

# Equitable Divorce Settlements: Beyond Gender Bias to Financial Independence

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*Discover the importance of vocational evaluations, career sacrifice recognition, and tailored settlements for equitable results."*

## By Padideh Jafari

Divorce can have a financially devastating impact on couples. Often one spouse is left at a greater economic disadvantage and, according to [research published by New Prairie Press](#), that tends to be the woman. Over the past 20 years, this disparity has been recognized by the courts and in different bodies of research. A woman's income tends to drop notably after divorce while men's income tends to either stay the same or increase. Even as assets are equally shared, [the discrepancies are found in the payment gap with women making 77 cents for every dollar a man earns](#) and because they take on the bulk of the childcare.

As more information emerges and a deeper understanding is gained about how divorce financially impacts both women and men, the courts are increasingly focused on achieving more equitable outcomes that reflect modern economic realities. The goal is to protect vulnerable parties, regardless of gender.

## Moving from gender-based to economic-based analysis

Traditional divorce settlements have often defaulted into mother-centric custody arrangements with corresponding support structures. This has introduced a dynamic that has left women carrying the bulk of the childcare which directly impacts their time at work and their income. Managing the school run, doctor's appointments and other essential parental activities limits their time spent at work and their ability to meet deadlines or earn the same income as those without children.

It is an imbalance that's being recognized by the courts. Today, many courts are adopting

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a more nuanced approach designed to analyze each family's unique circumstances. It is a modification that reflects changing societal norms and that gender alone should not determine settlement outcomes.

A great example of this is California's recent elimination of the DissoMaster calculation system as of January 2025. The change forces courts to look beyond statewide formulas and instead take multiple factors into account, including the complete financial picture for both parties. It is introducing an element of uncertainty, but as the system balances out, it will allow for settlements to become more tailored and to reflect each family's specific situation. As a 22-year California divorce attorney veteran who champions for the underdog client, this type of case-by-case approach tends to be more amicable than using a statewide calculation or a straight 50/50 division of assets that we have here in California.

One thing that has evolved over the past few years is how judges are increasingly viewing couples as business partners – dissolving a business as equally as possible – and expecting women to work for a living. There is a process known as a Gavron warning which is given by a judge to a spouse that's not working and requests that this spouse become self-supporting within a reasonable amount of time. Reasonable is, of course, determined on a case-by-case basis.

## **The principle of 'Maintenance of Status Quo'**

At the heart of any modern divorce settlement lies one important principle – maintaining the status quo while transitioning to a post-divorce life. This principle, however, requires careful interpretation. What many people don't understand is that child and spousal support are designed to equalize and keep the status quo. This doesn't translate to indefinitely maintaining pre-divorce living standards, but rather to providing both parties with a bridge to financial independence.

There are three things to consider when looking for an equitable settlement:

1. Duration-based support. Often, the support allocated tends to correlate with the length of the marriage and it is typically half the marriage's duration for unions under 10 years in the state of California. Longer marriages may warrant extended support but, even then, the ultimate goal is to encourage self-sufficiency.

1. The recognition of career sacrifice. Courts now examine the career sacrifices made by either spouse. This includes recognizing the long-term financial impact of becoming a primary caregiver, whether this is the mother or the father.

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1. Vocational evaluation. One of the tools that has become critical in this process is a professional assessment of earning potential. These evaluations are expensive, often ranging from \$5,000-\$10,000, but they offer an objective, data-driven view of a spouse's ability to become self-supporting.

### **Special circumstances: A deeper look into equitable outcomes**

There are special circumstances that require additional protection, and these situations do require additional scrutiny to ensure outcomes are equitable for both parties.

The first of these is to examine how caregiving responsibilities are allocated within the marriage. When one spouse serves as a primary caregiver for a disabled child or family member, for example, the courts see this as an ongoing commitment that will impact earning potential. These cases often warrant extended support and more flexible self-sufficiency timelines.

The second is professional development support. Modern settlements are increasingly including provision for education or professional certification which is an investment into future earning potential. This is a more sustainable approach to indefinite support and empowers the relevant spouse to become self-sufficient.

### **Strategies for equality: Achieving balanced outcomes**

One of the most important things to consider when you are facing divorce is to trust your instincts. If a proposed settlement feels unfair, especially in a long-term marriage where complex financial entanglements may need careful analysis, then spend time examining it to determine what needs to change.

It's worth looking for multiple professional opinions and legal perspectives. Just like patients look for second medical opinions, it's worth doing the same in a divorce. This is particularly important if there is pressure to accept a settlement. A few hours of consultation with another attorney could catch that issue that could prevent years of financial hardship for you.

Equally, it's important to never sign a divorce agreement until you understand every provision. This includes examining how support termination, property division and future earnings will affect long-term stability.

There is nothing wrong with taking time to assess and analyze every aspect of an agreement, or to discuss issues that aren't clear. Taking the time to meticulously understand the fine print now, can prevent mistakes and financial losses.

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## **The future of equality: A look ahead**

There are several trends influencing the future of divorce settlements. The first is an increased focus on financial independence which is already seen in court decision making.

The second is the move towards recognizing that rigid formulas don't serve modern families. This is leading to more agile and flexible support arrangements which benefit both parties. There is also continued movement away from gender-based assumptions and instead towards fact-based evaluations of the circumstances of each family.

These trends are shaping the future of equitable divorce settlements but need to be further managed within the context of recognizing that fairness doesn't mean identical outcomes in every case. Instead, there needs to be careful consideration of each family's unique situation, coupled with a clear understanding that the goal is to build a bridge towards independence and self-sufficiency rather than indefinite support.

If you are facing divorce, be vigilant, informed and brave. Don't be afraid to take on additional counsel or even get a second opinion if you're uncertain and prioritize your own understanding before you sign a retainer agreement, which is a legal contract with your lawyer. Stick to the mantra – never sign something you don't understand – as this will help you deftly navigate the complexities of the modern divorce settlement.

### **About the author: Padideh Jafari, Esq.**

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