

# A Summary of the Financial Remedy Process

## PRE-ACTION PROCEDURES

Appoint solicitors to act. Provide ID and proof of address. Make payment of account if required.

Provide solicitors with instructions including full and frank disclosure of the asset pool.

A Letter is sent to other party, or their solicitor if they have one, seeking cooperation to negotiate settlement.

## SETTLING IT EARLY

Negotiate settlement with other side.

Once agreed, a separation agreement or consent order application will be prepared for approval by both parties.

If consent order, an application will be filed with the court who will decide if the proposed orders are a just and fair outcome.

**COMPLETION**

## GOING TO COURT

If the parties cannot reach an agreement, an application for financial orders will need to be made to the court.

An estimate of costs for going to court will be provided.

At least one party must first attend a Mediation, Information and Assessment Meeting (MIAM) unless an exemption applies.

A notice of application will then be prepared and filed with the court and a date will be set for the first directions hearing.

Prior to the first hearing both parties complete a financial statement, statement of issues and questionnaire.

At the first hearing the court will decide if the information provided is sufficient and if any experts need to be appointed. A date will be set for the next hearing.

At the financial dispute resolution hearing the parties discuss issues and attempt to negotiate a resolution assisted by a judge giving non-binding views on the case.

If an agreement is reached the terms of the order drafted and the parties appear before the judge to seek approval.

If an agreement is not reached the court will make directions for a final hearing.

There are several stages in the preparation for a final hearing where parties will appear before a Judge who will hand down judgement following a trial.

**COMPLETION**