

A Practical Guide to 'Stranded Spouses' in Family Law

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Barristers

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The existence of 'stranded spouse' cases in family law has existed for many decades. The issues that emerge in stranded spouse cases are complex in nature but also emotive. In the family law context, stranded spouse cases can raise issues that practitioners and the courts of England and Wales have to grapple with in a sensitive and effective manner. This is because ultimately, the court is concerned on the welfare of the subject children who may be caught up in a practice which is a form of domestic abuse and the welfare of the subject children is as a consequence, impacted upon.

This book will provide practitioners a toolkit as to how the courts of England and Wales deal with the vast amount of issues that arise in stranded spouse cases. In particular, this book will outline the strategies practitioners can adopt when representing either parent or the subject children throughout each stage of proceedings. This book will illustrate the powers that can be utilised by virtue of the inherent jurisdiction. In particular, this book will consider the following practical considerations for practitioners:

- The definition of stranded spouses and the case law relating to this area of the law;
- The use of the inherent jurisdiction in stranded spouse cases;
- The use of wardship in stranded spouse cases;
- The powers and purpose of the High Court and orders that can be obtained such as Tipstaff orders, disclosure orders and return orders;
- How to effectively represent applicants, respondents and children in these types of proceedings;
- The format of court hearings and how to deal with certain issues within the court arena; and
- Representing vulnerable clients and participation of parties in stranded spouse cases.

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