

In some cases an agreement cannot be reached in correspondence through solicitors and court proceedings have to be issued. In many cases this is as a result of a failure of one party to provide disclosure of their financial position or engage with the proceedings. In some cases there is too large a gap between the parties positions and the courts input is required to narrow issues and set a realistic goal.

In these cases we always provide clients with a case plan so that they can see what the court's involvement will mean and they can then refer to this case plan throughout the case. You will see that we describe the most important events in the case with an estimated date of the final hearing, assuming that an agreement cannot be reached.

There can often be delays in the progress of a case because of delays at Court, or because of delays by a spouse in providing information and documents or taking a step in the Court proceedings.

When someone makes a claim for financial settlement on divorce, this is known as ancillary relief. If an agreement cannot be reached quickly, we have to start Court proceedings which will involve us preparing a Notice of Application for Ancillary Relief (called "Form A") which may include a claim that your spouse should pay you maintenance and/or a lump sum and/or that the Court should make a property adjustment order and/or that the Court should make pension provision for you from your spouses pension fund.

Form A will be sent to the Court to start the formal Court proceedings for a financial settlement. The Court will fix Notice of a First Appointment which both parties and their legal representatives must attend.

Not later than 35 days before this appointment you must file with the Court a Statement (called "Form E") which gives full details of your property and income. You must sign and swear the statement before an independent Solicitor or Court Officer to confirm the statement is true. At the same time a copy of the Statement must be sent to your spouse[s][solicitors].

Not later than 7 days before the First Appointment the Court you and your spouse solicitors must be sent:-

- A questionnaire setting out any further information you require from your spouse.

- A schedule setting out the documents you require from your spouse
- A concise statement of the apparent issues between you and your spouse.

At the First Appointment both parties must provide the Court with a written estimate of any legal costs incurred to that date.

The District Judge will try to define the issues and save costs by :-

- (i) Deciding the extent to which each questionnaire shall be answered and such documents produced
- (ii) Giving directions as to valuations of assets (including where practicable the joint instruction of independent experts) and the obtaining and exchanging of experts evidence.
- (iii) Giving directions as to any evidence sought to be provided by each party and as to any Schedules that should be filed.
- (iv) Directing that the case be referred to a Financial Dispute Resolution ("FDR" Appointment) unless he decides that such a referral is not appropriate.

Once all the directions made at the First Appointment have been complied with we may instruct a Barrister to advise in your case depending upon its complexity. It will be possible for you to have a Conference with your Barrister if necessary. If a Barrister is instructed to advise in your case then they will attend the FDR Appointment on your behalf.

Not later than 7 days before the FDR Appointment both parties must provide the Court with details of all offers, proposals and responses concerning the application.

Both parties must attend the FDR Appointment with their legal representatives. The hearing will define as far as possible the issues in the matter and explore the possibility of a settlement. Both parties must provide the Court with a written estimate of any legal costs incurred to date. The parties are encouraged to try to reach a settlement and the case may be adjourned by the District Judge for further discussions and negotiations to continue at Court that day in the hope that it may be possible to reach a final settlement.

If a final settlement cannot be achieved on the day of the FDR Appointment the case will be adjourned and set down for final court hearing on the assumption it is fully contested.

At the final court hearing your case will be decided. This could be as much as a year or more since the start of your case.