

R Chen online submission form

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Would you like to ... Use this form to answer questions

Question 1

1. Ideally to ensure decoupling/separation/divorce to be as fair as possible to either partner

Question 2

1. The paramount importance is children well being (if any) 2. The time line between separation and settlement should be expedited or shorter in process 3. In the modern era, the assumption that mother is a better parent or children relies more on mother needs to be reassessed 4. Father's right and mother's right should be respected as fairly as possible

Question 3

1. Improve of statistics of outcome i.e. data collection of all divorce asset settlement, ongoing child support amount 2. With above, that rules can be set to guide outcome

Question 4

1. Ideally has one stop shop (by government) of process involved with guideline of outcome

Question 5 I have no experience in this area

Question 6 again government website would be helpful

Question 7 as above

Question 8 government website

Question 9 government website

Question 10

In my personal opinion, one of the main issue is lack of clarity ie presence of variability of the potential outcome. E.g. The custody can be from 90/10 to 50/50 (assuming no violence). Also the financial settlement also can vary a lot. Because of this variability, people may be influenced to try to get more out of the settlement. This will either through custody or other means. At the end, all (either partner, father, or mother, children) will suffer during this period between separation and settlement period. AND the amount of variation that any side gets is likely to be less that the legal fees The suffering will continue and revenge may be sort after as ongoing process if one side perceive the settlement is unfair. I think the best way and efficient way to change this is to have better guide line of settlement amount in the family law. The following purely an example and try to illustrate principle. 1. All financial settlement is 50/50 if no children involved regardless of either partner's income 2. All financial settlement is 50/50 if total asset is > 5 million or 100 x average income regardless of children present 2. If children involved and any child less than 10; it is 60/40 for financial settlement if total asset is < 5 million 3. If all children is involved and all children older than 10; then it is 55/45 for financial settlement if total asset is < 5 million The above are only example, and I know it is hard to make into law but the more strict the guideline there is, the more likely less fight there will be. And the more likely time/money spend in legal system and will free up a lot of resources. As an analogy, a quick fight is much better than a slow drawn out fight when all suffers.

Question 11 I am not familiar with court settings as I had a amicable divorce

Question 12 I am not familiar with court settings as I had a amicable divorce

Question 13 I am not familiar with court settings as I had a amicable divorce

Question 14

1. The time line between separation and settlement need to be short as possible. Children suffers more with uncertainty and knowing parents are fighting. 2. The assumption mother is better parent than father should be reconsidered in this modern era. There are many wonderful father as there are wonderful mother. 3. To ensure above the more strict the guideline the custody, the faster for resolution. As an example purely to illustrate e.g. All custody is 50/50 if all children are above 10 y.o; if any one is less than 3 then 70/30; if youngest is between 3-7; then 60/40 4. A clear guideline makes all involved has no conflict of interest e.g. lawyer wants to drag out process to make money (I know there some ethical lawyers but no one deny there are some who are not), father tried to get more custody to pay less child support, mother tried to get more custody to get more child support; 5. The more clear cut, the less people tried to get more; the less suffering for the children

Question 15

I am not familiar with family violence, apart from knowing that some father has been accused of family violence when they have not

Question 16 no comment

Question 17

1. In general, the system is leveraged against the person with higher earning capacity and is likely to get less than 50%. Of note is that the closer to 50/50 split, the more that the person getting less than 50% (usually the one with high earning capacity) will not fight against non 50/50 split, ie less time to settlement, less suffering to children, less legal fee. Therefore, the clearer the government to provide specific law, guideline the better to avoid either parties fighting for the 10-30% variation, which in most case will be less the legal fees. 2. There has to be some provision for high net asset split as they tend to cost prolonged legal battles and suffering to children. 3. There should be some provision for prior asset or money contribution. Ideally excluded from the asset to be split. To be fair, if two people get married, extra wealth is build during the marriage, prior asset should not be counted and the partner without those asset did not contribute in earning the asset. The following are only examples 1. Any decoupling with asset > 5 million or say 100x annual average income: 50/50 2. Any decoupling with asset 3-5 million or say 40-100x annual average income: 55/45 3. Any decoupling with asset < 3 million or <40 annual income: 60/40

Question 18

One thing is clear, when two people are divorced, most do not want to have much to do with each other unless through kids. The obligation/good will towards the other party will not be more than mere acquaintances. The person with higher earning capacities will have sense of unfairness if they have to pay ongoing spousal maintenance. After all, their relationship is finished. Also, the person receiving spousal maintenance will have no sense of urgency to look for job or re-establish oneself and some people will take advantage of this forever. To be fair to either party, there should be a time limit of spousal support (e.g. 2-3 yr as afterall, every one should depend on themselves and not on past relationship or previous interaction, particularly when that has ended) and if the total asset is above a certain amount (e.g. 3 million or if a variable is needed - median house price + 5 x average income).

Question 19

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2. Any decoupling with asset 3-5 million or say 40-100x annual average income: 55/45
3. Any decoupling with asset < 3 million or <40 annual income: 60/40
4. Any decoupling should avoid the including of prior asset
5. if a fix amount is thought to be too rigid due to change in economy times. Then can use - e.g. median house price + x number of median income

Question 20

The main issue is been mentioned before in other questions, less potential variability in outcome, the less the time needed. So has confined guidelines!!

Question 21 yes

Question 22

small property matter should be tried to have fixed outcome. eg.all matter less than 1 million is 50/50 or 60/40 or what ever proportion

Question 23 no experience

Question 24 --

Question 25

Question 26

Question 27 --

Question 28 --

Question 29 --

Question 30 --

Question 31 --

Question 32

one thing is that the psychologist assessment is significant in court setting. When one psychologist is biased against one side of family, this is difficult. May be more psychology assessment is helpful to avoid bias

Question 33 --

Question 34 --

Question 35 --

Question 36

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Question 37 --

Question 38

Children should be involved but probably only after 10 yo as they can be manipulated

Question 39 --

Question 40 --

Question 41

1. one thing is that the psychologist assessment is significant in court setting. When one psychologist is biased against one side of family, this is difficult. May be more psychology assessment is helpful
2. One thing is that may be the professional involved in court need to record of their outcome and

Question 42 --

Question 43 --

Question 44 --

Question 45

Question 46 outcome should be available in website

Question 47 --
Other comments?