

MAINTENANCE



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Who decides on the amount to be paid for maintenance and the period of payment?

In an ideal situation, both parties will come to an agreement on maintenance and it will be according to the principles of Islamic Shariah. When both parties fail to reach an agreement, the court will determine the amount and period of maintenance and will order the former husband to comply with the terms set.

How is payment of maintenance enforced?

The court has a discretion to ensure payment. One method is by appointing a third party to maintain a property belonging to the former husband and controlling the proceeds by ensuring that it is channeled towards maintenance payments.

The court will entrust another person by directing a guarantor or assignee to make the payment or by directing that an apportioned part of the income of the person liable to pay maintenance be paid as maintenance.

My husband does not have job and is not financially stable. Does this mean he does not have to pay maintenance?

He will only be exempted if he is below the age of 18 years and the court is satisfied that he has no means to financially support himself. The court will step in to discuss the matter with relatives of the children and if any of the said relatives are willing, the court will then appoint the said relatives to be responsible for bearing any cost towards children's maintenance.

Unless he fits the description above, he would be liable for punishment for failure to pay maintenance, that is a fine not more than 1,000 Rufiyaa.

Can my former husband kick me out of our matrimonial home?

No, he cannot unless he has provided you with alternative accommodation. During the *iddah* period or as long as you have custody of the children and that was your home during the marriage, he cannot ask you to leave.