

Sorting out finances following divorce

We always aim to resolve financial matters by agreement, but this is not always possible. Some cases have to be referred to court. The procedure is set out below. We can deal with all of this for you.

1. The application can only be issued after divorce proceedings have been started.
2. Either the Petitioner or the Respondent can apply. They become known as the Applicant and Respondent.
3. You are required to attend a Mediation Information and Assessment Meeting (MIAM) before you can start the process.
4. The Applicant completes the application form (form A) and sends 3 copies to court, together with the court fee.
5. The court fixes a timetable and sends copies to the Applicant and Respondent.
6. You need to serve the application form on various parties who could be affected by the proceedings including mortgage companies, pension companies and trustees of settlements.
7. The first step in the court timetable is for both parties to complete a financial statement known as form E. You have to attach supporting documents to form e (which include bank statements, business accounts, pension valuations etc).
8. The forms E should be exchanged simultaneously, and a copy sent to court.
9. 3 weeks later, both parties are required to exchange the following documents:
 - a. A questionnaire, setting out questions arising from the other persons form E and any further documents needed. The rules state no one is required to answer the questionnaire until after the First Appointment (see below) but in practice it is common to answer questions before the first hearing to make the process quicker and cheaper.
 - b. A chronology of relevant dates.
 - c. A summary of the issues sought.
 - d. A form G, stating whether the first court hearing must be treated as a First Appointment or whether it can be used as a Financial Dispute Resolution hearing. (see below).
10. The first court hearing is called a First Appointment – this is the first of a possible three court hearings. The purpose of the hearing is for each party to report to the court whether they are ready to start talking about a settlement, and if not what else needs to be done? The court can set “directions” such as ordering a valuation for property, business, pension, or allowing further questions to be asked/answered.

11. After the First Appointment, the court will fix a date for the Financial Dispute Resolution Appointment (FDR), or if everyone is in agreement, the date originally fixed for the First Appointment can be treated as the FDR. The hearing allows the parties to have informal discussions about possible settlement terms. If they cannot reach an agreement between themselves, the judge can give an initial indication of what financial order they would make. This opinion is not binding on the parties but is intended to focus everyone's mind and to encourage an agreement. The judge that gives the opinion is barred from dealing with that case again.
12. If no agreement is reached at the FDR, the court will fix a date for a Final Hearing – this is where each party gives evidence in court and the judge makes a final, binding decision based upon the evidence provided as to how the finances should be dealt with.