



I want to apply for a financial order

Introduction

During or after a divorce, or the dissolution of a civil partnership, the annulment of a marriage or civil partnership (nullity) or a legal separation, the family court may still need to settle disputes over money or property. The family court can make a financial order. This may deal with selling or transferring property, maintenance payments (for example, weekly or monthly), a lump-sum payment or a pension-sharing or attachment order.

This leaflet is for you if you are involved in a divorce or dissolution, nullity or legal separation proceedings and you want to apply for a financial order.

If you need help deciding whether you can apply for an order you should speak to a solicitor, citizens advice bureau, legal advice centre or a law centre. You may be able to get free legal advice. For more information, go online to www.gov.uk/legal-aid.

A court official can give you information about court procedures but cannot give legal advice.

Family mediation

Before you begin proceedings you are required to attend a mediation information assessment meeting (MIAM). In mediation, an impartial, trained mediator, not connected with your case, helps you and your partner to sort out your disputes.

Mediation is not about getting back together. It is a chance for couples who are splitting to meet with someone who has been properly trained. This will help you to make arrangements for the future for any number of things, including your children, your money, or your home.

You should attend a mediation information and assessment meeting before your application can be processed.

To find your nearest family mediation service visit the Government's website GOV.UK and search using the words 'family mediation'. You will find a database of family mediation services on the website.

The mediation information and assessment meeting does not take long and will provide you with an assessment of your situation and whether mediation could help you decide how to solve your problems. Depending on your personal circumstances you may need to pay for the meeting. It's important to bear in mind that successful mediation can reduce costs for you in the long term.

You may be able to get help with the cost of mediation. For more information, go online to www.gov.uk/legal-aid.

How do I begin?

You must fill in a notice of application (**Form A**). You can get copies of this and other forms mentioned in this leaflet from the court office and online at hmctsformfinder.justice.gov.uk

You must take or send your filled-in **Form A** (and two copies) to the family court office where the divorce or dissolution, nullity or legal separation application took (or is taking) place.

After you begin, there are usually three stages to getting a financial order:

- the first appointment;
- the financial dispute resolution (known as FDR); and
- the final hearing.

We explain these stages later on in this leaflet. However, some cases are settled more quickly and you may not need to go through all three stages.

How much will it cost?

You may have to pay a court fee. For more information about fees, please see booklet **EX50 – Civil and Family Court Fees**. This lists the most common family fees. You can get a copy from any family court office or from our website hmctsformfinder.justice.gov.uk

Methods of payment

Courts accept payment by debit or credit cards, cash, postal orders or cheques, which you should make payable to 'HM Courts & Tribunals Service'. If you pay by cheque and it bounces, the court will take steps to recover the money. If you do not pay a court fee your case may be stayed (suspended) or even struck out. If your case is struck out it will be permanently removed from the court and you would need to apply again.

What if I cannot afford to pay a court fee?

If you cannot afford to pay a court fee, you may be eligible for a reduced fee or you may not have to pay. The booklet **EX160A Court and Tribunal fees – Do I have to pay them?** gives all the information you need. You can get a copy from any family court office or from our website hmctsformfinder.justice.gov.uk

Costs

At every hearing (from the first appointment to the final hearing, if there is one) you and the other person involved **must** provide the court with an up-to-date estimate of your costs in your financial order application (on **Form H**). This will help the judge to make any appropriate cost orders.

What happens once the court has received my application?

The court will give you an appointment with a judge, who will first consider your case. This is known as **the first appointment**.

The court will send you and the other person a notice of the first appointment (**Form C**) telling you when and where this appointment will be.

The first appointment must be between 12 and 16 weeks from the date you filed **Form A**. This is to allow you and the other person time to file documents at the court and serve copies (such as the financial statement – **Form E**) on each other.

Note – The date for the first appointment can only be changed (adjourned) with the court's permission. Court staff will be able to tell you how to do this.

What do I need to do before the first appointment?

By the first appointment both of you should know about each other's finances and the matters about which you agree and disagree.

You must both fill in a financial statement (**Form E**). There are notes to help you fill in this form. You should also make sure that you have filled in the statement of truth.

No later than 35 days before the date of the first appointment, both of you must have:

- filed the filled-in **Form E** at court, making sure to complete and sign the statement of truth; and
- served a copy of **Form E** on each other.

Note – You must exchange **Form E** at the same time as the forms are filed at the court. So, you will need to contact the other person (or their solicitors) to agree a date. You can exchange the forms by post.

You should also consider whether you want to ask the court for permission to put evidence from an expert before the court. The court will normally expect you to be ready to discuss this at the first appointment, and to have asked them about it beforehand.

No later than 14 days before the date of the first appointment

The notice of the first appointment (**Form C**) also tells you which other documents are needed. **You must file these at the court and serve them on the other person at least 14 days before the first appointment.**

Both of you should also exchange with each other and the court:

- a brief but clear statement of the issues between you;
- a chronology (a list of events in date order);
- a questionnaire setting out (by referring to the statement of issues) any further information and documents you need from the other person, or a statement that no information and documents are needed; and
- a notice stating whether you will be in a position at the first appointment to move on to an FDR (financial dispute resolution) appointment.

Note – The court might make an order for costs against you if you do not follow the deadlines for filing **Form E** and other documents.

Offers to settle

You or the other person may at any stage of the proceedings make a written offer to each other to settle any issue or part of the proceedings relating to the application for a financial order. You may want to take legal advice before making or replying to an offer.

What happens at the first appointment?

You must both go to this appointment. If you do not you may have to pay the other person's costs of the wasted appointment.

The appointment takes place before a judge who can do any of the following.

- Give further directions on how your case will proceed. The judge might need further information and adjourn (delay) this hearing to a new date to allow time for this to be done.
- In certain circumstances and if both you and the other person agree, make a final order in respect of your financial application.
- Refer your case to an FDR (financial dispute resolution) hearing if the matter cannot be sorted out at this appointment.
- Adjourn (delay) the case for you and the other person to go to 'mediation' if appropriate. For more details on mediation please see page 1.

What happens at the financial dispute resolution appointment?

This is an informal hearing. Both of you must go to it, unless the court orders otherwise. The judge will help you to reach agreement on the matters on which you both disagree.

Note – No later than seven days before the FDR hearing, the person applying for the order must file at court details of all offers, proposals and responses they have received from the other person, and any offers and proposals they have made in return. If you are still unable to sort out your disagreement at this hearing, the judge will fix a date for a final hearing.

What happens at the final hearing?

At the final hearing, a judge will carefully consider all the available evidence and make a final order.

Note – The judge at the final hearing will not be the same one who dealt with the FDR (financial dispute) hearing.

What happens if we reach an agreement before a judge makes a final order?

If, before the final hearing, you and the other person are able to reach agreement, you can ask the court to approve the draft order. Court staff will be able to tell you how to do this. In divorce, dissolution or nullity proceedings the judge cannot make a final order (except where the order is made pending a full application for maintenance or regular payments for a child) until the decree nisi or conditional order is formally issued in court.

Applications for interim orders

You or the other person can, at any time before the final order is made, apply for an interim financial order. Court staff will be able to tell you how to do this.

You can get information about the family court and its facilities from the family court office or from visiting courtribunalfinder.service.gov.uk.

