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## Supreme Court Lays Down Clearer Child Support Guidelines After Divorce

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In a recent verdict, the Supreme Court of Pakistan provided much-needed clarity on how child maintenance should be calculated following the dissolution of a marriage. The decision outlines that the child’s “reasonable requirements” and the father’s financial means are both key factors in determining the support amount. The ruling broadens the definition of what maintenance should cover, aiming to ensure children receive adequate care and opportunities, regardless of their parents’ separation.

The five-page decision, issued by a bench headed by Chief Justice of Pakistan (CJP) Yahya Afridi and Justice Shakeel Ahmad, lays out a comprehensive framework for family courts. Justice Ahmad, the junior member of the bench, authored the verdict. The ruling emphasizes that maintenance goes beyond just necessities like food, clothing, and housing. In line with modern standards and the Islamic principle of protecting the welfare of minors, it includes educational expenses, healthcare, and other costs essential to the emotional and mental development of the child.

Importantly, the court insisted that support amounts should align with the family's social standing. In other words, children should not suffer a drop in living standards due to divorce. The judgment aims to prevent situations where a child is disadvantaged simply because the marriage ended.

The ruling also clarifies the Islamic legal position on child support. According to the decision, a father's duty to provide maintenance is conditional on three factors: the child must be in need, unable to earn due to age or disability, and the father must have the means or the ability to earn. Under the Hanafi school of thought, which is widely followed in Pakistan, this duty remains even if the father lacks current wealth, as long as he can work. The court stressed that a man's unemployment, without a valid medical or psychological condition, is not an excuse to shirk this obligation.

Where the father is genuinely unable to support the child, due to incapacity or financial ruin, the responsibility may fall on the mother, but only if she is financially well off. If both parents lack the means, the duty then shifts to the paternal grandfather, again depending on his ability to provide.

While the ruling is grounded in Islamic jurisprudence, it also reflects the evolving standards of child welfare. It pushes back against any attempt to use personal financial irresponsibility or joblessness as a loophole for avoiding parental duties. The court has signaled that the rights of the child come first, regardless of the breakdown of the marriage or the father's unwillingness to work.

This judgment introduces a more structured framework for post-divorce child welfare. It reflects recognition that courts are increasingly emphasizing the child's right to stability and development when parental support fails. While it doesn't address the many enforcement gaps that still plague family law in Pakistan, it does offer clearer standards for lower courts to follow, and fewer excuses for neglect.

