

Financial proceeding flow chart

Most people do not have to use the court process to sort out their money on divorce.

It is possible to settle the case at any point of these proceedings. If that happens, it is usual to prepare a court order setting out what has been agreed, and dismissing the claims which each spouse has against the other (if this does not happen, the right to come back and ask for more remains open). As soon as a case is settled, it can be agreed to call off the legal process – and stop the legal fees racking up!

For those who do, the procedure is as follows:

If appropriate (which will be the situation for the majority of cases), attend your Mediation Information and Assessment Meeting. This is an “options” meeting designed to give you all of the information about the options available to you before starting the court process. If mediation, or another form of dispute resolution is not appropriate for you, you will need to complete form FM1 with your mediator before you can issue proceedings.



Form A filed and served – this is the application to start the court process. Form FM1 must accompany your application.



Court sets the date for the First Directions Appointment. It also sets dates for the filing and exchange of Forms E (five weeks before the hearing) and the exchange of the other First Directions Appointment documents (two weeks before the hearing).



File and exchange Forms E.



First Directions Appointment documents filed and served:

- concise statement of issues;
 - chronology;
 - questionnaire; and
- Form G – is it possible to combine the First Directions Appointment and the FDR hearing?



Form H – estimate of costs – filed before the hearing.



First appointment at court. Can be combined with FDR appointment if parties agree.

Court directs:

- which questions should be answered;
- what valuations should be taken; and
- what other expert evidence should be taken.



Prepare for FDR hearing:

- answer questionnaires;
- obtain valuation/expert evidence;
- file proposals for settlement; and
- file costs estimates again (form H).



FDR hearing: this is a without prejudice hearing at which the judge will try to assist a settlement of financial issues. Most cases settle here or just after. If not –



Preparation for final hearing.

If there is no settlement at the FDR, the judge will give directions and set the case down for a final hearing.

In advance of the hearing:

- bundles of papers for the court will have to be prepared and filed;
- barristers will be briefed and may discuss matters in conference (ie, at meetings with you);
 - open proposals will be filed and served; and
 - detailed costs estimates will have to be filed (form H1).



Final hearing. The court will listen to evidence, grant orders and give reasons.