



## Court-Based Route

The court has the power to make orders for property transfers, payment of lump sums and maintenance in divorce proceedings. In addition, where appropriate, it also can make pension sharing orders, providing one spouse with a share of the other's pensions for the future.

The process for obtaining a financial order is controlled by a timetable set by the court to ensure that matters are dealt with and concluded quickly as possible but in reality it can take several months from the date of any application to a final order. The vast majority of cases are settled without court proceedings but even when a formal application has been made to the court, it is not unusual for agreement to be reached at some point during the process, thus saving costs and bringing about a conclusion that is agreed upon and not one imposed by the court.

An application for a financial order is begun with the filing of a Form A and the payment of the court fee, which is currently £255.

Between 12 and 16 weeks after the application has been issued a hearing is listed - a "First Appointment" - which you will be required to attend. At least 5 weeks before the First Appointment, each party must exchange a sworn financial statement - Form E - giving full disclosure of your income, expenditure, financial assets and liabilities.

Although we will prepare the Form E for you, you will need to gather together certain prescribed documentary evidence to accompany the Form E and there is a positive duty to keep that information up to date as the process progresses.

Before the First Appointment, questionnaires can be raised if you feel further information is needed, arising from the other party's financial settlement and statements are exchanged, setting out what issues the court needs to deal with a brief chronology so that the judge has an idea of whether you are divorced, how old you are, how long you have been married and any other significant information that will help the court.

The purpose of the First Appointment is for the court to explore what is and what is not agreed between you and to save costs. Questionnaires are scrutinised by the judge and if he or she is of the view that any or all of the questions are unnecessary, disproportionate or irrelevant, the court can decide that you are not obliged to answer them.

For further information, or to discuss how we may be able to assist in your personal situation, please call

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