

## **APPLYING FOR A FINANCIAL REMEDY ORDER**

### **What do I need to do?**

Complete Form A, attach a cheque for the correct fee (currently £ ) or if you are on low income and cannot pay the fee a completed fee remission application form. Send or take these to the Court. You will be able to pay by debit card at the counter if you don't have a cheque book. If you are applying for fee remission you will need to provide proof of income or benefits.

### **What happens next?**

The Court will send you and your spouse or partner the date of the first hearing before the Judge. This is called The First Appointment and will be in about 12 – 16 weeks

### **What do I need to do before the First Appointment ?**

- If you have a mortgage, send a copy of the Form A and the document notifying you of the hearing date to the mortgage company
- Complete Form E, remembering to attach all the documents that the form asks for, and send the original to the Court and a copy to your spouse or partner (keeping a copy for yourself)
- Prepare a Statement of Issues (this means a short bullet point list of the issues you think the Court will need to decide e.g. the value of the former matrimonial home (i.e. the home you lived in as a couple) , whether the former matrimonial home should be sold , and so on)
- Prepare a Chronology (this means a short list of relevant dates and major events e.g. date when you started your relationship , date when you began to live together, date of marriage , date of separation , date of birth of any children etc.)
- Prepare a Form G (this tells the Court whether you think you will be ready to negotiate a settlement at the First Appointment)
- Send these documents to your ex-partner / spouse
- Send a Questionnaire to the Court and to your spouse / partner (this means a list of questions you want to ask based upon what is said in the Form E of your spouse / partner, in order to clarify their financial position)

### **What happens at the First Appointment ?**

- This is a short hearing before the Judge which usually lasts between 30 minutes and an hour; be punctual and be prepared to be at court for longer than the allotted time of the hearing as the Judge often has a number of cases listed on the morning/afternoon of your hearing, which may overrun.
- You should refer to the Judge as Sir if male and Ma'am if female
- The Court will usually give directions as to what you need to do to progress your case (eg valuation of house if not agreed, answering questions about gaps in the documents produced)
- Take a pen a paper to note down the Order the Judge makes (although a typed copy of the Order will be sent to you in due course)

- If both of you have provided all the financial information that is necessary and you are ready to try and negotiate a settlement the court may treat this hearing as a Financial Dispute Resolution Appointment to help speed up the process for you (see below).

### **What happens between the First Appointment and the Financial Dispute Resolution Appointment (FDR)?**

- Comply with the directions given by the Judge at the First Appointment
- Write to your spouse / partner setting out what you propose the Court should do
- Consider any proposal received from your spouse/partner
- Try to agree with your spouse/partner an agreed list of assets that you own either individually or jointly together with their value
- In appropriate cases obtain details of your borrowing capacity and the price of suitable alternative accommodation if you will be asking the Court to pay you a lump sum to enable you to rehouse yourself
- In appropriate cases ,obtain details of suitable alternative accommodation that your spouse/partner could purchase bearing in mind the available assets and borrowing capacity

### **The FDR**

- This is a hearing which usually lasts an hour (although this can be longer)
- The Judge will ask each of you what you propose the Court should do and will try and resolve the dispute by telling you (if possible) what the Court would be likely to order at a final hearing
- As the Judge who hears the FDR is not the Judge who deals with the final hearing , you can both speak openly about your position; the things you say at this hearing can't be referred to at any future hearing;
- Have with you the list of assets and their value and information as to borrowing capacity and rehousing (if appropriate)
- Approach the hearing with an open mind and be prepared to compromise
- Remember the Court is trying to be fair to both parties and there are no winners and no losers
- The Judge can encourage you to resolve things by agreement but if you can't the judge cannot make a final decision about the finances on that day.

### **What happens if we can't agree things at the FDR?**

- The Judge will probably set the case down for final hearing (although the Judge is able to list another FDR)
- You will probably be ordered to prepare a Bundle for the final hearing
- The Bundle should contain copies of all relevant documents and each page should be numbered . At the front there should be an Index setting out what the Bundle contains

- You will need 4 copies of the Bundle : one for the Judge , one for the witness box, one for your spouse/partner and one for yourself which must be sent to the Court and to your spouse/partner in accordance with the Order
- Prepare and number one copy first before photocopying

### **The Final Hearing**

This will be when the Judge decides your application and makes a final Order. The judge may need to hear some evidence from each of you so this hearing is likely to be listed for longer than earlier hearings.

(July 2014)