

Financial Matters: The Court Process

START THE PROCESS

- Form A (a standard form court document) is lodged with the court.
- The person starting the process must speak to a mediator for a MIAM or explain why not on the Form A before the document is lodged at the court.

THE COURT TIMETABLE

Upon receipt of the Form A the court provides three dates - a date for financial disclosure, a date for various other documents to be prepared and the date for the first court hearing known as the First Appointment.

FORM E

Each party must complete a Form E (a standard form court document setting out their financial position in detail) and lodge it with the court.

FIRST APPOINTMENT DOCUMENTS

Having considered the other person's Form E, each party is entitled to send to the court and other party a Questionnaire (a list of questions about the other person's financial disclosure) a Statement of Issues (those areas of the case not in agreement) and a Chronology (a list of the key dates in the relationship and court process).

FIRST APPOINTMENT

The first court hearing takes place where the court will make various directions (steps needed to be followed). These can include which questions about financial disclosure should be answered, whether any asset needs to be independently valued and listing the case for a negotiation hearing known as an FDR. Everyone is then required to implement the steps during the following weeks.

FDR

The FDR is a judge-led mediation hearing. Each party puts forward a proposal in advance setting out what they believe should be the appropriate outcome of the case. The judge cannot make a final order on that occasion but offers an indication as to the outcome. The parties then try and negotiate a settlement. Many cases are resolved on or shortly after that day. If a case does not reach an agreement, the case is set down for a final hearing and the judge makes whatever other directions are needed to ensure a final decision can be made at the final hearing.

FINAL HEARING

The Judge hears evidence from each party and from any experts and makes a final decision.

Note: This process is a broad outline. Each case is different and will not always follow this path. Sometimes there can be additional steps or steps are 'skipped' and agreement can be reached at any time during the process.