

## SCHEDULES

### SCHEDULE 5

#### FINANCIAL RELIEF IN THE HIGH COURT OR A COUNTY COURT ETC.

#### PART 9

##### FAILURE TO MAINTAIN: FINANCIAL PROVISION (AND INTERIM ORDERS)

*Matters to which the court is to have regard on application under paragraph 39(1)(b)*

- 44 (1) This paragraph applies if an application under paragraph 39 is made on the ground mentioned in paragraph 39(1)(b).
- (2) In deciding—
- (a) whether the respondent has failed to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates, and
  - (b) what order, if any, to make under this Part in favour of the child, the court must have regard to all the circumstances of the case.
- (3) Those circumstances include—
- (a) the matters mentioned in paragraph 22(2)(a) to (e), and
  - (b) if the child of the family to whom the application relates is not the child of the respondent, the matters mentioned in paragraph 22(3).
- (4) Paragraph 21(2)(c) (as it applies by virtue of paragraph 22(2)(e)) has effect as if for the reference in it to the breakdown of the civil partnership there were substituted a reference to—
- (a) the failure to provide, or
  - (b) the failure to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates.