



**RIGHTS** *of*  
**WOMEN**  
*helping women through the law*

# **A Guide To Applying To Court For A Financial Order**

This legal guide sets out the procedure when applying to the family court for a financial order on divorce.

This legal guide sets out the procedure when applying to the family court for a financial order on divorce. This guide is an overview and can only provide general information. If possible, seek independent legal advice.

This guide does not apply to couples who are not and never have been married. You will have different rights in this situation. If you were not married, see our guides **Owning property jointly with your partner, A guide to living together and the law** and **Applying for a transfer of tenancy**.

The legal process described in this guide is available to couples who have already applied for divorce. You should also read **A guide to divorce** for information about the divorce process.

### **The law**

This guide deals with the procedure when applying for a financial order. To understand what legal principles the court will apply if they are asked to decide what order to make, we have another guide, **A guide to financial arrangements on marriage breakdown**.

The rules about how the court deals with applications and what is expected

of the parties are set out in the **Family Procedure Rules**. These are available online here: [https://www.justice.gov.uk/courts/procedure-rules/family/rules\\_pd\\_menu](https://www.justice.gov.uk/courts/procedure-rules/family/rules_pd_menu)

### **Legal aid**

If you have experienced domestic violence and you are financially eligible you may be able to access legal aid so that a solicitor can give you advice before any proceedings are started and representation. See **A guide to family law legal aid** for more information about legal aid.

### **What is a financial order?**

When a couple gets divorced, decisions need to be made about how their finances will be divided. For example, what happens to the family home, or should one be paying maintenance to the other. Decisions about the finances can be legally recognised in a court order called a financial order.

*“If you have experienced domestic violence and you are financially eligible you may be able to access legal aid...”*

A financial order can be agreed between you and your spouse and approved by the court or imposed by the court if agreement is not possible.

### Before applying to court

Before you can apply to court for a financial order you need to consider whether it is possible to reach agreement about the financial arrangements with your spouse. There are a number of ways to attempt this:

- discussing it between you and agreeing arrangements
- engaging with a different type of process to resolve legal disputes, for example mediation. See **Alternatives to the Family Court**
- negotiating through solicitors

If it is not possible to agree, then you can make an application to the court for it to decide what type of financial order to make. Before you can do this, you must attend a Mediation Information and Assessment Meeting (MIAM), except in certain circumstances.

*“If you and your spouse reach an agreement on how to deal with your finances, you should have this drafted into a court order...”*

### What happens at a MIAM?

At a MIAM you will meet with the family mediator for a confidential discussion about your personal situation. The mediator will:

- assess whether you are financially eligible for legal aid so that you do not have to pay the fees for mediation
- provide information on the options available to resolve the financial issues
- explain the advantages and disadvantages of mediation and the likely costs
- ask questions to assess whether mediation is suitable and safe for you
- complete the form you need to make a court application if mediation is not going ahead

### Circumstances where you do not have to attend a MIAM

There are some circumstances where you will not have to attend a MIAM. These are called **exemptions**. They are:

- you are a victim of domestic violence (you will need evidence of domestic violence. For example, your spouse has been convicted of a domestic violence offence, or there is or was a non-molestation order in place, or a letter from your GP)
- there are child protection concerns based on your spouse’s behaviour
- you need an order urgently
- previous MIAM attendance or MIAM exemption
- you and your spouse are in agreement and there is no dispute (for example, you wish to apply to court for a consent order)
- other (for example, if a party to the proceedings is bankrupt or you cannot locate your spouse).

### How much will a MIAM cost?

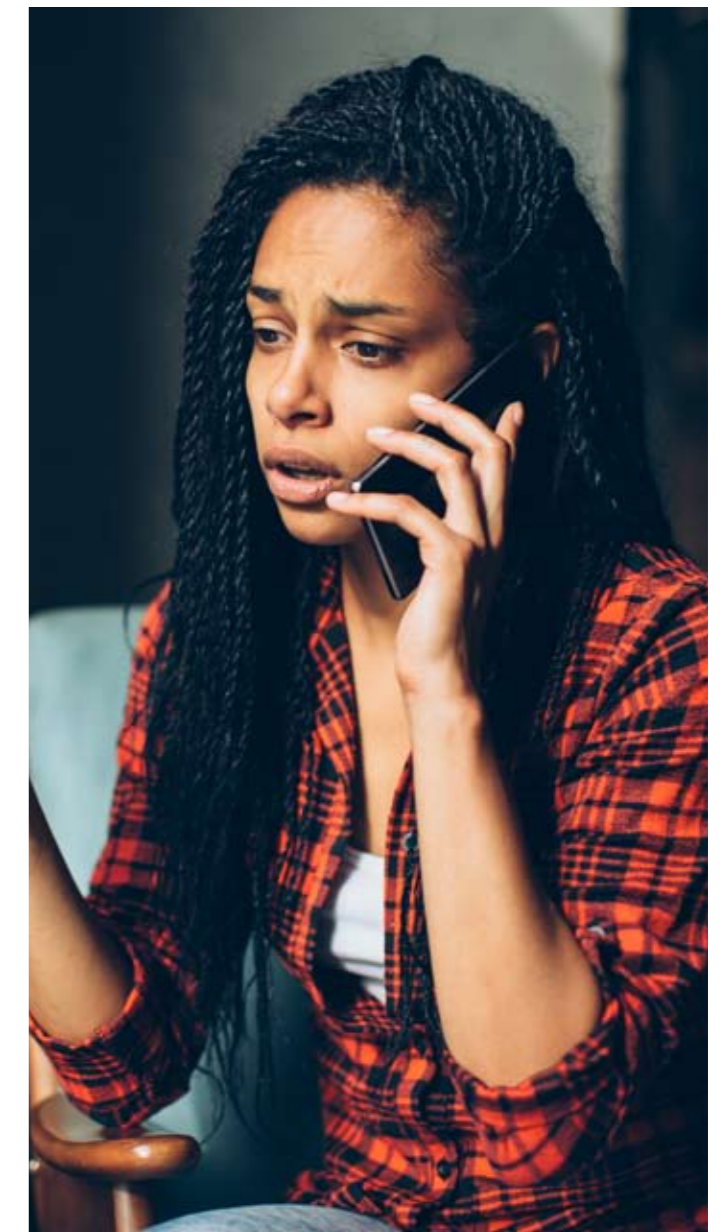
If you are on a low income you may be able to get legal aid. This means you do not pay for mediation. When you contact a family mediator ask if they offer legal aid. Tell the mediator you would like them to assess you for legal aid. The mediation service should tell you what financial documents they need to see and you can take these to the first meeting.

If either you or your spouse are entitled to legal aid then the MIAM, completing any relevant forms and the first mediation

session are free for both of you. After that, any further mediation sessions will only be free for the person who has legal aid. For more information on mediation see **Alternatives to the Family Court**.

If you are not able to get legal aid, you will have to pay for mediation. Mediators charge different rates. Speak to a few and ask them about their costs before agreeing to use them.

You can find a local family mediator using the Family Mediation Council search tool here: <https://www.familymediationcouncil.org.uk/find-local-mediator/>



## If you reach an agreement

If you and your spouse reach an agreement on how to deal with your finances, you should have this drafted into a court order and ask the court to approve it. If both parties to an order consent to it being made, the court can approve it without anyone attending court. This is called a **consent order**. It is still a financial order, but it has been made **by consent**.

A consent order can be applied for any time after the decree nisi has been

granted in the divorce proceedings. For more information on divorce see **A guide to divorce**.

If your spouse changes their mind about the agreement and you do not have a consent order approved by the court, you cannot force your spouse to do what they agreed. If your agreement has been turned into a consent order, you can ask the court to **enforce it**. This is why it is very important to get a consent order.



## Drafting a consent order

Drafting a consent order means writing it in the proper way for a court to approve it.

There are rules on how a consent order should be drafted and what can and cannot be included in one.

If you can afford it, you can ask a lawyer to prepare the draft consent order for you. Instead, your spouse may ask a lawyer to prepare the order if they can pay for it. Consent orders are important legal documents and they often have a lot of legal language in them. It is strongly advisable to get some legal advice before signing a consent order to make sure that it accurately sets out what you have agreed. Your solicitor should explain any parts you do not understand.

If you have to draft the consent order yourself, you can find an example at <https://www.judiciary.uk/publications/family-orders-project/> You should use the document called *family remedy omnibus*. It is a long document because it has examples of what types of orders the court can make in lots of different situations. Some of the sections may not apply to your situation but it is a good place to start. Make sure you definitely understand everything in the order.

## How to apply for a consent order

Once you have agreed the consent order with your spouse, one of you needs to make an application to the court for it to be made into a formal court order. The person making the application needs to send the court the following:

- a) Form A (Notice of intention to proceed with an application for a financial order). Either you or your spouse needs to make the application to the court. The person making the application needs to complete this form. Actual proceedings will not be required as the financial settlement has been agreed. To indicate this to the court, the application can be marked *for dismissal purposes only*.
- b) Form D81 (Statement of information for a consent order in relation to a financial remedy). Both you and your spouse need to complete this form providing full and frank information. You can both complete and sign one form or complete different forms but you must make sure you have seen each other's completed forms before signing yours.
- c) The original consent order signed by both parties plus 2 further photocopies of the signed order.
- d) The court fee. Court fees change so you should check what the current fee is before sending your application. If you are on benefits or on a low income you may not have to pay the fee, or you can apply to have all or part of it refunded see Form EX160A.

You can find all the forms online here: <https://www.gov.uk/government/collections/family-law-forms>

Once you have all of the paperwork ready, send it to the court dealing with your divorce application or to your local family court.

If the court decides that your proposed consent order is fair, then it will approve it and you do not have to attend court.

## If the consent order is approved

Once it has been approved the consent order is legally binding. Breaching a consent order has serious consequences and can lead to imprisonment for contempt of court.

The court will return an approved consent order to both parties. It is important to keep copies of your order. You may need to send a copy to other people, such as your mortgage provider, as proof of the agreement.

## If the court rejects the consent order

Just because you and your spouse reach an agreement does not mean the court will automatically approve a consent order. The court may reject the consent order if it does not appear to be fair to both you and your spouse. For example, if one of you has a large pension and the other only has a small pension, the court may believe this should be reflected in the way other finances are divided.

Another reason the court may reject a consent order is if it contains something that the court does not have the power to do. For example, the court will consider debts when they make the order but it does not have the power to transfer debt from one person's name to another so you cannot include this in a consent order.

If the court rejects the consent order but you think the order is fair, you can send it back to the court with an explanation of why you came to the agreement. After considering the explanation, the court may approve the order.

In some circumstances the court may decide to arrange a hearing so that it can ask you and your spouse questions about the consent order and how you reached the agreement. The court may also decide to arrange a hearing to make sure that you have not been coerced into agreeing to the order and that you both know what you are agreeing to. In the hearing the judge will decide whether to approve the order.

If the court does not approve your order following clarification or a hearing, you will need to review your agreement to see if it can be amended to satisfy the court's concerns.

## Applying to court

If you are not able to reach an agreement, either you or your spouse can make a formal application to the court for a financial order by filing a Form A (Notice of intention to proceed with an application for a financial order).

You can find Form A here <https://www.gov.uk/government/publications/form-a-notice-of-intention-to-proceed-with-an-application-for-a-financial-order>

Form A asks you to tick the boxes to show which orders you are applying for. You should tick all boxes that you think apply to you. If you are unsure, tick all of the boxes so that the court has all of the options available. For information on the types of orders the court can make see **A guide to financial arrangements after marriage breakdown.**

*“If you are not able to reach an agreement, either you or your spouse can make a formal application to the court for a financial order...”*

## How do I apply to court?

1. Get a copy of Form A
2. Read through the form to find out what information you need
3. Collect the information you need
4. Answer all sections that apply to you
5. Check that your contact details are correct. If you want to keep your contact details confidential from the other side, put these in a separate Form C8 and do not put them in Form A. Your spouse will receive a copy of your Form A
6. Sign and date the form
7. Send 3 copies of the form with the correct court fee to the same divorce centre that is dealing with or has dealt with your divorce. Court fees change so you should check what the current fee is before sending your application. If you are on benefits or on a low income you may not have to pay the fee, or you can apply to have all or part of it refunded see **Form EX160A.**

## Notice of first appointment

Once you have sent your application, the court will send both you and your spouse a Notice of a first appointment (Form C). The **first appointment** is the name for the first hearing.

The notice will tell you when and where the first appointment will take place. It will also tell you what you need to do before then.

You and your spouse will be ordered to complete and exchange a Form E before the first appointment. The Form E is a large form and it is available from your local court or to download here: <https://www.gov.uk/government/publications/form-e-financial-statement-for-a-financial-order-matrimonial-causes-act-1973-civil-partnership-act-2004-for-financial-relief-after-an-overseas>

**Form E** is also called your financial statement and is used by the court to understand your financial position. It requires details of all your finances including properties, savings, debts, income and pensions. Your spouse will be asked to complete the same form for their financial circumstances. This process is called **financial disclosure.**

## Completing Form E

### Tip:

*Some of the information you need to complete the form may take several weeks to arrive. It is important to make a start on your Form E as soon as possible so that you can exchange it with your spouse and send it to the court on time.*

### Section 1 - General Information:

- **1.10** Children of the family – Give details of all children of the family, including biological, step, adopted or any other children you consider as a child of the family.
- **1.11** Health conditions – List any conditions that affect your income. You will need medical evidence to support any conditions you list.
- **1.15** Court proceedings – Include all court proceedings, including those on-going or already resolved.

### Section 2 - Financial Details

This is the largest section of the form. It asks you to provide details of all the property and assets you and your spouse own. Some sections may not apply to you (for example, owning a business) so you can skip those sections.

- **2.1** Family home – Only include details of the family home if it is still owned by you and/or your spouse.

- **2.3** Bank, building society and savings accounts – List any accounts you have held in the past 12 months, including those empty, overdrawn and closed. Fill in the balances once the form is complete to ensure they are as up to date as possible.
- **2.8** Personal belongings worth more than £500 – State the current value of any asset, not what you paid for it.
- **2.9** Liabilities – List any debts you have, excluding your mortgage or any overdrafts.
- **2.10** Capital Gains tax – This is an amount you would pay in capital gains tax if you sold an asset that had increased in value. If possible, you should seek advice from an accountant or financial adviser if you think this applies to you. Usually you do not have to pay tax for the sale of your primary residence (this is called **private residence relief**).
- **2.13** Pensions – Provide details of any workplace or personal pensions. The state pension is not considered for the purposes of this form but if you or your spouse had an Additional State Pension or SERPS, you will need to provide further information.
- **2.15 – 2.19** Income – If you are employed, all the information you need will be on your P60 or P45. If you receive income from multiple sources, make sure you include everything (e.g. dividends, pensions, all benefits you receive, rent).



### Tip:

*You will need to provide a number of documents as part of the Form E, such as statements for the last 12 months for each bank, building society and National Savings account you have held in the last 12 months (or accounts you have an interest in); a recent mortgage statement confirming the sum outstanding on each mortgage, pension valuations or a recent statement showing the CE (cash equivalent) provided by the*

*trustees or managers. Make sure you check each section and what documents are required to be provided with the Form E.*

### Tip:

*Make copies of or note any document you have requested. If something doesn't arrive on time, you can show you've tried to get it.*

## Section 3 - Financial Requirements

This section gathers information about the current and future income and capital needs of you and any children living with you. You should include:

- housing costs
- travel expenses
- financial payments e.g. a car or household items on finance
- school fees
- anything else you consider a financial need of the family

### Tip:

*When stating your income needs, it is useful to explain why the money is needed and to provide supporting evidence where possible.*

### Tip:

*If you cannot afford certain key elements such as holidays then be sure to do a budget based on your current spending and also your future spending which should incorporate the extras you ideally need but cannot currently afford.*

## Section 4 - Other Information

This section gives you the opportunity to inform the court of any other significant information which may have an impact on your case.

- **4.2 Lifestyle** - You can provide information on your lifestyle when you were together, particularly if you enjoyed a luxury lifestyle with expensive holidays, cars etc.
- **4.3 Contribution** – You can include non-financial contribution. For example, you looked after the family home and cared for the family. You can also consider significant financial contributions (for example, a redundancy or insurance pay-out) or financial contributions from your family or third parties.
- **4.4 Bad behaviour** – Bad behaviour will only be considered by the court in a financial claim to the extent that the behaviour has had a direct impact on your financial circumstances. Therefore, behaviour such as attempting to dispose of or hide assets may be considered when property is divided while other behaviour, such as adultery would not be. The courts do not usually consider domestic violence. However, if it has impacted a woman financially, for example, if she has lost her job as a result of physical or mental injury or was prevented from working by the abuser, then this may be taken into account.

## Section 5 - Order sought

In this section you state the orders that you would like the court to make. For information on the types of orders the court can make see **A guide to financial arrangements on marriage breakdown**.

The kind of orders you may want the court to make will depend on the

circumstances of the case. Be aware of pre-judging the appropriate outcome for yourself. You may suggest too little if you are not aware of the full extent of your spouse's wealth. This can often happen for a spouse who does not have knowledge or control of the family's resources. If this is the case, then you are unable to specify the orders you would like the court to make until you receive your spouse's **Form E**.

## Statement of Truth

You must complete this section to confirm that the information you have provided is a full, frank, clear and an accurate picture of your financial and other relevant circumstances.

The duty of disclosure is ongoing during proceedings for a financial order and includes a duty to disclose any material change in financial circumstances.

If full and frank disclosure is not provided by you and/or your spouse the possible consequences can include:

- The court may draw an adverse inference from the non-disclosure and decide that a party's undisclosed assets enable them to pay a higher award to their spouse. An **adverse inference** is a negative conclusion reached by a judge, where a person involved in a legal procedure does not provide evidence in their control.
- An order may be set aside if it is found that the court would have made a substantially different order, had it been aware of the non-disclosure.

- The behaviour may be considered litigation misconduct and result in a costs order against the party not providing full and frank disclosure.
- If a party refuses to comply with court orders to provide disclosure, they may be found guilty of contempt and in serious cases could be committed to prison.

## After Form E is completed

The court will set the date for when you and your spouse have to exchange Form Es. This means you send your Form Es to each other at the same time. You should send a copy of your completed Form E to your spouse and the court by this date.

If you or your spouse need an extension of time to complete the Form E, you should contact them to try and agree a later date for the documents to be exchanged. If you do this, please note that you may need to make a formal application to the court for an extension of time. You should check the requirements with the court where the Form E will be sent.

If your spouse does not send you his Form E, you can ask the court to attach a penal notice to the order compelling your spouse to provide it or risk imprisonment.

## Filing a questionnaire

After you have exchanged Form Es, you need to go through your spouse's Form E and think about whether it is accurate. If you think they have missed information from their Form E, the next stage is for you and your spouse to complete a **questionnaire**. This is a list of questions and issues you have with the information your spouse has provided in their Form E. For example, you know that your spouse owns a property jointly with his brother but this is not included in his Form E. You should include a question about this in your questionnaire.

You should only include questions about the case, such as gaps in the financial information your spouse has provided, rather than issues about their conduct. You and your spouse will need to file a copy of this with the court and **serve** on each other.

## Maintenance pending suit

You can apply to the court at any time for **maintenance pending suit (MPS)**. Maintenance is a regular sum of money paid by one spouse to the other, normally monthly. MPS is when the court orders that your spouse has to pay maintenance for you until your case has ended.

The court is more likely to make an order for MPS if you have been financially dependent on your spouse. The court can order any amount that is reasonable to meet your basic financial needs but not any extra, such as a holiday or a new car.

## How to apply for maintenance pending suit

1. The form you use depends on what stage of proceedings you are at:
  - a) If you haven't made any application for a financial order yet: complete Form A and tick the relevant box on page 1 stating you wish to apply for MPS;
  - b) If the court is already dealing with your application for a financial order: complete Form D11 (Apply to the court for an interim order within your divorce, dissolution or (judicial) separation proceedings). You need to state that you are asking for maintenance pending suit and briefly explain why you need it.
2. Attach a draft order to your application form. As mentioned previously, you can start with the sample order called *family remedy omnibus* which is available here: <https://www.judiciary.uk/publications/family-orders-project/>. Most of the sections will not apply as this is not the final order you are asking the court to make. There is a section called *Maintenance pending suit / interim periodical payments* which sets out sample wording for this type of order.
3. If you are making your application for MPS before you have filed your Form E, you also need to attach written evidence. You can do this in a witness statement setting out the reasons why you need your spouse to pay you a regular amount of money while the case is on-going. You should attach a budget showing your income and outgoings. The court will look at your current day to day financial circumstances to decide whether to make an order. You do not need to include capital or outgoings that you do not have to pay until a long time in the future.
4. You should send three copies of everything to the court.
5. Send the forms with the correct fee to your local divorce centre or if you have already filed your Form A, send your Form D11 to the court that is dealing with your divorce. Court fees change so you should check what the current fee is before sending your application. If you are on benefits or on a low income you may not have to pay the fee, or you can apply to have all or part of it refunded see Form EX160A.
6. The court will issue your application and will fix a hearing date to hear it. The length of time required for the hearing will depend on the issues in the case, in many applications a hearing between two to three hours is enough.
7. If your spouse has not sent their Form E, they must send a statement of their financial situation to you and the court at least 7 days before the hearing.
8. At the hearing, the judge will listen to you and your spouse (or your lawyers) about whether MPS should be granted. The court will decide based on what it believes to be reasonable in the circumstances.

### Tip:

*It can be difficult to succeed with an application for maintenance pending suit. If you are unsuccessful, you may be ordered to pay the other side's legal costs. To try to avoid this, you should try to agree some financial arrangements before you go to court. You can do this by making an early written offer to your spouse. This means setting out in writing what maintenance you think you need. You should attach your budget. At the top of the letter, write without prejudice save as to costs. This means that if the court grants you MPS and it is the same or more than what you proposed in the letter, you can*

*show this to the court and ask the court to order that your spouse has to pay your legal costs.*

### Tip:

*Maintenance pending suit does not include asking your spouse for money so that you can pay towards your legal fees. There is a separate application for that type of order known as a Legal Services Order. You should seek legal advice if you are not eligible for legal aid but consider that there is enough money available for you to obtain legal representation.*



## How to prepare for the first appointment

1. Make sure you have completed your Form E with all the evidence you need to send with it.
2. Make sure you have completed your questionnaire if you have questions about the information your spouse has put in their Form E.
3. Prepare a statement of issues. A **statement of issues** is a brief list of the areas you and your spouse cannot agree in relation to your financial arrangements. For example, you might disagree about whether a clean break is appropriate, or what the earning capacity of one or both of the parties is, or whether it is reasonable to expect you to find a full-time job now or when the children finish school, etc.
4. Prepare a chronology. A **chronology** is brief outline of key events in date order. For example:
  - date of birth of the parties
  - date of marriage
  - date of birth of children
  - date of purchase of the family home
  - date of separation
  - date of application for divorce
  - date of decree nisi
  - date of Form AYou can add to the chronology as the case goes on.
5. Complete Form G. **Form G** tells the court whether the first hearing should

be a first appointment or a financial dispute resolution (FDR) hearing. If you and your spouse have provided all the documents and financial information that the court has set out in the court timetable and there is no other information the court needs, the court can skip the first appointment and use the first hearing as an FDR.

If the case is not ready for the FDR, the judge will give directions to get the case ready for FDR.

6. In some cases where you may have paid for some one-off legal advice or obtained a direct access barrister, you may need to complete Form H. A **Form H** is a cost summary form which allows the court to assess the costs that have been incurred by the parties. A Form H should be completed and updated before each hearing.

## Bundles

A **bundle** is a folder of court documents provided to the court before a hearing that contains all of the documents the court may need for that hearing.

The court expects a bundle to be prepared for every hearing in the Family Court or in the High Court. Whether you have to prepare the bundle will depend on what your position is in the case. Normally the solicitor for the applicant (the person who made the court application) prepares the bundle. If the applicant does not have a solicitor, then the solicitor for the respondent (the other person in the case who is responding to the application)

prepares the bundle. If no one in the case has a solicitor, then you only have to prepare a bundle if you have been ordered to do this by the court. Check the court order to see if the court has decided who will prepare a court bundle.

For more information on preparing a bundle see **A guide to preparing a bundle for a family court hearing**.



## First appointment

The purpose of the first appointment is for the court to look at what you and your spouse agree and disagree on and for the judge to make appropriate directions to help progress the case. The judge will go through your questionnaires and your statement of issues to do this.

There could be one of several outcomes at the first appointment, for example:

- If you both agree on how your finances should be dealt with, the judge can make a final order (if the Decree Nisi has been pronounced in your divorce) and the case will finish.
- The hearing could be adjourned to give you and your spouse the opportunity to attend family mediation. **Adjourned** means to delay the hearing to a later date by when you may have reached agreement.
- If the court has all the information it needs, the judge may treat the first appointment as a financial dispute resolution hearing and give you an idea of what type of order they would make.
- The judge may give you instructions on what you or your spouse need to do before the court can decide. For example, get a valuation of the family home or to get an up-to-date pension transfer value. The court calls these instructions **directions** and will set them out in an order that will be sent to you after the hearing.
- If the case does not conclude, the court will set a date for a financial dispute resolution hearing.

Depending on the issues in your case, there may be other hearings after the first appointment. For example, if you claim that a property held in the name of a third party is held on trust for your spouse, the court may ask for the third party to join the proceedings. This is a complicated area of law and you should seek legal advice.

## Financial dispute resolution (FDR)

This is an informal hearing where the judge will assist you and your spouse to come to agreement about the financial arrangements.

You will be expected to make a proposal to your spouse about what type of order you think is fair before the FDR. If you are the applicant, you should write to the court at least 7 days before the FDR takes place explaining:

- what proposals you have made for reaching an agreement with your spouse,
- what their response was, and
- what proposals they made to you.

You and your spouse will be given the opportunity to explain to the judge what

### Tip:

*You should enclose copies of the letters or emails you have written and received. Make sure all offers are marked without prejudice except prior to the final hearing where you will make an open offer not less than 14 days before the final hearing.*

you would like and why you think it is fair. For example, you may wish to remain in the family home with the children because you are the primary carer.

The judge will not make a decision at this hearing but will give an indication on what the court is likely to order if you cannot reach an agreement and the case goes to a final hearing. When the judge has given you an indication, you should be given the chance to discuss this while you are at court and see if you and your spouse can reach an agreement at the hearing.

There are often one of three outcomes at the FDR:

1. If you reach an agreement, the judge can make a final order.
2. A date is fixed for another FDR.
3. Directions are given for a final hearing.

## Final hearing

This is the last hearing. The judge will consider all the evidence and will decide how the finances should be shared between you and your spouse. The judge will consider the following factors which are sometimes called the section 25 factors since they are set out at section 25 of the Matrimonial Causes Act 1973:

- the welfare of any child of the family under 18 years old
- the income, earning capacity, property and other financial resources which each of you has or is likely to have in the foreseeable future

- the financial needs, obligations and responsibilities which each of you has or is likely to have in the foreseeable future
- the standard of living enjoyed by the family before the breakdown of the marriage
- the age of you and your spouse and the length of your marriage
- any physical or mental disability
- behaviour, but only if it was so extreme that it would be unfair not to take it into account
- the value of any benefit which either of you will lose the chance of acquiring
- whether it is fair and reasonable to order a clean break

For more information on each of the above factors see **A guide to financial arrangements on marriage breakdown**.

## Giving evidence

At the final hearing, you and your spouse will be given the opportunity to explain what you are asking for and why. This is called giving evidence. Normally in advance of the final hearing you will have been asked to prepare a statement (often called a section 25 Statement) which sets out your case and what you want to achieve and why.

Before you give evidence, you will swear (a religious oath) or affirm (a non-religious oath) that you will tell the whole truth. If you do not tell the truth you will be committing a serious criminal offence

called perjury which is punishable by a fine or prison.

The judge you see at this hearing will not be the same one you saw at the FDR. What was discussed at the FDR should not form part of what happens at the final hearing.

## Cross-examination

You will be able to ask each other questions, known as **cross-examination**. You should prepare what you want to ask your spouse in advance so you are ready to ask them questions. Your questions should focus on the issues the court has to decide and the reasons why you think they should do what you are asking. You may also want to ask questions about your spouse's section 25 statement and the things your spouse has put forward that you believe are not true. The judge may also have questions for you and your spouse.

## Witnesses

If you want the court to hear from anyone other than you and your spouse, you should tell the court this at one of the earlier hearings. You will need to ask your witness to produce a witness statement setting out their evidence in writing and ask them to come to court for the final hearing.

If your spouse wants to bring a witness, they will need to do the same. You should be provided with a copy of the witness statements of your spouse's witnesses and be prepared to question them about anything you disagree with.

## Final arguments

At the end of the hearing you will be able to make your final argument to the court to persuade them to make the order you are requesting. You should highlight the strong points in your case with reference to the factors the court considers when making a decision.

### Tip:

*Prepare what you want to say before the hearing. You should already have a good idea of your key points from the various statements that have been prepared before the hearing.*

For example, the home may have to put on the market for sale or the pension may have to be split. It is best to try to co-operate to implement the order but if there are problems with this, you may have to enforce the order which requires separate proceedings depending on what is required. You should seek legal advice if you need to enforce an order.

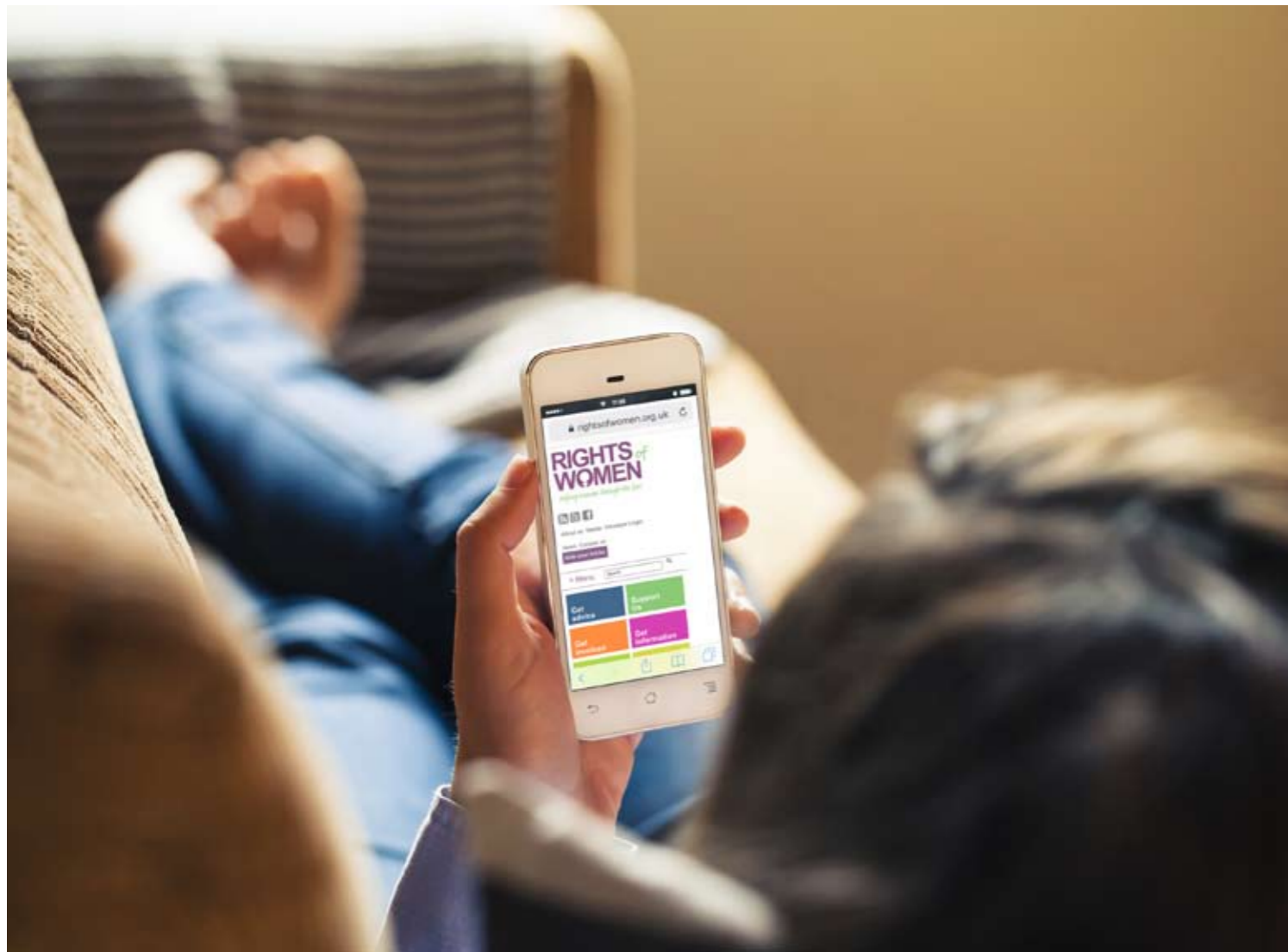
## Final order

At the end of the final hearing, the judge will make a financial order. They will explain the reasons why they are doing this. Try to make a note of the reasons the judge is giving for making the order. If you want to appeal the decision, you will need to understand the reason why the judge made the order to decide if you have a good reason to appeal. Final orders must be appealed within 21 days of being made. See our guide **How to appeal a family court decision** for more information.

## Implementation of the order

It is important to remember that once the order has been made, whether by consent or by decision of the court, there is still the task of implementing the order.

*“At the end of the hearing you will be able to make your final argument to the court to persuade them to make the order...”*



The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

© Rights of Women May 2020

For confidential legal advice on family law:

Women living and working in London: call **020 7608 1137**

For all women: call **020 7251 6577**

For free, confidential, legal advice on immigration and asylum law or criminal and sexual violence law visit **www.rightsofwomen.org.uk** for our advice line details.

## Useful contacts

### Emergency Contacts

#### Police (emergency)

999

#### 24 hour domestic violence helpline

0808 200 0247

[www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk)

### Find a Lawyer

#### The Law Society

0207 320 5650

[www.lawsociety.org.uk/find-a-solicitor](http://www.lawsociety.org.uk/find-a-solicitor)

#### Resolution

01689 820272

[www.resolution.org.uk](http://www.resolution.org.uk)

#### Ministry of Justice

020 3334 3555

[www.find-legal-advice.justice.gov.uk](http://www.find-legal-advice.justice.gov.uk)

#### Public Access Portal

[www.directaccessportal.co.uk](http://www.directaccessportal.co.uk)

### Legal advice and support

#### Citizens Advice

[www.citizensadvice.org.uk/index/getadvice.htm](http://www.citizensadvice.org.uk/index/getadvice.htm)

#### Law Centres Network

020 7749 9120

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

#### LawWorks Clinic Network

[www.lawworks.org.uk](http://www.lawworks.org.uk)

#### Shelter

0808 800 4444

[www.shelter.org.uk](http://www.shelter.org.uk)

#### Advocate (previously the Bar Pro Bono Unit)

[www.weareadvocate.org.uk](http://www.weareadvocate.org.uk)

#### Personal Support Unit

020 7947 7701

[www.thepsu.org](http://www.thepsu.org)

#### Disability Law Service

020 7791 9800

## **Rights of Women**

52 – 54 Featherstone Street, London EC1Y 8RT

**Office:** 020 7251 6575

**Email:** [info@row.org.uk](mailto:info@row.org.uk)

**Website:** [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

**Charity number:** 1147913

**RIGHTS** of  
**WOMEN**  
*helping women through the law*

**Funded by:**

**LONDON**  
**COUNCILS**

The logo for London Councils, featuring the words "LONDON" and "COUNCILS" in a bold, sans-serif font. A purple swoosh underline is positioned beneath the text.