Reaching a financial agreement without Court proceedings (Solicitor aided negotiation).

Parties may opt for aided or unaided negotiation. Below is a description of how negotiating finances with the aid of Solicitors typically happens.



If the parties are unable to reach an agreement during this process, it is usual for them to be referred to Mediation. If an agreement is still not reached after Mediation, either party may make an application to the Court for a Judge to determine how finances should be resolved on Divorce.

Some parties may agree a financial settlement between themselves and without the aid of Solicitors or Mediators. In these circumstances, K J Smith Solicitors are unable to advise as to the reasonableness of any agreement reached and clients will be asked to sign a Disclaimer to this effect if we are instructed to prepare a Consent Order recording the agreement.

Reaching a financial agreement without Court proceedings (Mediation)

Parties may opt for aided or unaided negotiation. Below is a description of how negotiating finances with the aid of Mediators typically happens.



If the parties are unable to reach an agreement during this process, or if the Mediator determines that mediation is not suitable after the MIAM, then either party may make an application to the Court for a Judge to determine how finances should be resolved on Divorce.

Applying to the Court for a Financial Order on Divorce (to FDR)

Where parties are unable to reach an agreement regarding finances after the breakdown of their marriage, they may apply to the Court. **Before** Court proceedings can be issued, the parties must attend a Mediation Information and Assessment Meeting (MIAM). If mediation is deemed unsuitable, then either party may make an application to the Court by filing a FORM A.



If the First Appointment did not proceed as an FDR, an FDR will be listed as part of the timetabling Directions. Many cases conclude at or shortly after the FDR stage of the proceedings. This is because the Judge will have given an educated opinion as to the likely outcome of the proceedings using the information before him/her at the time of the FDR. Where there is an agreement at this stage, the parties will prepare and sign a Consent Order detailing the agreement.

Applying to the Court for a Financial Order on Divorce (FDR to Final Hearing)

The parties will follow the Directions of the First Appointment which may include jointly or individually instructing Experts. Expert evidence will then be filed and served as per the Directions.

Not less than 7 days before the FDR each party will file with the Court a copy of all open and without prejudice offers made. Parties attend Court for a Financial Dispute Resolution Hearing (FDR) at which the Judge will give an indication as to the likely outcome of the matter and set further Directions.

The Court will send the parties a sealed Order form the FDR and notice of the date upon which the Final Hearing has been listed.

The parties will follow any further Directions given by the Court for up-dating disclosure, statements of evidence and expert evidence. Not less than 14 days before the Final Hearing the parties will agree an Index to the Bundle. Each party will usually instruct their Counsel at this stage and ensure Decree Nisi ha sbeen obtained. Not less than 14 days before the Final Hearing the Applicant will file and serve an Open Statement describing the Orders they are seeking. Each party will file and service Form H1 (detailing their legal fees).

Not less than 7 days before the Final Hearing the Respondent will file a response to the Applicant's Open Statement.

Not less than 4 days before the Final Hearing the Applicant will serve a paginated Index to the Court Bundle on the Respondent.

Not less than 2 days before the Final Hearing the Applicant will file a complete and paginated Court Bundle with the Court. By 11am of the day of the Final Hearing the parties will file Statements of Issues, Position Statements, Chronologies, Skeleton Arguments, Reading Lists and Time Estimates. FINAL HEARING will be heard at which the Court may make Orders in relation to the transfer of property, sale of property, payment of lump sums, payment of periodical payments, pension sharing etc.