

# Divorce centres

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## Where are they?

- Most of us have now transferred to a Divorce Centre
- 11 Divorce centres in total in England and Wales
- London and the south west are the last to transfer to Bury St Edmunds
- You can use the Court Finder tool to identify the correct centre to use
- You can still issue in any Divorce Centre you wish

## How are the centres set up?

- On the front line - administrators who deal with the initial checking process
- They check the whole form and if there is something wrong they send it back
- If all is OK, send it to the judicial line (legal advisors) to check the statement of case
- If the legal adviser has a query they can refer it to a DJ/DDJ
- Issued papers are sent out to the parties in the usual way

## Why do they keep changing things!

- Efficiency
- The President of the Family Division declared these changes in one his "view" documents last year
- Centralisation and delegating work to the Legal adviser will free up judicial time for more taxing matters.
- Ultimately this should reduce waiting times for hearings as District Judges are no longer doing "box work"

## So what do I have to do now?

- Every new Petition issued needs to be sent to a divorce centre
- Petitions already issued will be dealt with by the family court that issued them
- Enquiries about "old" petitions should be made to the FC
- Enquiries about "new" petitions should be sent to the divorce centre

## Urgent petitions

- The local family court still has the ability to issue an urgent petition
- Once issued (and served) the matter is transferred to the divorce centre
- It will be taken on good faith if you say the petition is urgent
- There may be drop boxes at your local court to leave paperwork

## What if it is contested?

- If the petition itself is contested the matter will need to be listed for a hearing
- It will therefore be transferred to a hearing centre
- This will be at a family court nearest to the petitioner (if possible)
- Respondents will be able to request a transfer in the usual way

## What about costs orders?

- Rule 7.21 has been changed
- If a party wants to attend a hearing about costs orders
- They have to give 14 days notice to the court and the other side
- The divorce centre will then transfer the matter to a hearing centre for a hearing
- Other directions can also be made in respect of costs



## What are we doing wrong?

40% petitions are being rejected - not just LiP petition

- Simple mistakes
- Wrong names for parties
- Wrong date of marriage
- Wrong place of marriage
- Boxes not ticked
- Sometimes statement of case insufficient

## More changes afoot...

- There is going to be a new style petition introduced
- There will be a "tick box" option to inform the court that you want the papers back to serve personally
- Option to indicate preferences for hearing centres
- In the future no need to send letters to the court
- Tick box form being developed to ensure petitions aren't rejected

## What do we do with consent orders?

- If there has been no Form A issued then send the consent order to the place that issued the Petition
- If a Form A was issued then the case will have been transferred to a hearing centre and you should send the consent order there
- Collaborative or Arbitration consent orders benefit from the "fast track" process but no special arrangements for them at divorce centres
- It is anticipated that the turnaround will be quick and so the short cut won't have such a benefit

## Who approves consent orders?

- A judge of the level of District Judge or above
- Not legal advisors who don't have the power to do so

## What if I want to issue Form A?

- All financial remedy applications will be sent and issued at the divorce centres (CFC only exception)
- If there is no petition, for example Schedule 1 Children Act 1989 proceedings, still issue at a divorce centre
- The hearing will be heard at a Family Court - if you have a preference, tell the centre!

## Central family court

- CFC isn't going to be a court that everyone can access without good reason
- Certificate of complexity was released in June 2015
- To persuade the gatekeepers that your case should be dealt with at CFC there has to be a good reason
- Location of the parties isn't sufficient
- Details of the assets/off shore or trust issues need to be set out
- You can send the Form A to CFC with certificate but it might be transferred!

## Transferring cases

- Any family court can transfer a case to the financial remedies unit at the CFC - complexity
- Cases can be transferred from the FRU
- Obviously there will be delay if cases are transferred

## What about cases where there are Children Act proceedings?

- ▶ Issue C/A at the point of entry where the child resides
- ▶ Issue the petition at the divorce centre of your choice
- ▶ If there needs to be a hearing on the divorce or the financial matters it can take place at same venue as C/A proceedings
- ▶ Where no hearing is required they will remain separate



## Where do I issue an application to vary?

- ▶ At the divorce centre
- ▶ It will then be listed at a hearing centre

## Payment

- ▶ Some issues with their payment set up
- ▶ They are trying to resolve these
- ▶ They currently run a payment on account system for firms
- ▶ The exemption from fees is being simplified
- ▶ 2/3 of all fee remission applications are rejected
- ▶ There will be only one check at the start of the case
- ▶ For benefits applications they will be able to check online to minimise the paperwork involved

## Feedback

- ▶ Paul Stewart ([paul.stewart@justice.gsi.gov.uk](mailto:paul.stewart@justice.gsi.gov.uk)) or
- ▶ Emma Petty ([emma.petty@hmcts.gsi.gov.uk](mailto:emma.petty@hmcts.gsi.gov.uk)) at HMCTS
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Mena Ruparel is the managing director of Law CPD Solutions LTD. She is an experienced speaker, family solicitor, and arbitrator.

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