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# Myerson **Family**

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**Our guide to Proceedings for Financial Orders  
on Divorce**

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# Welcome

We understand the complexities of modern life and, therefore, everything we do is ultimately about you, and it is important you get to know the team that will be working with you every step of the way. It's a deep source of satisfaction that so many clients choose Myerson as their trusted adviser.

## Why Myerson?

Our highly experienced and discreet family lawyers, provide clear and supportive legal advice, tailored towards your individual family needs.

As a Top 200 UK Law Firm, we are also proud to be ranked as '**Top Tier**' in the prestigious international directory **The Legal 500**, and commended by The Times '**Best Law Firms 2023**'. This means you can be certain that you will be receiving the highest quality legal advice.

Being a full-service law firm means we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.

You can find out more about our **Family Team** by clicking [here](#).



# Proceedings for Financial Orders on Divorce

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## Step 1: MAIM

Before issuing court proceedings you are required to attend a Mediation Information and Assessment Meeting (MIAM) unless your case is urgent, or an exemption applies. In this meeting a mediator will determine whether mediation is appropriate for your case. If mediation is deemed unsuitable then the mediator will issue a MIAM certificate to enable you to issue court proceedings.

## Step 2: Form A

You will need to complete Form A, which is the application for a financial order, and issue it at the family court where the divorce was issued, alongside your MIAM certificate. There is a court fee payable of £275.

## Step 3: Sealed Form A & C

The Court will then return to you a sealed Form A and Form C both of which need to be served on your spouse. Form C sets out the court timetable for the delivery of evidence and provides the date listed for the first hearing, known as a First Appointment.

## Step 4: Form E

On the date specified in the Form C timetable, each party must complete and serve on the court and the other party a Form E, which is a financial statement which provides information with documentary evidence in support of each party's financial circumstances.



# Step 5: Joint Expert

If you and your spouse are unable to agree on the value of any property, or you are unable to agree the value of your pensions or company shares then you may require a joint expert to advise you. An application must be made to the court before the First Appointment for permission to instruct a joint expert pursuant to Part 25 Family Procedure Rules 1996.

# Step 6: Questionnaire

After both parties have exchanged their Forms E, the parties may raise questions of the other spouse by preparing a Questionnaire in advance of the First Appointment.

# Step 7: Other Forms

Two weeks before the First Appointment the parties will also need to exchange the following and lodge the following at court:

- **Form G** (this form will indicate whether the party considers that the First Appointment may proceed as a Financial Dispute Resolution hearing);
- **Form H** (this form is an estimate of costs for a financial remedy hearing);
- **A Statement of Issues in ES1** (this is a summary of the financial issues in dispute between you and your spouse);
- **Chronology** (this provides the court with an outline of key events during your relationship with your spouse);
- **A Schedule of Assets in ES2**



## Step 8:

# Option 1 – Attending the First Appointment

The Applicant will be required to prepare an Index of documents and take steps to agree this with the other party ahead of the First Appointment. The Applicant will need to lodge a court bundle ahead of the FDA and serve this at court and on the other party.

You and your spouse will both need to attend the First Appointment at the time and date specified by the court. This is a short meeting where the judge will decide what further evidence is needed before the case can proceed to the next stage.

The purpose of the hearing is to determine what is agreed and what issues are contested. The judge will make decisions affecting the management of your case and will timetable the next hearing, which is called a Financial Dispute Resolution hearing, or FDR for short.

Decisions will be made on when parties are to respond to Questionnaires, what steps need to be taken to appoint single joint experts, the timing for exchange of updating disclosure and without prejudice offers. The case will also be timetabled for FDR.

# Option 2 – Accelerated First Appointment Procedure

In certain cases, you may avoid the increased legal costs of attending a First Appointment hearing if you and your spouse have been able to agree directions in advance. This is called the Accelerated First Appointment Procedure and is designed to be used where there is little purpose in personal attendance at a First Appointment.



The accelerated procedure is a useful method in keeping costs down where you and your spouse agree what steps need to be taken ahead of the FDR.

The accelerated procedure is available where all the following apply:

a) You must both agree and sign a draft Consent Order in the standard form. The draft order will set out the case management steps to be taken ahead of the FDR, and timetable the case.

b) The draft consent order must be filed with the court by email at least 14 days prior to the date fixed for the First Appointment hearing with the following documents:

- The body of both parties' Form E financial statements
- Both parties' First Appointment documents namely a Concise statement of issues in ESI, a schedule of assets in ES2, a chronology and any questionnaire sought to be answered.
- Any documents that are essential for the court to approve the Consent order.

c) A district judge must approve the draft consent order in advance of the First Appointment hearing.

## Step 9: Attending the FDR

Both parties must attend the FDR. Neither party is required to give evidence. The purpose of this hearing is to try to settle the case. Most cases settle at or around FDR stage. Whilst the hearing is listed for an hour, the parties will be at court most of the day to try to refine the issues and negotiate on a without prejudice basis.

At the FDR the District Judge will give an indication of what outcome he or she considers would be appropriate if he or she were deciding the case that day. That indication is not binding, but is designed to encourage the parties to reach a settlement.

If either party disagrees with the indication, that party is able to walk away from the negotiations and request that the case is listed for final hearing.



If the case settles at FDR, the parties will draft a consent order at court which will be approved by the judge the same day.

## Step 10: File and Exchange Offers

21 days after FDR the parties must file and exchange open offers.

## Step 11: Exchange Updates

You will need to update and exchange updated financial disclosures ahead of the final hearing.

## Step 12: Section 25 Statements

You will need to set out your evidence in section 25 statement prior to the trial hearing and exchange your statement with your spouse or legal representative.

## Step 13: Expert Evidence

You will need to comply with the directions order regarding the use of expert evidence. If necessary, you may have to apply for a witness summons to call the witness to court.

## Step 14: Preparing Hearing Bundle

Prior to the final hearing, you will need to agree the index of documents to be used at the hearing. The documents must not exceed 350 pages, unless you have obtained court permission to file a larger bundle.





The applicant is under a duty to provide a paginated bundle to the court no less than 2 working days before the hearing. The applicant must also provide a bundle to the respondent no less than 3 working days before the final hearing.

## Step 15: Final Hearings

Both parties need to attend this hearing to give evidence under oath in the witness box.

Both parties will also be cross examined under oath by the other party or his legal representative.

The judge will then make a final judgement as to how your finances should be divided. Unless there is an error in law or a fundamental procedural error, there is no appeal against the final judgment.





# You're in safe hands!

If you would like further information about how we can help you with **financial orders on divorce**, or if you have any questions, please don't hesitate to contact a member of our **Family Law Team** today.

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Call: 0161 941 4000

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