

THE INTERNATIONAL FAMILY LAW GROUP

iGuides to family law and practice

ANCILLARY RELIEF COURT HEARINGS

This iGuide should be read in conjunction with the flow chart setting and ancillary relief procedure.

Once the Form A (application for ancillary relief) has been filed at court, the court will fix a date for the first court hearing, the First Appointment (FA).

Preparing for the FA

At least 35 days before the date of the FA, each party must exchange financial statements in Form E.

At least 14 days before the FA each spouse must file and serve the following:

- A concise statement of issues between the parties e.g. Should the family home be sold?
- A chronology of the history of the parties' marriage and finances.
- A questionnaire setting out any further information and documents required.
- A notice in Form G which states whether the spouse is in a position for the FA to take place as a Financial Dispute Resolution (FDR) hearing.

Before the FA both parties must file a costs schedule called the Form H. This sets out what legal costs the parties have incurred to date and what has been paid. The same form must be filed before each hearing.

The First Appointment

The objective of the FA is to "define issues and save costs". Both parties must attend this hearing unless leave from non-attendance has been given by the court.

At the FA the District Judge will do the following:

- Review the case and give directions how the case should proceed to the next stage.
- Look at the questionnaires and determine which questions should be answered, to what extent and within what timescale.
- Give directions regarding the valuations of any assets and where appropriate the joint instruction of a single joint expert.
- May also require a valuation of the pension arrangement.
- May make an interim order and will consider whether to make an order for costs.
- Endeavour to narrow and define the issues.

If the parties are unable to settle, the District Judge will refer the matter to the FDR.

Preparing for the FDR

The parties must comply with the directions given at the FA. In addition, 7 days before the FDR the parties must file at court all offers, proposals and responses.

The FDR hearing

The purpose of the FDR is "for discussion and negotiation". Both parties must attend and use their best

endeavours to reach agreement. The parties have the opportunity to make their positions clear to the District Judge who in turn will help parties reach settlement. The District Judge will give an indication (an early neutral evaluation) of how the court would decide the matter were it to go to final hearing. If the parties reach a settlement at the FDR, a consent order can be drawn up. If parties are unable to reach settlement, the District Judge will give directions as to how the case should proceed.

Preparing for the Final Hearing

No less than 14 days before the final hearing the applicant must file and serve a statement of open proposals and the respondent must do the same not less than 7 days before the final hearing. These documents set out what each party says the judge should order at the final hearing.

The Final Hearing

The vast majority of cases settle well before a final hearing. If however, a final hearing is necessary, it takes place in private before a District Judge, or exceptionally, a High Court Judge. Once the Judge has heard all of the opening submissions of the advocates, heard oral evidence and cross-examination and closing submissions, he will then state his decision or give a short judgment. Sometimes the judgment may be reserved for a few days or weeks and handed down later.

This iGuide is for information only and specialist legal advice should always be taken. For further details contact The International Family Law Group at 020 3178 5668 and www.iflg.uk.com.

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