

CAYMAN ISLANDS



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PRACTICE DIRECTION No. 1 /2013
(GCR O.1, r.12)

CONSENT ORDERS IN ANCILLARY RELIEF PROCEEDINGS

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CONSENT ORDERS IN ANCILLARY RELIEF PROCEEDINGS

Practitioners are reminded that when the Court is asked to make an order by consent, embodying the terms of an agreed settlement of ancillary relief proceedings, the Court is still obliged to comply with the statutory duty imposed by Section 19 of the Matrimonial Causes Law (2005 Revision).

1. In this regard, the Court will now require the following before exercising its powers under section 19:
 - (i) Confirmation signed by both parties that they have made and received sufficient disclosure to enable them to make an informed decision to ask the Court to approve the terms contained within the proposed consent order.
 - (ii) In the case of unrepresented parties, signed confirmation that they have been advised to seek legal advice in regard to the proposed settlement, and have either done so or have declined to do so.
 - (iii) The lodging of a fully completed Statement of information for a consent order. (Where all of the parties attend the hearing of an application for financial relief or where the court is satisfied by the content of evidence already filed, the court may dispense with the lodging of a Statement of information and give directions for the information which would otherwise be required to be given in such a statement to be given in such manner as it sees fit).

This Practice Direction shall come into force on the 1st day of May 2013.

DATED this 9th day of April 2013

The Hon. Anthony Smellie
Chief Justice

STATEMENT OF INFORMATION FOR A CONSENT ORDER

The full names of the parties

Petitioner:

Respondent:

To be completed by the court

Date filed:

Case number:

The age of the parties and duration of the marriage

Petitioner:

Respondent:

Duration of the Marriage:

Important Note. This form is to be lodged when the Court is asked to make an order by consent embodying the terms of an agreed settlement of ancillary relief proceedings.

1 Summary of Means

Give as the date of the statement the approximate amount or value of capital resources and net income of the petitioner and respondent and, where relevant, any minor children of the family. State also the net equity in any property concerned and the effect of its proposed distribution State:

1. Capital Resources less any unpaid mortgage or charges

(i) Petitioner CI/US\$

(ii) Respondent CI/US\$

(iii) Children CI/US

2. Net Income

(i) Petitioner CI\$

(ii) Respondent CI\$

(iii) Children CI\$

2 Where the parties are to live

Give details of what arrangements are intended for the accommodation of each of the parties and any children of the family

[Empty light blue box for accommodation details]

3 Marital Plans

Petitioner	Respondent	
Yes / No	Yes / No	has no present intention to marry or cohabit
Yes / No	Yes / No	has remarried
Yes / No	Yes / No	intends to remarry
Yes / No	Yes /No	intends to cohabit with another person

4 Notice to Chargee

To be answered by the applicant where the terms of the order provide for a transfer of property

Has any and every chargee of the property been served with a notice of the application

Yes / No

Has any objection to such a transfer been made by any charge within 14 days from the date of service?

Yes / No

5. Give details of any especially significant matters including but not limited to how the attached proposed consent order was reached e.g. discussions between parties, negotiations through attorneys, mediation, or other out of court dispute resolution

[Empty light blue box for significant matters]

Petitioner's Statement of Truth

I believe that the facts stated in this Statement of information for a consent order are true.

I confirm that I have read the consent order and the completed Statement of information for a consent order from the Respondent and that I have made and received sufficient disclosure to enable me to make an informed decision to ask the Court to approve the terms contained within the consent order attached.

[I confirm that I am unrepresented and I have had the opportunity to seek legal advice in regard to the proposed settlement, and have done so / have declined to do so]. *(delete if represented)*

I confirm that I have not been pressured in any way to endorse the terms of the consent order attached.

Print full name:

Name of Petitioner's attorney *(complete if represented)* :

Signed by Petitioner:

Dated:

Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.

Respondent's Statement of Truth

I believe that the facts stated in this Statement of information for a consent order are true.

I confirm that I have read the consent order and the completed Statement of information for a consent order from the Petitioner and that I have made and received sufficient disclosure to enable me to make an informed decision to ask the Court to approve the terms contained within the consent order attached.

[I confirm that I am unrepresented and I have had the opportunity to seek legal advice in regard to the proposed settlement, and have done so / have declined to do so]. *(delete if represented)*

I confirm that I have not been pressured in any way to endorse the terms of the consent order attached.

Print full name:

Name of Respondent's attorney *(complete if represented)* :

Signed by Respondent:

Dated:

Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.