Progress Checklist - Divorce Cases (for Petitioner)

You are required, as assigned solicitor, to comply with the Director of Legal Aid's (DLA) requests for information regarding the progress of proceedings to which the certificate relates. This checklist is intended to serve as a reference only and to provide a timeframe for reporting progress of proceedings to DLA. This checklist is not intended to replace written reporting to DLA nor to provide an exhaustive list of the steps that have to be taken in the particular case assigned to you.

Each part is based upon a timeframe during which certain steps are expected to be taken or events are expected to have taken place. If it is not possible for you to complete the steps listed in each part within the time specified or expected events have not occurred, you should provide a written explanation to DLA.

You should report to DLA the completion of the steps or the occurrence of events referred to in the checklist within the time period specified below.

The scope of legal aid certificates may be limited. Prior to undertaking any work outside the terms of the certificate, you must apply to DLA for extension of the certificate by giving all necessary information to justify the extension. The appropriate form (Form X47) can be downloaded from the Department's website www.lad.gov.hk.

Part 1 – Pre-Action *(within 21 days from the date of receipt of assignment)*

[ ] Appointment to take instructions from aided person
[ ] Aided person has been advised of DLA's 1st charge, if applicable*
[ ] Aided person has been advised of the availability of family mediation and has been given the information leaflet on family mediation.

Part 2 – Court Proceedings (*within 2 months from the assignment*)

[ ] Petition issued and served and copy provided to DLA
[ ] DLA has been advised whether aided person has/has not elected mediation

(W*ithin 6 months from the issue of Petition for Divorce)*

[ ] Aided Person has been advised on progress of case and costs position*
[ ] Copy Form 4/Answer/related case management order (if any) provided to DLA
[ ] Form E and all relevant documents filed
[ ] First Appointment heard and copy Order provided to DLA
[ ] Application made to set the case down in Defended/Undefended List
[ ] Decree Nisi granted and copy provided to DLA

(Within 6 months of the grant of the Decree Nisi)

[ ] Financial Dispute Resolution/ancillary relief and custody/access application heard and copy Order provided to DLA
[ ] Decree Absolute granted and copy provided to DLA

Part 3 – Conclusion of case

(At the conclusion of the case where any property is recovered or preserved for the aided person, the aided person must be advised of DLA's 1st charge and the estimated amount of such charge. You are expected to elect Fixed Costs if applicable. Where Fixed Costs do not apply, approach to the Opposite Party to agree party and party costs is expected to take place within 4 weeks after the conclusion of the case. You must report to DLA on reasons why costs cannot be agreed and what steps have been taken to fix a date for taxation within 2 months after the date of the final order. Where there is no order for costs against the Opposite Party, you must let DLA have a narrative bill of your costs for assessment. This must be done within 8 weeks after the final order is made.)

[ ] Copy final order provided to DLA

[ ] Copy acknowledgment by aided person that he/she has been advised of the operation of DLA's 1st charge provided to DLA

[ ] Estimate of 1st charge provided to DLA together with a breakdown of :-
  (a) Party& Party costs
  (b) Common Fund costs
  (c) Costs against aided person

[ ] DLA's 1st charge has been protected in the following manner :-
  ( ) where landed property has been recovered/preserved, the court order giving rise to DLA's 1st charge has been registered with the Land Registry and confirmation of this with supporting documents provided to DLA
  ( ) where property recovered pertains to the opposite party's provident fund/pension, the opposite party's authorization to the employer/the Treasury/the paying party for the release of the lump sum to DLA has been obtained and the written confirmation of the employer/the Treasury/the paying party to release the lump sum to DLA on behalf of the aided person has been obtained

[ ] Aided person has been advised of the need to re-register the Court Order in cases where the registration of the Court Order is necessary to preserve the 1st charge/aided person's interest

[ ] DLA has been advised of settlement of party and party costs/outcome of taxation

[ ] Statement of Costs and Certificate of Fixed Costs/Allocatur and Financial Statement of a Concluded Legally Aided Case duly completed and provided to DLA

* *Please note that DLA's 1st charge applies to lump sum payments, periodical/interim maintenance payments in favour of the aided person which exceeds $9,790 per month, landed property and any assets recovered or preserved for the aided person and any property recovered for the benefit of any person on whose behalf the aided person is acting such as children of the family. The aided person should be regularly advised and reminded of the operation of DLA's 1st charge and costs position. You must alert DLA of details of a proposed settlement or court order which is likely to give rise to DLA's 1st charge, particularly where property is involved.*