



Life's Chapters

by Sarah Hull

HOW THE FINANCIAL ARRANGEMENTS ARE RESOLVED ON DIVORCE

BELOW I HAVE OUTLINED AND EXPLAINED THE PROCESS

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2 STAGE PROCESS

FULL VOLUNTARY FINANCIAL DISCLOSURE

Disclosure exchanged through solicitors initially, usually on a voluntary basis, in an appropriate and proportionate format.

Consideration of mediation

Parties are referred to mediation, if mediation is appropriate, and/or negotiations between solicitors.

IF NEGOTIATIONS/MEDIATION ARE SUCCESSFUL

Consent Order is drafted and agreed, and sent to the Court for approval provided the Decree Nisi has been granted (see my free Divorce Process download).



PROCESS

IF NEGOTIATIONS/ MEDIATION ARE UNSUCCESSFUL

One party applies to Court.

Court sets a date for the First Directions Appointment (FDA) Hearing, and dates for the exchange of formal financial disclosure in the format required by the Court - Form E.

EXCHANGE

Exchange of Financial Disclosure and First Directions Appointment documents.

FIRST APPOINTMENT HEARING

'Housekeeping' appointment to ensure the Court has all the necessary information to enable parties to negotiate, identify the issues and enable the Court to make a decision if the parties cannot do so.

Both parties will be required to attend this hearing.



PROCESS

ONGOING

Ongoing negotiations and production of additional disclosure/information.

There is a duty on both parties to provide ongoing disclosure throughout the entire process, whether it is during voluntary negotiations/mediation or through the court proceedings.

FINANCIAL DISPUTE RESOLUTION (FDR) HEARING

A hearing is designed to encourage open negotiation and resolution of dispute.

The Judge will give indications, if possible, as to what final decisions the Court may make and what the issues actually are, to try to aid negotiations.

Most cases settle at this stage.



PROCESS

IF AGREEMENT IS REACHED

Consent Order is drafted and approved by the Court but only if the Decree Nisi has been granted (see my free Divorce Process download.)

IF AGREEMENT IS NOT REACHED

The matter is listed for Final Hearing. This is not very common as most cases settle at the FDR Hearing or shortly afterwards.

FINAL HEARING

A Judge, who did not deal with the FDR, hears oral (verbal) evidence from both parties and reads all evidence produced in the case.

A final judgement on what will happen and the appropriate financial decision is made.

The outcome is not always what either party wants and may not be what works best for the family unit.

