

Financial Settlements- Court Procedure

If an agreement can be reached through negotiations or mediation*, we will draft a Consent Order which will then be lodged with the Court for the approval of the Judge. No attendance at Court is usually necessary unless one party is not represented by a solicitor.

If an agreement cannot be reached, the following procedure takes place:-

1. Application

You or your spouse will issue an application setting out the orders you are seeking.

The Court will allocate a hearing for a First Directions Appointment (FDA).

A strict timetable will be fixed by the Court requiring certain formalities to be complied with by certain deadlines. These must be completed ahead of the FDA.

2. First Directions Appointment (FDA)

At this hearing, the Judge will ensure that all the paperwork has been properly completed and may make orders for further evidence such as valuation/pension evidence to be obtained. It will consider whether questionnaires filed by you or your spouse should be responded to.

3. Financial Dispute Resolution Appointment (FDR)

This is a hearing where the Judge gives an indication as to how matters may be settled.

Offers of settlement should have been exchanged and are considered by the Judge along with the evidence filed. Time is allowed by the Court to try to negotiate a settlement.

If agreement is not reached, the Judge dealing with the case is barred from any final hearing.

4. The Final Hearing

Both you and your spouse will give evidence and the Judge will then make a decision.

These hearings are very costly and stressful and if possible settlement reached beforehand.