

Family Law Financial Jargon Buster.

Here is a useful guide to the most common phrases and terms used in financial proceedings – either in Court or in other forms of dispute resolution.



Terms	Definitions
Arbitration	This is a type of alternative dispute resolution. The parties enter into an agreement under which they appoint a suitably qualified person (“and arbitrator”) to adjudicate a dispute and make an award. It can be used to resolve financial disputes and disputes concerning children. The final decision of an arbitrator is binding. It is an option to consider as an alternative to Court proceedings.
Ancillary Relief	This is the old term used for financial remedy proceedings or the application made by one spouse for a financial order as part of the divorce proceedings.
Barrister/Counsel	An independent person who is sometimes instructed by lawyers to assist with your case. They are specialists in attending court and represent you as a client on your case if your Solicitor cannot do so. They also provide independent advice on complex cases.
Child maintenance	Payments made by the “non-resident” parent. This is usually calculated using the Child Maintenance Service (CMS) formula, but it is possible for voluntary payments to be made over that rate.
CEV (cash equivalent)	A document obtained from your pension trustees that sets out the total value of your pension to enable that to be considered in financial matters between you and your spouse. It includes the amount you will receive on retirement, lump sums and widow benefits.
Clean break	A settlement which severs all financial ties between the parties during life and death. If a clean break agreement is in place, it is not possible to make further claims in the future and there are no ongoing maintenance payments to either party.
Consent Order	A written agreement that is approved by the Court. They are generally used to cover financial arrangements following a divorce. Consent Orders have the same legal effect as if they had been made by a Judge at a Court Hearing. It is usually the endpoint of any divorce settlement.
Form A	The court form lodged at the Court to start financial remedy proceedings.
Form E	This is a form that parties in financial discussions generally complete to set out their financial circumstances including income, capital, pensions and other relevant information, which is then exchanged, either in the Court process or voluntarily in negotiations between Solicitors.

Terms	Definitions
Lump Sum Order	A lump sum capital payment made to a spouse by the other spouse either in one payment or a series of instalments.
Mediation	The process of talking to couples separating and involved in disagreements over financial or children matters to try and negotiate an agreed outcome. A mediator is independent and cannot provide legal advice but is impartial to try and resolve conflicts without the need to go to Court. You will need separate legal advice at the same time but it is a good option to consider as an alternative to Court proceedings.
MIAM	This is a Mediation Information Assessment Meeting. It is a requirement of court proceedings for children or financial matters that you firstly meet with a mediator to see if you can resolve the matters without attending Court. There are exceptional circumstances when a MIAM is not necessary, but these are rare.
Order for Sale	An order which sets out how a home, other property or land should be sold and how the proceeds of sale should be divided, either by agreement in a Consent Order or following an Court Order.
Pension sharing order	An order which sets out how some or all a pension is shared with the other spouse. The share of pension is transferred at the time the settlement is reached and not on retirement.
Pension on Divorce Expert (PODE)	A person who is professionally competent to provide advice to Solicitors and clients in the fair re-distribution of pension assets during divorce. They are usually financial advisers or actuaries with extensive pension experience. They are often asked to prepare reports on splitting pensions either by both parties asking them to jointly assist them or by the Court ordering a pension report.
Property Adjustment Order	An order for one spouse to transfer to the other their interest in a property. This usually relates to land or a home.
Spousal maintenance	Payments made by one party to their spouse to assist with their monthly needs and outgoings. This is usually for a limited period.

Court Hearings	Definitions
FDA (First Directions Appointment)	If an application to the Court is made in respect of financial arrangements this is the first hearing that is held. It is generally a hearing to assist the parties in deciding what issues are outstanding and what the Court will need to help decide these issues in future hearings. It may mean that the Court will ask you to provide further information about your finances or to get expert advice on pensions or other factors.
FDR (Financial Dispute Resolution Appointment)	This is generally the second hearing in financial proceedings. The purpose of an FDR is to facilitate and explore settlement and negotiation between the parties. The hearing is "without prejudice" which means that the discussions that take place between the parties and with the Judge are kept private and cannot be referred to at any subsequent hearings. The FDR Judge will give an indication of how they would settle the case and they will then not be able to deal with the final hearing. FDR's are useful tools to settle financial matters and enable the parties to retain some element of control of the outcome of a financial settlement.
Final Hearing	If it is not possible to reach a settlement at the FDR or through your lawyers the Court will list a longer hearing (usually at least 1 day) to enable parties to have their say and for their legal representatives to try and persuade the Judge to decide matters in their favour. After the hearing (either on the same day or shortly after) a Judge will give their judgment and decide the financial split between couples.



DPM Legal

Sutton House, Weyside Park
Catteshall Lane, Godalming Surrey
GU7 1XE

T 01483 521 597

F 01483 521 515

E enquiries@dpmlegal.co.uk

W www.dpmlegal.co.uk

DPM Legal is a trading name of DPM Legal Services Limited registered in England & Wales under numbers 8133227. Registered office at Sutton House, Weyside Park, Catteshall Lane, Godalming, Surrey, GU7 1XE.

DPM Legal Services Limited is authorised and regulated by the Solicitors Regulation Authority, register number 619713. VAT number for DPM Legal Services Limited is 202 2881.

DPM.Legal.Wills.Prob.0921