

Court Hearings to Secure a Financial Settlement upon Divorce

To start the process, one party or other must formally apply to the Court. This is essentially completing a form (Form A) and tells the Court you want the Court to set a timetable for the case to be dealt with and if agreement cannot be reached, for a Judge to decide how to split the finances. When it is submitted to the Court, a fee will be due.

There can be up to three Court hearings to secure a financial order. These are quite formal and can be intimidating and your solicitor will assist you in navigating through this stressful and lengthy process.

First Directions Appointment (FDA)

At the first hearing, the Judge will ask for brief details from both sides to confirm what the case is about. He will then issue an Order for Directions, telling you what you need to do next and by when. This may include, for instance, that any property has to be valued or that additional documents are needed. He will also deal with any additional questions either party may have raised about what the other has disclosed or failed to disclose.

Financial Dispute Resolution (FDR)

The second hearing is the Financial Dispute Resolution (FDR) hearing, which will come eight to 12 weeks after the first one. The Judge will hear from both sides to outline their position before giving a pointer on what he may do to settle the matter. He might, for instance, suggest it will all be split down the middle, or order that the house has to be sold. In the light of this, you will be sent out of the courtroom in the hope that you are galvanised into reaching an agreement. If you do reach terms, these will be outlined to the Court and a consent order subsequently drafted. It is not unusual to be at Court all day if there is a chance that you can reach an agreement once the input of the Judge has been heard.

Final Hearing

If you still cannot agree, you must go to a final hearing. This can take up to a day. Both parties will have to give evidence on oath and be cross-examined, normally by the other person's lawyer. At the end, the Judge will make a final order, decreeing how the finances should be split. It will be what they see as a fair settlement based on what they have heard. It is rare for this final decision to be what either party would want and it will come at the end of a long and often upsetting ordeal in Court. While we will do everything possible to prepare you for the day in Court if that is a route that needs to be navigated, we would encourage people to reach a settlement out of Court wherever possible.

If you would like any further information regarding the above or would like to book an appointment, please do not hesitate to contact the Family Law Department on 01384371622 or email post@wjclaw.co.uk and we will be more than happy to assist you.