

ATTENDANCE AT A MIAMS APPOINTMENT

(Mediation Information and Assessment Meeting which is to assess whether Mediation is more appropriate.)

If mediation is unsuitable or no agreement reached obtain MIAMS form



SENDING OF FINANCIAL REMEDY APPLICATION TO COURT

Form A
MIAMS Form
Issue fee of £255



COURT ISSUES A TIMETABLE

Court sets a timetable on issue of the application: -

1. Court sets a date for filing and service of **Financial Forms E** (essentially a long financial statement of your job(s), earnings, savings, debts, expenditure, pensions and property. You will have to obtain various documents such as up to date valuations and bank statements to complete this form and you must attach copies of the documents to it.)
2. Date set for filing and service of preliminary documents comprising:
 - 2a. Concise statement of issues
 - 2b. Chronology
 - 2c. Questionnaire (if relevant)
 - 2d. Form G
 - 2e. Form H detailing costs incurred up to and including the FDA
3. Court will list the First Hearing (FDA) in 12 weeks' time.

(* costs throughout are not usually recoverable from the other side save in exceptional circumstances)



FIRST DIRECTIONS APPOINTMENT (FDA) HEARING TAKES PLACE

1. If all financial disclosure has been exchanged by both parties and matters are relatively straightforward, parties may agree to treat the FDA as the Financial Dispute Resolution Hearing (FDR) and try to settle the case and agree a consent order.

2. IF NO AGREEMENT IS POSSIBLE:

2a. Court considers each party's questionnaire and strikes out/amends any questions as is appropriate.

2b. Sets a date in which each party must respond to the other's questionnaire (Replies to Questionnaire), if one has been raised.

2c. Gives directions to further case which can include but is not limited to:

- valuations of properties and businesses, updating information, mortgage raising capacity, suitable alternative properties for future accommodation

2d. Sets a date for the Financial Dispute Resolution Hearing (FDR)



COURT ISSUES FURTHER TIMETABLE FOLLOWING THE FDA

1. Replies to questionnaire to be filed and served on each party within set timetable

2. Without prejudice proposals sent to other side with a view to settlement prior to the FDR

3. IF AGREED

3a. Consent order drawn up by applicant's solicitors, signed by all parties and sent into court with the request to vacate the FDR appointment to conclude the case

4. IF NOT

4a. Applicant's solicitors to file with the court prior to the FDR all without prejudice offers

4b. Applicant's solicitors to prepare bundle of relevant paginated documents for the FDR to include:

- A summary to the background of the case
- Chronology
- Statement of issues

4c. Both parties to prepare position statements for the hearing to be exchanged at court at the FDR and a copy handed to the Judge

4d. Form H to be filed and served detailing costs up to and including the FDR



FINANCIAL DISPUTE RESOLUTION APPOINTMENT (FDR) TAKES PLACE

The purpose of this hearing is so that a without prejudice meeting takes place in court try to settle the case by agreement. (Please note this will likely mean you spend all day in court.) The majority of cases are resolved by agreement at or before an FDR.

Court may give an indication of likely settlement designed to assist parties in reaching agreement

IF AGREED

Court or legal representatives will draw up consent order for all parties to sign there and then and the Court will approve it.

IF NOT

The Judge hearing the FDR is excluded from presiding over the final hearing.

Any further necessary directions set by the Court such as statements from each party.

Court sets a date for the final hearing



COURT ISSUES FURTHER TIMETABLE FOLLOWING THE FDR

Updating of all disclosure.

Compliance with any directions set by the court at the FDR.

Applicant's solicitors to update and prepare trial bundle for use by all parties at the final hearing.

Filing of trial bundle 4 days before final hearing

Form H1 detailing costs incurred up to and including the final hearing.



FINAL HEARING TAKES PLACE

Opportunity at Court prior to commencement of hearing to try to settle the case by agreement.

IF AGREED

Court or legal representatives will draw up consent order for all parties to sign there and then and the Court will approve it.

IF NOT

Both parties will give evidence on their Forms E and other disclosed documents to the court.

Each party can be cross-examined by the other party or their legal representative.

Each party will sum up their case to the presiding Judge.

Presiding Judge will give judgment and make decision on division of assets, awards of maintenance etc. (Orders can be made to sell or transfer property. A sale may not be allowed for several years (e.g. until children grow up). Other orders could include the sharing of pensions, the payment of a lump sum and/or monthly maintenance.)

(*The court cannot impose a child maintenance order on either party. Only if child support is agreed can the terms can be included in the order and approved by the court.)



IMPLEMENTATION OF TERMS OF ORDER

Relevant party to deal with implementation of the terms such as:

Sale of property
Assignment of policies
Closure of bank accounts
Pension sharing
Payment of lump sums

Petitioner in the divorce proceedings to obtain Decree Absolute

***PLEASE KINDLY NOTE THERE MAY BE SOME DEPARTURE FROM THIS FLOW CHART SUBJECT TO THE PARTICULAR CIRCUMSTANCES OF EACH CASE.**

It can be seen from the flowchart that this process can take several months even where matters are not that contentious. It involves basic human needs – somewhere to live, money for food and clothing, quality of life – at a time when people often want to simply move on in their lives. It can therefore become very fraught and emotional.

You must be prepared for this and quite possibly a continuing financial relationship between the parties for several more years where e.g. a house sale is delayed and/or maintenance payable.