

Information Sheet

Finances on Divorce or Dissolution - The Process

If negotiations or attempts at alternative dispute resolution have not been successful, or if it is not appropriate to try these, it is possible to apply to the court for an order making financial arrangements between you and your spouse or civil partner on divorce or dissolution.

MIAM

Before your application is issued at court, the court requires that you should have attended a Mediation Information and Assessment Meeting (MIAM) with a mediator who will explain the alternative dispute resolution options open to you and explore whether the dispute might be suitable for mediation. The person on the other side of the dispute (the respondent) should also attend, although you do not have to go together. Certain people are exempt from the requirement to attend a MIAM, but it is compulsory for most. The mediator will sign a Form A to show the court that you have attended.

Form A

Form A is the application to start the court process. When it receives this, the court sets the date for the first court appointment when it will give directions to progress your case. Five weeks before the appointment the court will require the applicant and respondent to file and exchange **Forms E** – the substantial form in which each party needs to set out fully and frankly all of their financial circumstances. It needs to be signed before it is filed with the court.

Two weeks before the first court appointment, the applicant and respondent must both file with the court and exchange

- a form ES1 - a summary of the case and its issues;
- a form ES2 - an asset schedule;
- (if necessary) a questionnaire arising from the other person's Form E; and
- a completed Form G stating whether it is possible to move towards negotiating a settlement at the first court appointment.

Immediately before every court appointment, each person must file at court and exchange a statement of the amount of money they have spent on legal costs.

The First Appointment (or "FDA" – First Directions Appointment)

This is usually listed for 30 minutes of a District Judge's time. It can be combined with the FDR appointment if both parties agree so on Form G. The court will order which questions should be answered from the questionnaires and by when, what valuations should be obtained and by when, what other expert evidence should be obtained and by when, and the date of the next court appointment – the "FDR".

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FDR (Financial Dispute Resolution) Hearing

This is a “without prejudice” hearing, which means that each side is able to make proposals for settlement that cannot be referred to openly in court at any other appointment. The judge will try to assist both of you to come to a settlement. If no agreement is reached on the day, the judge will give any further directions about what is needed to get the case ready for trial, eg missing evidence, and fix a date for the final hearing (trial).

Final hearing

If it is not possible to come to an agreement, the court will make orders at the final hearing about how property, assets and income should be shared. You should bear in mind that very few people’s cases get to final hearing stage – most settle before then.