

Procedure for Financial Remedy

If you are unable to resolve matter relating to joint finances on Divorce or Dissolution by agreement, it may be necessary to apply to the Court. The procedure is fixed and the Court is strict in ensuring that the procedure is followed.

File Form A

File Form A (Notice of [intention to proceed with] an application for a financial order) at Court. The Court will then return to you a sealed copy of your Form A together with a Form C (Notice of a First Appointment) which will set out various directions that must be followed as at 2 and 3 below and provide you with the hearing date.

Exchange Form E

At least 35 days before the First Appointment, both parties have to exchange and file at Court a statement which gives full details of your capital, income, assets and liabilities and details of other matters, in a prescribed form called Form E.

Questionnaires

At least 14 days before the First Appointment both parties have to exchange and file at Court:

- a. A concise statement of the issues in dispute.
- b. A questionnaire setting out what further information and documents should be (in addition to any documents already provided) relevant to the issues stated to be in dispute in the statement of issues.
- c. A Form G (Notice of Response) stating whether each of the parties will be able to treat the First Appointment as an Financial Dispute Resolution (FDR) Appointment (see below).

FDA – First Directions Appointment

The first hearing. The Court will be in possession of a substantial amount of information about the financial issues between the parties. The Judge will set out an agenda for your case, including a date for responding to questionnaires or commissioning of reports, valuations or further evidence. These are known as Directions.

FDR – Financial Dispute Resolution

The 'indication' hearing. Each party makes representations to the Judge about the case. The Judge will give an indication as to the appropriate outcome, with a view to encouraging the parties to reach agreement. The Judge can make a final order at this hearing as long as the parties agree. If the parties do not agree, the Judge cannot impose an order and the matter will be listed for final hearing. The Judge who has heard the FDR, cannot hear the final hearing.

Final Hearing

Unlike the FDR, at the final hearing, each party will be expected to give oral evidence and be questioned by the other party. Having read all the written evidence and heard the oral evidence, the Judge will decide the outcome and make the order.

To find out more, please refer to the information sheets which can be found on our website under Resources.



Financial Remedy – What will the Court consider?



What is a Consent Order?