

Pre-Divorce Child Maintenance Order: A Child-Centered Reform in Family Law

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Abstract

No child should wait for parental divorce to receive financial protection. Children are often the silent victims of family disputes. Delay in divorce and maintenance proceedings can make these difficulties worse. It may prevent children from receiving timely financial support, medical treatment, vaccination and other basic needs. This paper examines how family law can better protect children during parental disputes. The study examines Articles 15(3), 21, 39(e), 39(f), 45 and 47 of the Constitution of India, along with important decisions such as Unni Krishnan, J.P. v. State of Andhra Pradesh (1993), Vivek Singh v. Romani Singh (2017), and Rajnesh v. Neha (2020). The paper also explores whether lack of emotional support, supervision and financial security can increase a child's vulnerability to negative peer influence and juvenile delinquency. It does not treat divorce or single parenthood as a cause of crime. Instead, risks created by inadequate support and protection. The paper proposes early legal intervention, timely maintenance orders, and prompt decisions on essential medical and educational expenses. It argues that the law should protect children before serious harm occurs, rather than providing remedies only after harm has taken place. The study concludes that family justice should protect the child's dignity and welfare while also reducing the risk of future social exclusion and delinquency.

Keywords

Child-centered reform, child maintenance, early child-support assessment, legal reform, matrimonial litigation.