

FAMILY LAW

A short guide to obtaining financial orders.

This summarises the Court procedure for matrimonial finances during a divorce. It should be noted however that parties are free to negotiate and reach an agreement outside of the Court process at any time.

1.

Filing a summons

- In order to commence proceedings for matrimonial finances a Form 16 summons must be filed with the Court.
- This is filed along with a Court fee of £165.
- The Court will process the summons and return it to the party who filed it. The summons will note on it the date for a preliminary directions hearing.
- The party must then arrange for the summons to be served on the other party notifying them of the date for the Preliminary Directions Hearing.

2.

Preliminary Directions Hearing

- This takes place before the Registrar of the Family Court. If you have a lawyer representing you, they will attend on your behalf. However, if you do not have a lawyer acting for you, you must attend this hearing.
- The Court will make directions as to the filing of evidence about the parties' finances, the key document in this respect is the Affidavit of Means.
- The Court will also fix a date for a Case Review Hearing.

3.

Case Review Hearing

- Both parties and any lawyers appointed must attend this hearing.
- The Court will determine whether anything can be done at this stage to help resolve the dispute and find out what outstanding areas of disagreement need to be addressed.
- If agreement cannot be reached, the Registrar may make further orders as to the filing of further evidence and documentation.
- This further documentation is usually:
 - Position statements where each party sets out what they would like the court to order.
 - Skeleton arguments if there are any legal points in dispute.
 - Bundle of documents (usually prepared by the applicant) for the court to consider before the final hearing.
- Interim orders may be made at this point.
- The Court will set a date for the Final Hearing.

4.

Final Hearing

- The Court will sit to hear each party's position, consider the evidence and make a decision.
- The Court will produce an order setting out the decision reached.

5.

Alternative options to Court

- There are alternative dispute resolution options that should be considered prior to a Final Hearing, such as:
 - Discussions between the parties
 - Negotiation via lawyers
 - Collaborative law
 - Mediation
 - Family foundation
 - Financial Dispute Resolution ("FDR")

6.

The Financial Consent Order

- If agreement is reached outside of Court and before the Final Hearing, you must lodge a draft order (a consent order) for approval by the registrar, signed by both of you consenting to an order being made in the terms of the draft.
- You must at the same time send to the Court a statement of information for a consent order form signed and dated by both of you. This contains a summary of the financial position of each party.

Contact us for a free quote.

At Le Gallais & Luce we are always happy to assist with any queries you may have. If you would like to call to make an enquiry or request a free quote, then please do not hesitate to contact us.



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