertently discourage survivors from leaving a dangerous abuser earlier if doing so means not being able to access vital legal protections when separating joint finances and possessions.

If a qualifying period applies in cases of cohabitation where domestic abuse is not in contention, the courts should retain discretion where applying the qualifying period in cases where it would cause significant unfairness, including for those in religious-only marriages who organised their lives as married from the outset.

30. Do you agree that where cohabitants are living together and there is a child of the family, the minimum duration requirement should be disapplied?

We reiterate that there should be no minimum duration requirement where domestic abuse has occurred. In other cases, if a minimum duration requirement applies, it should be disapplied where there is a child of the family, including where one cohabitee is pregnant.

Pregnancy and the presence of a child can create economic disadvantage regardless of the length of the relationship due to the primary carer having to reduce or stop working to take on caring responsibilities. This is particularly important given Surviving Economic Abuse's

research showing that mothers are disproportionately affected by economic abuse and are more likely to experience severe economic harms as a result.[19]

Pregnancy, childbirth and the early years of parenthood are recognised periods of heightened risk for domestic abuse. Survivors may experience economic abuse, be prevented from working, or become financially dependent very soon after the birth of a child. Requiring them to satisfy a minimum period of cohabitation before accessing the statutory framework would risk excluding some of those most in need of protection.

The definition of "a child of the family" should be clearly defined and interpreted broadly. It should include dependent children of either party, children over the age of 18 who remain dependent, and circumstances where the couple had a child who was stillborn or who died before the claim was made. In each of these situations, there may have been significant caring responsibilities and/or financial consequences that create economic disadvantage, particularly for the primary carer. This safeguard is important in ensuring that parents and their children are not left without financial protection simply because the relationship did not meet a minimum duration requirement.

31. Do you agree that a time limit should be introduced to prevent claims being made after two years have passed since the relationship ended?

- Yes
- **No**
- Undecided

If you disagree with the two-year period suggested above, what period would you propose having instead?

- No Time Limit
- 1 Year
- 3 Years
- 4 Years
- More than 5 Years

[19] Surviving Economic Abuse (2025): Counting the Cost: The Scale and Impact of Economic Abuse in the UK Counting-the-Cost-report-Surviving-Economic-Abuse-July-2025.pdf

If you disagree with the two-year period, and chose a different period, please explain why below

There should be a clear exemption from the two-year time limit where domestic abuse has occurred. A strict time limit risks preventing survivors from accessing their legal rights because the reality of domestic abuse means they may not be able to access support or engage with complex legal proceedings until long after separation, particularly while managing immediate safety concerns, homelessness, trauma, poor health, caring responsibilities and difficulties accessing financial information, important documents or specialist legal advice. BMM women face additional structural barriers, including institutional racism and the hostile immigration environment, particularly the restrictive no recourse to public funds (NRPF) condition; a lack of cultural competence within statutory services; cultural and community stigma around disclosing and litigating abuse; uneven access to specialist 'by and for' service provision; and language and interpretation barriers.

Perpetrators may continue post-separation abuse by withholding or manipulating child maintenance, refusing to cooperate over joint finances or property, concealing financial information, creating debt or misusing legal proceedings to maintain control. Survivors may therefore need to prioritise securing safe housing and income, protecting their children, navigating family or criminal proceedings and addressing urgent health needs, while migrant survivors may also be dealing with insecure immigration status, no recourse to public funds or documents being withheld by the perpetrator. These overlapping demands may mean two years pass before a survivor can pursue a claim, and a limitation period should not allow perpetrators to benefit from barriers created by their abuse.

32. Do you agree that "needs" should be the guiding principle the court follows for determining outcomes when cohabitants separate? You may wish to give reasons in the text box.

Meeting the needs of the survivor and children must be a priority. However, needs alone will not always deliver a fair outcome in cases involving domestic abuse, particularly where domestic abuse, including economic abuse, has caused lasting economic loss and economic disparity. The court should therefore also have the ability to consider the impact of domestic abuse and award compensation or make other adjustments where appropriate.

We are also concerned that restricting cohabitants to a narrower concept of needs would disproportionately disadvantage women and survivors of domestic abuse. Many survivors experience significant economic disparity arising from the relationship, including lost earning capacity, reduced pension provision, financial dependence, financial dependence, unpaid domestic and caregiving responsibilities and diminished future economic opportunities, and diminished future economic opportunities. While the proposal to include economic disparity (described in the consultation as economic disadvantage) as a factor within the statutory checklist is welcome, there will be cases in which those consequences cannot be adequately addressed through a needs-based award alone.

Domestic abuse can significantly affect a survivor's financial position through coerced debt, damaged credit, loss of earnings, housing insecurity, loss or misappropriation of assets, health impacts and the costs of leaving, as well as ongoing post-separation economic abuse as outlined in our answer to question 11 above. These consequences should be recognised so that perpetrators cannot financially benefit from the economic disadvantage they have caused and survivors can achieve a fair financial outcome.

Fair outcomes should be guided by the realities of the relationship rather than by the parties' marital status. The framework should ensure that the courts meet needs according to the standard of living during the relationship, or what it would have been but for the domestic abuse, including economic abuse, and have sufficient discretion to achieve a fair outcome, particularly where the perpetrator's domestic abuse has affected a survivor's ability to build or retain their financial security both now and in the future.

33. Do you agree with the Government's view that the objective for meeting needs should be to do so in such a way as to enable termination of dependence and obligations as soon as is just and reasonable? You may wish to give reasons in the text box.

No. The primary objective should be to protect the vulnerable party and meet the needs of any children. The termination of dependence and obligations must only be pursued where it is just and reasonable to do so.

Ending ongoing economic ties can be important for survivors, particularly where perpetrators are using financial links to maintain control and continue their economic abuse. However, a clean break should not be achieved at the expense of leaving survivors in financial hardship or liable for the long-term economic consequences of the domestic abuse.

Domestic abusers often leave survivors with coerced debt, damaged credit files, reduced earning capacity and pension pots, disrupted employment, caring responsibilities, poor health, insecure housing and depleted assets. For migrant survivors, this economic insecurity may often be compounded by insecure immigration status and NRPF, which can restrict access to social security benefits and housing support. The economic loss and disparity caused by the domestic abuse must be considered before a court seeks to end all financial obligations. The objective should not be to achieve a clean break at any cost, but rather a fair outcome that enables survivors and their children to be financially secure.

The University of Bristol's "Fair Shares" report found that women who had experienced domestic abuse were more likely than other women to prioritise a clean break, with 46% identifying the desire to have no ongoing financial ties compared with 31% of other women as a factor shaping their financial settlement.[20] This highlights the difficult choices survivors face, where ending financial obligations may be necessary for safety but may not always result in financial security, both now and in the future. However, extending legal rights on separation to cohabiting couples may help survivors access fairer outcomes on separation. The law should therefore ensure that survivors and their children are protected first, and that they are not forced to accept unfair financial outcomes simply to try to cut financial ties with an abusive ex-partner.

If the legislation includes a statutory objective relating to financial independence, it should make clear that independence is to be promoted only where fair and practicable; that parties should be enabled to transition to independence without experiencing a period of hardship, so far as resources allow; and that proper account should be taken of domestic abuse, relationship-generated economic disparity, caring responsibilities and the position of children.

36. Do you agree there should be a checklist of the matters the court must particularly consider when applying the needs principle? You may wish to give reasons in the text box.

A statutory checklist would promote greater consistency, transparency and fairness by ensuring that courts consider all relevant factors when determining a financial outcome.

[20] University of Bristol (2024): Dividing property and finances on divorce: what happens in cases involving domestic abuse? https://www.bristol.ac.uk/media-library/sites/law/documents/2024/FINAL%20DA%20Report.pdf.

We agree that the checklist should broadly reflect the factors used in financial remedy proceedings for married couples and civil partners. However, it should also include domestic abuse, including economic abuse, as a standalone factor, using the statutory definition in the Domestic Abuse Act 2021 and statutory domestic abuse guidance, so that courts are required to consider its impact wherever it has occurred. The court should also consider the cumulative impact of intersecting inequalities and structural barriers when assessing a survivor's needs.

Domestic abuse can create or intensify a survivor's needs long after separation, including through social isolation, lost earnings or reduced future earning capacity, housing insecurity or homelessness, physical or mental ill health, increased caring responsibilities and difficulty meeting basic living costs. Migrant survivors may face additional barriers arising from insecure immigration status or NRPF condition. Economic abuse may also leave survivors appearing financially secure on paper despite having limited access to or control over their income and assets, while post-separation abuse may involve perpetrators hiding assets, withholding child maintenance, coercing survivors into debt or obstructing the resolution of property matters. Survivors should not be required to quantify the precise financial consequences of the abuse before it can be taken into account.

The checklist should also include relationship-generated economic disparity, recognising that relationships can leave one party at a long-term economic disadvantage and the other party at an economic advantage because of decisions or circumstances arising during the relationship, such as assuming unpaid domestic and caring responsibilities, giving up or reducing paid employment, or being prevented from working, studying or otherwise developing the skills needed to achieve financial independence.

The checklist should be non-exhaustive, apply flexibly and enable courts to reach fair outcomes based on the circumstances of each case, including the survivor's actual access to resources rather than relying solely on income or legal ownership on paper.

37. Do you agree with our proposed approach in relation to remedies for cohabitants?

We agree that courts should have access to the same broad range of financial remedies available following divorce or dissolution, including property adjustment orders, lump sum orders, pension sharing orders and maintenance. This will enable courts to reach fair outcomes based on the circumstances of each case.

A person's ability to achieve a fair financial outcome should not depend on whether they have a marriage certificate, particularly where the relationship has involved domestic abuse, including economic abuse. Children should also receive the same protection and support regardless of their parents' legal relationship status.

Maintenance should be a genuine remedy where it is needed to achieve fairness, rather than being available only in principle or restricted to exceptional circumstances. Survivors may need ongoing financial support because of the long-term effects of domestic abuse on their housing, health, caring responsibilities, earning capacity and financial independence.

The framework should also provide effective interim protections where joint mortgage arrangements are used to continue economic abuse after separation. Courts should have sufficient flexibility to protect survivors from homelessness, financial hardship and increasing debt during proceedings, prevent perpetrators from exploiting joint financial liabilities and make the interim or final order that is fairest in the circumstances.

In cases involving dowry-related abuse, the framework should provide effective mechanisms for identifying and recovering dowry-related assets. Courts should enquire into the nature and location of such assets, including where they are held by family members or other third parties, and should be able to secure their return to the survivor where appropriate. Where the assets cannot be returned, their loss should be reflected in the financial award. As dowry-related assets and transactions are often not formally documented, the absence of documentary evidence of their ownership, transfer or appropriation should not prevent courts from considering other available evidence.

38. In relation to maintenance in particular, do you agree with the follow statements. Please tick all that apply:

- **Maintenance should be awarded in exceptional circumstances (such as serious health issues or disability).**
- **Any maintenance order should be time-limited, with no open-ended "joint lives" orders.**
- **A maintenance order term may not be extendable beyond the original period set by the court.**

If you disagree with any of the proposals above, please explain why.

No, we disagree with all three proposals. Maintenance should not be limited to exceptional circumstances, nor should all orders be time-limited or incapable of extension. Instead, the court should retain discretion to make maintenance orders that meet survivors' needs and achieve a fair outcome. Maintenance is one of the principal mechanisms by which the court can address relationship-generated economic disparity when it cannot be fairly remedied by capital provision alone. Restricting its availability therefore risks undermining one of the central objectives of the proposed reforms: enabling the court to reach fair outcomes that properly reflect the financial consequences of the relationship.

While many survivors would like to cut all financial ties with the abuser,[21] for some survivors, maintenance is essential to prevent financial hardship and enable them and their children to recover from the long-term consequences of domestic abuse. Domestic abuse, including economic abuse, can leave survivors with reduced earning capacity, disrupted employment, caring responsibilities, poor health, coerced debt, loss of assets, destitution including through the NRPF condition, and long-term financial disadvantage. In these circumstances, ongoing maintenance may be essential to enable survivors and their children to recover and achieve financial security.

Restricting maintenance to exceptional circumstances sets the threshold too high and risks leaving survivors without adequate provision. In many cohabitation cases there will be insufficient capital to achieve a clean break, meaning maintenance is the only realistic way to meet needs. This may be particularly important where the parties have children, have limited assets, or have lived together for a long period.

Where resources allow, we support the court ordering lump sum orders and other orders instead of maintenance orders in domestic abuse cases. Still, the courts should not avoid or restrict maintenance orders for cohabitees where available resources do not meet needs or adequately compensate for the economic loss and disadvantage experienced as a result of domestic abuse.

[21] The University of Bristol's "Fair Shares" research has found that "survivors were often motivated by having a clean financial break from their ex-spouse (e.g. 43 per cent of female survivors compared to 35 per cent of other women) and by having no ongoing contact with them (e.g. 29 per cent of female survivors compared to 13 per cent of other women)." University of Bristol (2024): Dividing property and finances on divorce: what happens in cases involving domestic abuse? https://www.bristol.ac.uk/media-library/sites/law/documents/2024/FINAL%20DA%20Report.pdf.

Similarly, maintenance orders should not automatically be time-limited or prevented from being extended. The appropriate duration should depend on the survivor's needs. The court should retain discretion to extend an order where circumstances have changed or where the original term is no longer sufficient to meet needs. The primary objective should be to protect survivors and support a transition to financial independence where it is just, fair and reasonable and does not result in financial hardship.

40. Do you agree that all of the safeguards listed above should be required in order for an opt-out agreement to be valid? If you disagree, please explain which safeguards you would either add or remove and explain why.

Yes. All the proposed safeguards should be mandatory, but they are not sufficient on their own to ensure that an opt-out agreement was entered into freely and fairly, particularly where domestic abuse has occurred.

A person may receive independent legal advice, understand the consequences of the agreement and receive financial disclosure, but still be unable to refuse or negotiate safely because of coercive or controlling behaviour. Independent legal advice cannot, by itself, overcome domestic abuse, unequal bargaining power or the risks a survivor may face if they reject the agreement. Unlike a nuptial agreement, an opt-out agreement could risk removing the statutory protections provided by the framework altogether, so the safeguards must be correspondingly robust.

Opt-out agreements should not take effect without a cooling-off period and should not be binding indefinitely. Parties should be able to opt back into the statutory framework at a later stage, and opt-out agreements should be reviewed and renewed following changes in circumstances, such as the birth of a child, new caring responsibilities, the acquisition of a family home, or serious illness or disability. Any renewed agreement should require updated financial disclosure and fresh independent legal advice. This is particularly important because power dynamics may change, and domestic abuse, including economic abuse, may begin or escalate after the original agreement was signed.

Importantly, the courts should also retain the power to set aside an opt-out agreement where domestic abuse, including economic abuse, has occurred during the relationship or where enforcing it would result in an unfair outcome. This should include cases where the abuse began or became apparent only after the agreement was signed.

42. What do you think is the most effective way to communicate these reforms to the public, particularly to help dispel the common law marriage myth and raise awareness of the new legal rights?

The Government should deliver a sustained and properly resourced public awareness strategy rather than a one-off campaign. The sustained campaign should explain the current legal position and any new eligibility requirements, rights, remedies, limits, deadlines and exemptions, including those relating to domestic abuse. The campaign should also make clear the legal status of religious-only marriages and the rights available to those in them, particularly given that uncertainty about legal status is often exploited by perpetrators. Forced marriage, dowry-related abuse and 'honour'-based abuse should also be included in these campaigns, particularly as some forced marriages may also be subject to nullity proceedings where survivors can benefit from these reforms. It should combine national traditional and digital media with clear and permanent GOV.UK guidance and practical resources that charities, advice organisations and frontline professionals can share.

Information should also be provided at key life events, such as buying or renting a home or registering a birth, and through age-appropriate education.

Communications should be accessible, available in multiple languages and formats, and designed to reach people who are digitally excluded or unlikely to access mainstream legal advice. They should be developed with survivors, specialist domestic abuse and legal organisations, and 'by and for' services with expertise in reaching BMM, disabled and LGBT+ survivors, with these organisations adequately resourced to contribute their expertise and reach affected communities. Information should be distributed through trusted housing, health, financial, family, immigration and domestic-abuse services, and include signposting to specialist support and independent legal advice. This information must be accessible safely where a perpetrator may monitor a survivor's devices, post or important documents.

Public awareness alone will not enable people to exercise their new rights. The reforms must be supported by timely access to specialist independent legal advice and an adequately funded legal aid system, particularly for survivors who face additional financial, practical and safety barriers to securing advice and representation.

Part 3: Reforming the Law for Cohabitants on Death

43. Should qualifying cohabitants receive the same intestacy rights as spouses or civil partners? You may wish to give reasons in the text box.

Yes. Qualifying cohabitants should receive the same intestacy rights as spouses and civil partners. Survivors of domestic abuse should not be financially disadvantaged following the death of an abusive partner simply because they were not married or in a civil partnership.

However, these reforms must also prevent perpetrators from benefiting financially where a victim's death is related to domestic abuse. Current protections, including the forfeiture rule, do not always cover cases where there is no homicide conviction but the death is nevertheless recognised as domestic abuse-related. The NPCC's Domestic Homicide Project recorded 150 suspected domestic abuse-related suicides in the year ending March 2025, compared with 80 intimate partner homicides.[22] This highlights the need for stronger protections, particularly where domestic abuse has contributed to a victim's suicide.

The Government should therefore introduce a mechanism, whether through reform of the forfeiture rule or other legislation, to prevent perpetrators from inheriting where a victim's death is domestic abuse-related. This should apply where a court finds that domestic abuse materially contributed to the victim's death, where this has been established through a coronial finding, or where this has been established through a statutory Domestic Abuse Related Death Review (DARDR).

The Government should also consider wider situations where perpetrators may benefit financially following a victim's death, including where economic abuse has enabled them to put all of the family's assets in their sole name, leaving children and other dependants without financial security after the victim's domestic abuse-related death.

44. Should qualifying cohabitants have the same priority as spouses and civil partners to apply for a Grant of Administration where their partner dies intestate?

Yes. However, safeguards are needed to prevent perpetrators of domestic abuse from being appointed as administrators of a victim's estate. A perpetrator should not be able to use this role to continue controlling the victim's assets or economically abuse their family after their

[22] National Centre for Violence Against Women and Girls (VAWG) and Public Protection (2026): Domestic Homicides and Suspected Victim Suicides 2020-2025 Year 5 Report https://www.vkpp.org.uk/assets/Year-5-Report_FINAL-for-publication.pdf

death. The court should have the power to refuse or remove an abusive partner as administrator and appoint an alternative representative where domestic abuse has occurred.

Signatories

1. Estelle du Boulay, Director, Rights of Women

2. Selma Taha, Executive Director, Southall Black Sisters

3. Sam Smethers, CEO, Surviving Economic Abuse

4. Surwat Sohail, CEO, Roshni Birmingham

5. Angie Herrera, Director, Latin American Women's Aid

6. Farah Nazeer, CEO, Women's Aid Federation England

7. Gemma Sherrington, CEO, Refuge

8. Janaya Walker, Interim Director, End Violence Against Women Coalition

9. Sarah Hill, CEO, IDAS (Independent Domestic Abuse Services)

10. Gisela Valle, Director, LAWRS - Latin American Women's Rights Service

11. Hollie Venn, CEO, Sheffield Women's Aid

12. Jo Gough, RISE

13. Tracey Bleakley, Interim CEO, SafeLives

14. Laura Seebohm, CEO, WWIN Specialist Domestic Abuse Service, Sunderland

15. Katherine Ahluwalia, Restore Women's Aid

16. Yasmin Khan, CEO, Staying Put

17. Zoe Jackson, CEO, Aurora New Dawn

18. Rukhsana Ismail, CEO, NIDAS

19. Joyce Simon, CEO Anah Project

20. Ila Patel, Director, Asha Projects

21. Carey Philpott, CEO, SATEDA

22. Alice Piller-Roner, CEO, Woman’s Trust

23. Jo Todd CBE, CEO, Respect

24. Susie McDonald, CEO, Tender

25. Zlakha Ahmed CEO Apna Haq

26. Elaine Langshaw CEO Newcastle Women's Aid

27. Indy Cross, Chief Executive, Agenda Alliance

28. Susan Bright, CEO, The Employers’ Initiative on Domestic Abuse

29. Clair Johnson, CEO, Bexley Women’s Aid

30. Penny Thomas, Cleveland, Women's Network

31. Yasmin Khan, CEO, The Halo Project

32. Dr Daniella Jenkins, Executive Director, The Women’s Budget Group

33. Natasha Rattu, Executive Director, Karma Nirvana

34. Lynsey Gibson, CEO, My Sisters Place

35. Kyla Kirkpatrick, Director, The Drive Partnership

36. Sarbjit Ganger, Director, AWRC (Asian Women's Resource Centre)

37. Lucy Hayton, Head of Policy and Research, Right to Equality