SmartJudge Analysis

Case reference: WWAJS-SAMPLE-0001 Generated: 20/07/2026 Complexity: Standard

SAMPLE REPORT. The figures below describe a fictional couple, so you can see exactly what a SmartJudge report looks like. This assessment is provided for educational purposes only and does not constitute legal advice. It is based on general principles of England and Wales family law. Every case is unique. You should seek independent legal advice from a qualified family law solicitor before making any decisions.

THE LIKELY OUTCOME

A judge would most likely divide the assets around 60/40 in your favour, mainly so that you and the children can be suitably rehoused while both of you can meet your reasonable needs.

Why: This is a needs case: the total pot of roughly £576,000 does not clearly exceed what two households with children will reasonably need, so needs drives the outcome.

Leading authority: White v White [2000] UKHL 54 at 989C

ESTIMATED ASSET DIVISION

55/45	**60/40**	65/35
Conservative	Most likely	Generous

In favour of: you, as primary carer (needs-based)

MISSING INFORMATION & RISK AREAS

- An up-to-date market valuation of the family home (your figure is an online estimate)
- Current Cash Equivalent Values for both pensions, direct from the schemes
- Evidence of your mortgage capacity on part-time earnings, and your spouse's on full-time earnings
- Details of your spouse's workplace bonus arrangements, if any
- Estimated housing costs for two suitable homes in your area

This is a Standard-complexity case: one property, two pensions, no business assets and no nuptial agreement. The main uncertainty is housing - what each of you can actually buy or borrow. Firmer figures on the items above would narrow the estimated range.

YOUR NEXT STEPS

You now have a clear picture of how a judge is likely to approach your situation, and that puts you in a stronger position whatever you do next. Many couples with a report like this move on to mediation or a negotiated agreement rather than court.

The main open questions in your case are practical ones - a firm valuation of the family home, up-to-date pension values and what each of you can borrow. Firmer figures on those points would narrow the estimated range and give you a stronger basis for whatever you decide next. There is no pressure and no time limit - this report is yours to keep.

FULL SECTION 25 ANALYSIS

MARRIAGE LENGTH & DURATION CONSIDERATIONS

Your marriage lasted 13 years, preceded by about a year of living together that moved seamlessly into the marriage. Courts in England and Wales generally treat seamless pre-marital cohabitation as part of the overall length of the relationship, so a judge is likely to approach this as a relationship of around 14 years.

A marriage of this length sits firmly in "medium-to-long" territory. In practical terms that matters in two ways. First, the longer the marriage, the less weight a court tends to give to who brought what into it: assets built up over 14 years of shared life are usually treated as the product of a joint enterprise.

Second, a longer marriage strengthens arguments based on the standard of living the family enjoyed and on any career sacrifices made along the way (sections 25(2)(c) and (d) of the Matrimonial Causes Act 1973).

Nothing in your answers suggests the kind of short, childless marriage where a court might lean towards simply returning each party to their pre-marriage position. The duration here supports a full application of the sharing and needs principles to everything built up during the marriage, including the family home and both pensions.

INCOME DISPARITY & EARNING CAPACITY ANALYSIS

There is a significant gap between your incomes. Your spouse earns around £58,000 a year in full-time employment, while you earn around £23,500 from part-time work, having reduced your hours to care for the children. Under section 25(2)(a) the court looks not only at current income but at earning capacity, including any increase it would be reasonable to expect a party to take steps to acquire.

A judge is likely to recognise that your current earnings understate your long-term earning capacity, and that your capacity has been shaped by the caring role you took on during the marriage. As the children grow older, the court may expect your working hours and income to increase, but it is unlikely to treat you as able to match your spouse's income in the near term.

In a case like this the income gap is usually addressed through the capital division and, where needed, a period of spousal maintenance rather than an open-ended commitment. The court must also consider whether a clean break is achievable, either immediately or after a defined period of adjustment. Neither of you reported any disability affecting earning capacity (section 25(2)(e)), which simplifies this part of the analysis.

CHILDREN'S WELFARE & FINANCIAL NEEDS

You have two children, aged 8 and 11, who live with you most of the time and spend regular weekends and holiday time with your spouse. Under section 25(1) their welfare while under 18 is the court's first consideration. That does not mean the children's interests override everything else, but they come first in the ordering of priorities.

The most concrete way children's welfare shapes the outcome is housing. A judge is likely to want both of you securely housed, with the children's main home given priority. In practice that often means the parent with primary care receives a larger share of the available capital, or is enabled to stay in the family home while the children are at school, with the other parent's share addressed through offsetting or a deferred interest.

Day-to-day financial support for the children is dealt with separately from the division of assets, normally through child maintenance under the Child Maintenance Service formula or by agreement. School costs, childcare and the children's changing needs as they approach secondary school are all matters a judge may take into account when assessing each household's income needs.

FAIRNESS & CONTRIBUTIONS ASSESSMENT

Section 25(2)(f) requires the court to consider the contributions each of you has made and is likely to make to the welfare of the family. The law is emphatic that contributions in the home, including caring for children, carry the same weight as financial contributions. White v White [2000] UKHL 54 at 989C established that there is no place for discrimination between husband and wife and their respective roles: the breadwinner and the homemaker are treated as equals.

On your answers, your spouse has been the main earner throughout while you combined part-time work with primary responsibility for the children and the home. A judge is likely to treat these as equal contributions to a joint enterprise, and neither of you described the kind of wholly exceptional contribution that courts have occasionally recognised as justifying a departure from equality on contribution grounds alone.

You mentioned that the deposit for the family home included £20,000 from your spouse's savings before the marriage. After 14 years, and with that money long since mingled into the family home, a judge may give this modest weight at most. In a needs case, the source of an asset matters less than what the family now requires from it.

ESTIMATED ASSET DIVISION & FINANCIAL PROVISION

This is a needs case, so the analysis starts with equality of the matrimonial assets and then asks whether needs justify a departure. Your combined pot is roughly £576,000: about £310,000 of equity in the family home, £42,000 in joint savings, and pensions of about £188,000 (your spouse) and £36,000 (you) by cash equivalent value.

An equal split of the non-pension assets would give each of you around £176,000, which is unlikely to rehouse you and two children adequately in your area while your mortgage capacity remains limited by part-time earnings. A judge may therefore depart from equality in your favour, most likely by giving you a larger share of the home equity, with your spouse's greater earning power and mortgage capacity treated as justifying a smaller immediate capital share.

The range below reflects that reasoning. The midpoint of 60/40 in your favour is the most likely landing zone; the outer figures show how the outcome could move depending on housing costs, mortgage capacity evidence, and how the pensions are dealt with.

JUDICIAL REASONING SUMMARY

Needs, not sharing

This is a needs case. The threshold fact is that a pot of roughly £576,000, spread across two future households with two school-age children, does not clearly exceed what both of you reasonably need for housing and income. Where needs and sharing point to different results in a case like this, needs prevails.

The three strands

The modern framework asks the court to consider needs, compensation and sharing (Miller; McFarlane [2006] UKHL 24 at [10]-[16]). Sharing supplies the starting point of equality for assets built up during a 14-year joint enterprise. Compensation rarely adds anything separate, and your circumstances do not obviously call for it: your reduced earnings are better addressed through needs.

Needs then does the real work, pulling the capital division towards you because you will house the children on the weaker income.

Pensions

The pension disparity (about £188,000 against £36,000) is a distinct strand, not just another line in the pot. A judge is likely to consider a pension sharing order to address the retirement gap, or offsetting, where you keep more non-pension capital now in exchange for a smaller pension claim. Offsetting requires care because pension money and house money are not like-for-like.

The Pension Advisory Group's "A Guide to the Treatment of Pensions on Divorce" (2nd edition) is the standard practitioner guidance on these choices.

Clean break

Finally, the court must consider whether your financial ties can be ended. A judge may aim for a clean break once housing is resolved, possibly after a short period of spousal maintenance while your working hours increase. A computer produced this assessment, not a person.

If you'd like, you can ask a qualified family lawyer to review how it was worked out. See our Privacy Policy for your data rights.

NEXT STEPS

If you would like Paradigm Family Law to review this assessment in detail with you, they offer an assessment for £300 which can help answer your questions and guide your next steps. If you want to get a judge or barrister's written opinion on your suggested settlement for a fixed fee of £1,800 or £3,600, the links below have the details.

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