

Dispute resolution options for separating couples

Financial Arrangements

Court proceedings	DIY/Pay as needed	Lawyer lead discussions	Alternative Dispute Resolution (ADR)		
			Mediation	Collaborative law	Arbitrated agreement
Ask an experienced family law specialist lawyer to advise you of the various options (set out here).	It is important to consider getting some advice from a family law specialist lawyer to advise you of the various options before proceeding.	You may decide that the other options do not suit your situation. An experienced family lawyer can negotiate on your behalf.	Search for a suitable and experienced Family Mediator.	Collaborative law or practice is a process conducted by collaboratively trained family lawyers, who commit to resolving matters without engaging in court proceedings, by working with your former partner and their own Collaborative Lawyer.	Family law arbitrators are experienced family lawyers who are regulated by the Institute of Family Law Arbitrators.
If matters cannot be agreed using ADR methods or urgency requires it, the court process may be followed.	Caution is required to ensure that any steps you take do not negatively impact upon your financial situation.	The lawyer will discuss your situation in detail to understand your financial needs and resources.	Make a referral with your chosen mediator.		You and your former partner can appoint an arbitrator of your choosing.
Referral will be made to an experienced family law mediator to conduct a MIAM (see mediation section) If mediation is unsuccessful or deemed unsuitable a form FM1 (which is included in the Form A) will be issued.	Formally ending a marriage or Civil Partnership without considering financial arrangements, might prevent you receiving pension benefits from your former partner in the event of their death.	We will contact your former partner and/or their own lawyer inviting them to engage in amicable discussions with a view to agreeing a suitable arrangement about financial matters.	The mediator will undertake a Mediation Information Assessment Meeting (MIAM) and determine whether mediation is suitable.	You will need to first identify and instruct an experience family lawyer who is collaboratively trained.	The Arbitrator will make a decision that is intended to be final and binding between the parties.
Lawyer will prepare an application for Financial Remedy Order (Form A) for submission to court.	Even if dealing with matters yourself, you should consider exchanging financial documents.	If a response is received, then matters may progress to exchanging financial documents, either informally or by preparing a Form E (Financial Statement) as might be used in a court application. This will set out full and frank disclosure of each parties' financial situation and documents.	In circumstances where the mediator considers that there is a history of domestic abuse or other reasons, they may determine that mediation is not suitable and suggest that an individual obtain advice from an experienced family lawyer, or contact the Family Court.	Your former partner will also need to be invited to instruct their own Collaborative Lawyer.	The same arbitrator will deal with all or any of the stages of the case in respect of which the parties may need a decision.
Court issues the application and sends out a Form C Order which sets out timetable for next steps by both parties.	Knowing what assets and financial resources your former has, will let you understand if any agreement is fair and meet your needs.			You will each then sign a participation agreement whereby you will commit to dealing with matters without all court options.	Both parties will be able to have a say in the arrangements for the proceedings, including time, venue and how you should each engage in the process.
Not less than 35 days before the first hearing, file and exchange financial statements (Form E) – providing full and frank disclosure of financial situation and documents.	If, you are happy to proceed to resolve matters you can ask an experienced family lawyer to review the proposals and advise if they appear fair.		If mediation is considered suitable then the mediator will invite your former partner to engage in mediation.	You, your former partner, your respective Collaborative Lawyers and any other appropriately qualified experts, such as Independent Financial Advisors will then attend and engage in 4 meetings with a view to exchanging all financial information and documents.	Arbitration is intended to enable separating couples to resolve disputes more quickly, flexibly and confidentially which can make it more cost-effective than applying to court.
14 days before the first hearing, each party file and exchange: <ul style="list-style-type: none"> • Chronology. • Schedule of Issues. • Questionnaires. 		Each party will then be in a better position to consider possible terms for negotiation.	If the invitation to mediate is accepted, there may be several meetings during which there will be an expectation to exchange full financial information and disclosure of documents between the parties.	Both parties and their lawyers will attempt to work towards a negotiated and agreed settlement which will meet each parties' needs.	Once an Arbitrator is identified, written information is provided to each party about the process.
First Directions Appointments (12-16 weeks from date of issue of Form A.) Intended to consider any steps required or expert reports necessary to allow the matter to progress.					An initial meeting will be held between the parties and the arbitrator with a view to identifying the issues, the decision needed to be made and the information required. to make it.
About 2 to 3 months later the court will conduct a Financial Dispute Resolution (FDR) Hearing to see if agreement can be reached. If so the matter can be concluded, and an order approved.	If the former partners reach an agreement, a family lawyer can prepare a Consent Application which formally sets out the agreement for submission to court. The documents will then be considered by each partner lawyer with a view to them approving them or suggesting any amendments. Both parties will then sign the document and send to court with a fully completed and signed D81 – Statement of Arrangements for Consent Order which sets out each parties' financial situation for approval. If approved the matters is resolved.				
If not, the matter will be set down for a final hearing where the court considers the evidence and will make a final order. The parties may still agree matters and submit a consent order for the court to consider at any point after the FDR.	If matters are not agreed, you may wish to consider progressing to one of the other options.				
					The arbitrator will make the final decision and make an award which will then be formally recorded in an order and be binding on the parties.

To find out more, please contact our team now on:



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