

What is a Clean Break?

The term 'Clean Break' is used within matrimonial or Civil Partnership financial remedy proceedings. It refers to a specific type of agreement or order which provides for division of the assets in such a way as to leave the parties without ongoing obligations to one another.

What does the Clean Break do?

- It dismisses all future claims that either party may have against the other
- It prevents either party from claiming or receiving spousal maintenance
- It does not prevent claims for maintenance for children





When is a Clean Break appropriate?

Where possible, the Court will always try to achieve a Clean Break as this allows both parties to move forwards without any financial ties to their former spouse or Civil Partner. A Clean Break may be achieved if, upon division of the matrimonial assets, there is sufficient to ensure that both parties' needs are met. Each party must also be able to meet their ongoing expenses by virtue of their own income (whether this be through employment, self-employment, benefit income or any other sources).

Whether a Clean Break can be achieved will depend upon the specific facts associated with the case. However, in general, a Clean Break will not be appropriate where:

- One party earns significantly more than the other
- One party is the primary carer for a child

To find out more, please refer to the information sheets which can be found on our website under Resources.

-  What is a Consent Order?
-  Procedure for Financial Remedy
-  What is Financial Disclosure?
-  Financial Remedy – What will the Court consider?

