

Financial proceeding flow chart

Most people do not have to use the court process to sort out their money on divorce. For those who do, the procedure is as follows:

Form A filed and served – this is the application to start the court process.



Court sets the date for the first appointment. It also sets dates for the filing and exchange of forms E five weeks before and the exchange of the other first appointment documents (below) two weeks before.



File and exchange forms E.



Court documents filed and served:

- concise statement of issues;
 - chronology;
 - questionnaire; and
- form G – is it possible to use the first appointment as a financial dispute resolution (FDR)?



Form H – estimate of costs – filed.



First appointment at court. Can be combined with FDR appointment if parties agree. Court directs:

- which questions should be answered;
- what valuations should be taken; and
- what other expert evidence should be taken.



Prepare for FDR hearing:

- answer questionnaires;
- obtain valuation/expert evidence;
- file proposals for settlement; and
- file costs estimates again (form H).



FDR hearing: this is a without prejudice hearing at which the judge will try to assist a settlement of financial issues. Most cases settle here or just after. If not –



Preparation for final hearing.

If there is no settlement at the FDR, the judge will give directions and set the case down for a final hearing.

In advance of the hearing:

- bundles of papers for the court will have to be prepared and filed;
- barristers will be briefed and may discuss matters in conference (ie, at meetings with you);
 - open proposals will be filed and served; and
- detailed costs estimates will have to be filed (form H1).



Final hearing. The court will listen to evidence, grant orders and give reasons.