

How to

---

# Apply for a financial order without a lawyer

---

## Who is this guide for?

This guide is for you if:

- you are or were married or in a civil partnership, and
- you have started or finished divorce proceedings or proceedings to end a civil partnership, and
- you cannot agree how to share out what you own between you, and
- you are applying or thinking of applying for a financial order, without the help of a lawyer or with only limited help because you don't have the money to pay for a lawyer to do the whole job for you.



It is also for people supporting others in this situation, for example Support Through Court volunteers, CAB volunteers, advice workers, and support workers as well as relatives and friends.



If you have what lawyers call a 'high value' case then this guide will only be of limited use. 'High value' cases are ones involving lots of money and property and possibly extensive business interests too. They often raise complex issues, which we cannot deal with in this guide.

If you are or were living together as a couple but were not married or in a civil partnership then this guide is not for you. This is because your legal situation is different. You can find more information about what the law says about couples in this situation at [www.advicenow.org.uk/living-together](http://www.advicenow.org.uk/living-together).

Although the guide focuses on the applicant (the person who applies for a financial order) and what they need to do, much of it is just as useful for the respondent (the person who has to respond to the application).

If you apply for a financial order either without any legal help or with only limited help from a lawyer, then the law calls you a 'litigant in person'.

## What is a financial order?

When you split up there are lots of financial decisions to make. For example, whether to sell the family home, how to divide your savings, possessions, other property and pensions, and whether one of you should pay maintenance to the other. A 'financial order' or 'financial remedy order' is what the law calls a court order that sets out these decisions. You can find a list of the different financial orders a court can make in the section called [The kinds of financial orders a court can make](#).

A court can make these financial decisions for you if you cannot agree how to divide what you own yourselves or whether one of you should pay maintenance to the other. If you can agree, you can ask the court to approve your agreement. Either way, the order that is made is called a financial order.

### The law

You can find the main bits of law about financial orders by searching online for [Matrimonial Causes Act 1973](#). If you'd like to have an idea of the things the judge will consider when making a decision on a financial order, look at section 25 of the Matrimonial Causes Act.

To find the most important court rules search online for [family procedure rules part 9](#) and [family procedure rules part 27](#).

## What does this guide do?

We help you apply to the court for a financial order by explaining what you need to do and how to do it.

It is long, but don't be put off. You don't have to read it all at once. You can start by looking at the process in pictures to get an overview of what a typical case might look like. Then use the contents page to find the sections that are relevant to the stage your case has reached.

We try to explain any legal language as we go along, but there is also a section at the end of the guide, where you can find key legal terms explained, called [What does it mean?](#)

We don't explain what to do if you need financial support from your ex-husband, wife or civil partner but you have not yet started divorce proceedings or proceedings to end a civil partnership. Nor do we explain how to stop your ex-husband, wife or civil partner hiding or getting rid of money or property because they want to avoid having to share them with you. If you think you are in this situation, get legal help quickly. For information about where to get legal help, see [More help and advice](#).

This is just one of our many resources about family law issues. You may also be interested in:

[A survival guide to sorting out child arrangements](#)

[A survival guide to divorce or the dissolution of a civil partnership](#)

[A survival guide to sorting out your finances when you get divorced](#)

[A survival guide to pensions on divorce](#)

[A survival guide to family mediation](#)

[How to apply for a child arrangements order without a lawyer](#)

[Representing yourself in family court – a film](#)

[Going to the family court](#) – including up to date details of where and how users can access practical help and emotional support, legal advice, and representation.

## Getting just a little bit of legal help

We know that many people can't afford to pay a solicitor to do everything for them, or want to do as much as possible themselves to save money. But, there are times in this process when you will find it really useful to get a bit of pert help from a family lawyer.

To help with this, we have teamed up with [Resolution](#) to provide a panel of family law solicitors that can help you at the most important points of this process for a fixed fee. You will see up front exactly what areas of your case they can advise you on and how much their help will cost you – so that you can be certain you can afford it. Because we know many of our users have limited funds, we have designed a process to make getting this help as cheap as possible for you, by making sure that you use the solicitor's time as efficiently as possible.

We hope that this will take some of the worry and stress out of the process for you.

## How it works

As you go through this guide, you will see various points where we suggest you get some legal advice if you can possibly afford it. At these points you will see this logo. We only do this when we think it will be really useful.



We set out clearly what the solicitor can advise you on and how much it will cost you. There are no hidden extras.

In return, you will use the solicitor's time effectively by:

- 1 reading the relevant sections of this guide, which will enable you to understand the process and where you are in it, and,
- 2 completing the form we send you as fully as possible and sending it to the solicitor two working days before your appointment. This will tell the solicitor everything they need to know about your case in order to give you their advice.

You can choose whether you have an appointment over the phone, by videochat, or face to face.

During the appointment, you are encouraged to take notes of the advice given and the solicitor can help make sure you have got all the most important details. Make sure you ask the solicitor to explain anything that you don't understand or repeat anything you need repeating.

**This service is designed to meet the needs of people with low to medium incomes and not many assets.** If you have lots of things of financial value – known as assets – or a high income you can still use the service but you will need more advice than can be given in the appointments described here. Talk to your solicitor about what else you need. This will usually be charged at their normal hourly rate.

Whatever your situation, it is really helpful to get some advice as early on as possible to help you work out where you stand.



All of the solicitors on our panel are members of Resolution. Resolution members are family lawyers committed to helping people resolve their family disputes constructively and in a way that considers the needs of the whole family, and in particular the best interests of your children.

If you decide to get some legal advice from one of our panel members, you will still be in charge of your own case – the lawyer will not be on the court record as acting for you, and their name won't be on any of the paperwork.

If you don't want to use the service, you don't have to. This guide will still be extraordinarily helpful.

## How to use the links in this guide

If you are reading a digital version of this guide you can simply click on the links in the text to get to other useful websites. These links are underlined and coloured light blue. If you are reading a printed version of the guide, we tell you which words you need to search for online so that the website should be the first one to come up in the list of results. If the link is just to a name of an organisation for example, the 'Family Mediation Council' you just need to use the name to search online.

## Contents

Things you need to know	7
Before you can go to court	8
Legal aid	11
Getting some legal advice early on to find out where you stand	12
What the court takes into account when it makes a decision	13
The kinds of financial orders the court can make	16
Sorting things out by negotiation and agreement	20
The process in pictures	24
Going to court – the basics	29
Applying for a financial order	33
How to fill in your Form E	36
Other things to do before the first appointment	58
The first appointment	66
The financial dispute resolution appointment	70
The final hearing	78
Top tips!	80
More help and advice	81
What does it mean?	85



# Things you need to know

Things  
you need  
to know

- There is a court called the Family Court, located in different places across England and Wales, which deals with disagreements among separated families. These are not the same courts where people who are accused of doing something wrong go.
- Sorting out your dispute will only happen quite quickly if you can cooperate and agree things between you as much as possible. For many couples, family mediation is a good way of achieving this. You can find information about family mediation on the next page.
- If you do end up going to court, the court will try to help you agree things between you where possible. Courts prefer not to make a decision for you.
- Having lots of arguments about who gets what can cost you thousands of pounds if you use a lawyer to help sort out your dispute. The more you spend, the less there will be left over to share out between you, and to support your children if you have any.
- When a relationship breaks down, financial settlements vary enormously in size. Just because there are reports of the super-rich paying or receiving millions, doesn't mean to say you will. It will depend on lots of things such as how much there is to divide up, what each of you will need, and the length of the marriage. You cannot share out what you don't have.
- The term 'financial order' is quite new. The full name given to this type of order is a 'financial remedy order'. You may hear a judge, lawyer or court staff talk about 'ancillary relief' – this is the same thing – it's just the old name for it.
- We talk about the court 'doing' things quite a lot in this guide. For example, the court may 'send' out a form, 'make' a decision or 'think' about something. It sounds a bit odd because most people think of a court as a place, a building. But 'the court' is often used as shorthand to refer to the people working in the court, whether they are a judge or court staff. That is how we use the term here and how you will probably hear other people use it too.
- We use the word 'ex' in this guide to mean your ex-husband, your ex-wife or your ex-civil partner.

# Before you can go to court

Before you can go to court

**In this section we explain what you need to do before you start court proceedings.**

## Mediation Information and Assessment Meetings (MIAM)

Anyone thinking of applying for a financial order must attend a Mediation Information and Assessment Meeting (MIAM) before making their application unless they are exempt or they are applying for their agreement to be turned into an order, known as a consent order. This applies whether you are applying for a court order yourself without the help of a lawyer (you are a 'litigant in person') or you are represented by a lawyer and whether you have legal aid or not.

The purpose of this meeting is to:

- give you information about how you might be able to sort out or divide up your finances without going to court, and,
- assess whether mediation is a safe way for you and your ex to try and do this.

You need to contact an authorised family mediator to set up a Mediation Information and Assessment Meeting. They will invite you to attend a MIAM either separately or together with your ex. This might be at their office or by phone or video call. You can find an authorised family mediator by searching on the [Family Mediation Council](#) website. If someone you know recommends a family mediator, just be sure to check on the Family Mediation Council website that the mediator is listed there as this tells you that they are properly trained and accredited.

## What happens at a Mediation Information and Assessment Meeting?

The meeting will probably last about 40-45 minutes. The mediator:

- Explains what family mediation and other forms of dispute resolution are and how they work.
- Explains the benefits of mediation, other forms of dispute resolution, and the likely costs.





- Answers any questions you have about your situation and how mediation might work for you.
- Assesses whether you are eligible for legal aid for mediation or will have to pay for it.
- Assesses whether mediation or other form of dispute resolution is suitable in your case.
- Completes the relevant part of the [Form A](#) if you want to make a court application. (We talk more about the Form A and other form you need to do later).

## Family mediation

Family mediation is not the same as ‘marriage guidance’. It is not intended to help you work out the differences in your relationship or about getting back together. In fact it is the opposite – family mediation aims to help you to agree how you will live apart. In a situation where you cannot agree how to sort out your finances, a family mediator can help you discuss possible solutions. But it is not the mediator who makes the decisions or agrees to a plan – it is you.

Trained mediators can help you talk to each other and find solutions, even when it is hard. They are there to assist you both and can provide you with a safe and supportive environment where you can work out solutions together. But, nobody has to use mediation. Once you have been to the Mediation Information and Assessment Meeting, you or the family mediator may decide there are reasons why mediation will not work. This may be because there has been domestic abuse in your relationship. It may be that one or more of you have a drug or alcohol problem or a mental health problem. That problem or illness may create such a big risk that it isn’t safe for mediation to take place.

Mediators can give you information on how the court might look at your situation but they cannot tell you whether the agreement you reach really in your best interests as they are there to help you both. So, if you do use mediation and get near to reaching an agreement it would be very wise to talk to a family law solicitor about the contents of the agreement before you go ahead and finalise it. Agreements made in mediation are not legally binding but it can still be hard to go back on what you agreed later on.

## Circumstances when you don’t have to attend a MIAM

There are some circumstances when you don’t have to attend a Mediation Information and Assessment Meeting. For example, if your application is urgent or where there is evidence of domestic abuse between you.

You can find the full list of situations when you can ask the court to agree that you don’t have to attend a Mediation Information and Assessment Meeting (the law calls this ‘claiming an exemption’) by searching online for the [‘family procedure rules pd 3a’](#). Then look at paragraph 17.

If you want to claim exemption from attending a Mediation Information and Assessment Meeting, there is a section of the application form (Form A) that you must complete if or when you apply for a court order.

Before you  
can go to  
court

## How much does it cost to go to a Mediation Information and Assessment Meeting?

Before you can go to court

If you are on a low income you may be able to get legal aid to cover the costs of mediation. Search online for '[check legal aid](#)' to use the GOV.UK calculator, to see if you may be entitled to it.

Charges vary from one mediation service to another and sometimes according to your gross annual income. This is the money you earn in a year before income tax and national insurance is deducted. When you phone a family mediator to arrange a Mediation Information and Assessment Meeting, ask about how much they charge and about legal aid. Some make no charge for the Mediation Information and Assessment Meeting itself but charge for completing the relevant section of the Form A.

If either you or your ex are entitled to legal aid then the initial Mediation Information and Assessment Meeting, completing the relevant section of Form A and the first mediation session are free for both of you. After that, any further mediation sessions will only be free for the person who has legal aid. You may also be able to get legal aid for help from a solicitor during the mediation process. If you are the person who isn't eligible for legal aid, you will have to pay for any mediation sessions after the first one.

You must take documents proving what your income is and what savings you have to the first meeting. The mediation service will explain what evidence of your means they need to see in more detail, but if you are not clear what to take with you, don't hesitate to ring them and ask. Without this evidence you risk getting charged because the service won't be able to assess your eligibility for legal aid.

You can find out more about how mediation works by looking at [A survival guide to family mediation](#).



### Forms and rules



You can find the [Form A](#) in English and Welsh versions on the GOV.UK website by simply searching online for 'Form A'.

You can find court guidance about Family Mediation Information and Assessment Meetings by searching '[family procedure rules pd 3a](#)'.

# Legal aid

Legal aid is a government scheme to help people who live on a low income, have few savings and meet specific other criteria, pay for legal advice, representation and other help.

However, even if you are financially eligible, unless you can prove you or your child have suffered domestic violence or abuse, which was caused by your ex, you cannot get legal aid to apply for a financial order.

Domestic violence and abuse is any controlling, coercive, or threatening behaviour, violence or abuse. The abuse may be psychological, physical, sexual, financial or emotional. To apply for legal aid, you must be able to give your solicitor some evidence that you have suffered domestic violence or abuse from your ex.

For further information about what counts as evidence, search online for '[legal aid: domestic abuse or violence](#)'. This will take you to the GOV.UK website. Then scroll down to the section called 'What counts as evidence'. Working out if you can get the right evidence and then actually getting it can be tricky and can take time. If you have found a solicitor willing to take on your case who does legal aid, they may be able to help you with this process.



Legal aid

If you do get legal aid, in many cases this is only a loan. If you are successful and get back or hang on to money or property you will be expected to repay the legal aid. You can search online for '[paying for your civil legal aid](#)'. This leaflet explains when you have to contribute towards or repay your legal aid and how to do it.

# Getting some legal advice early on to find out where you stand

Getting some legal advice early on to find out where you stand

Going through a break up can be very demanding. There can be a lot to sort out, just at the time when you are least ready to face a long list of things to do. It can be hard to work out what is a priority and what can wait, if you are experiencing lots of different emotions all at once. Not understanding your legal position is, understandably, another serious worry.

At this stage, if you can possibly afford it, you should get some legal advice early on in the process. This will help you get a good sense of where you stand and where you want to go from here. For example, with some legal advice you may find that you change your mind about applying to court.

Some people can get legal aid but if you can't this next bit will help.

## Get some legal advice

If you can possibly afford it, you should to get some legal advice on your options early on to help you work out where you stand.

Get expert legal advice



for just £120 on

- ✓ Where you stand legally on the problems that are most worrying you now
- ✓ What the court might recommend in your situation
- ✓ What your next steps should be

[FIND OUT MORE](#) | >

or go to  
[www.advicenow.org.uk/financial-order-0](http://www.advicenow.org.uk/financial-order-0)

# What the court takes into account when it makes a decision

The law explains what a court needs to take into account when it decides how to divide what you have between you. If you and your ex try to reach an agreement yourselves, the court expects you to take the same factors into account. And they also apply if you ask a family mediator to help you reach an agreement without going to court. We explain these factors here:

---

- **The welfare of any child of the family under 18 years old**

---

This is a very important factor and must be the first thing the court considers. In many cases, it can mean that most, maybe all, of your joint resources will go towards providing a home for your children. Typically, the children will live with the person mostly responsible for their day to day care. This is why it is common to come across situations where the person mainly looking after the children stays with them in the family home.

---

- **The income, earning capacity, property and other financial resources which each of you has or is likely to have in the foreseeable future.**

---

This includes any increase in earning capacity which the court thinks it is reasonable to expect of you or your ex. This can mean, for example, that the court makes a decision based on the expectation that one of you will get a job

or a better paid one. The reference to 'other financial resources' can mean, for example, money received or coming from an inheritance or a personal injury claim. If you have a new partner, the court can take their resources into account when deciding how to divide up your money and property. So, if, for example, you live in accommodation provided by your new partner, this may postpone the time when you get your share of the family home. This is because you do not need it immediately to provide a home for yourself.

---

- **The financial needs, obligations and responsibilities which each of you has or is likely to have in the foreseeable future**

---

The main financial needs the court thinks about are housing need and income need. Where will you each live? How will each of you pay your bills? Ideally, you will both end up with a home to live in. But if there is not enough for two homes, the person mainly responsible for looking after any children day to day gets priority.

The sort of responsibilities the court can take into account include, for example, those you or your ex owe to a new husband, wife or civil partner, other children, elderly parents or other relatives.



What the court takes into account when it makes a decision



---

- **The standard of living enjoyed by the family before the breakdown of the marriage or civil partnership**

---

Although the court will take this into account you cannot assume you will enjoy the same standard of living as you had when you lived together. If you have been used to a high standard of living and there is still the money to support that, you can expect a similar standard when you split up. If your family had a low or average income, then you may end up less well off. What is just about enough to keep one family going often is not enough to provide adequately for two households.

---

- **Age and the length of your marriage or civil partnership**

---

Age can affect what is fair in many ways. It can influence whether you or your ex is likely to get work and what your financial position will be when you each retire. The length of your marriage or civil partnership can also impact on the court's decision. If it has been short, then it is less likely that your money and property will be divided equally. This is especially true of things that the court may see as belonging to just one of you, for example, an inheritance or property you brought into the marriage. If you lived together before you married or became civil partners, then the court may well take this period of time into account.

---

- **Any physical or mental disability**

---

This allows the court to take into account any physical or mental disability suffered by you or your ex. The court will want information about any ill health, long term illness or disability and its impact on you or your ex's earning capacity and housing requirements.



---

- **Contribution made to the welfare of the family, including looking after the home or caring for the family**

---

This aims to eliminate any bias in favour of the main bread winner and to recognise the contribution of the main home maker and child carer – whatever their gender.

---

- **Behaviour, but only if it was so extreme that it would be unfair not to take it into account**

---

The basic position is that the court will not decide whether one of you has behaved more badly and is more responsible for the breakdown of your relationship than the other. And it will not then reward the better behaved one with more money. It has got to be really bad behaviour or behaviour which affects your finances before the court will consider taking it into account. Every case is different but the following examples give you an idea of the kind of behaviour the court may take into account: your ex attacked you, causing injuries that left you unable to work, hid money in a secret bank account or had a gambling problem that seriously reduced the amount of money available to share out between you.

What the court takes into account when it makes a decision



---

- **The value of any benefit which either of you will lose the chance of acquiring**

---

This is about things that you or your ex are no longer going to benefit from as a result of splitting up, for example, the possibility of getting a lump sum or income from your ex's pension scheme if they die before you.

---

- **Whether it is fair and reasonable to order a clean break**

---

The court also has to think about whether and when it is fair to end your financial responsibilities for each other. The ideal is that you sort out your money and property in a way that means each of you ends up being financially independent of the other. But this is not always possible, for example, one of you may have to wait to get your share of the family home until your children have grown up or pay maintenance to the other.



## What will I get?

How the court applies these principles in your case will depend on your individual circumstances. They are there to help the court reach a fair outcome. And why there is often no quick and easy answer to the question: What will I get? People commonly think that the courts automatically divide up a couple's money and property 50/50. This does not always happen, particularly in cases where a couple only have limited money or property. Often a number of different, but equally reasonable results are possible in a case.

We talk about this in more detail in [A survival guide to sorting out your finances when you get divorced](#). This guide is also really helpful if you think that there is still a chance you could reach an agreement and avoid the stress and expense of going to court.

For a rough idea of what a fair financial settlement might look like for you, you can try using the MoneyHelper's free [divorce and money calculator](#).

What the court takes into account when it makes a decision

### The law

You can find the principles at [section 25 of the Matrimonial Causes Act 1973](#) (as amended) if you are married and divorcing, and in [Part 5 of Schedule 5 of the Civil Partnership Act 2004](#) if you are in a civil partnership and are in the process of dissolving the partnership.

# The kinds of financial orders the court can make

In this section we explain the different financial orders a court can make. Courts can make one or more of these at the same time.

## The kinds of financial orders the court can make

<b>An order for maintenance pending suit</b>	<p>'Maintenance' is money paid to help support you or your ex. 'Pending suit' means that the money is paid in the short term, up until the case is finished or the court makes a different order. Maintenance is paid regularly at a particular time, for example, monthly. Another name for maintenance pending suit is interim maintenance. When a final order is made for maintenance to be paid, the court calls this order a periodical payments order.</p>
<b>Periodical payments order</b>	<p>'Periodical payments' is another word for maintenance. 'Periodical' just means the money is paid regularly at a particular time, for example, monthly. The difference between 'maintenance pending suit' and a 'periodical payments order' is that a 'periodical payments order' provides for maintenance to go on being paid after your financial case is over. The amount paid can be the same as or different to the amount paid as maintenance pending suit.</p> <p>The court will specify either that the periodical payments order continues until you or your ex dies or the person getting the maintenance remarries or registers a new civil partnership. Or the Court will specify that the periodical payments order ends at a specific point in the future, which you may hear referred to as a 'term order'.</p> <p>If you get a term order, you may be able to ask the court to extend the length (this is called the term) of the order as long as you do this before the time period runs out and there is no court order preventing an extension.</p> <p>Once a court makes a periodical payments order, you or your ex can make a new application to the court to change (the word used by the court here is vary) the amount paid. If you are the person paying the maintenance, you might want to do this, for example, if you lose your job and so cannot afford the payments. If you are the person getting maintenance, you might want to do this, for example, if your ex gets a large pay rise so could afford to pay more in maintenance, or you lose your job or have serious ill health so you are unable to work and need more maintenance.</p>
<b>Secured provision order</b>	<p>This is also an order for maintenance but one where the person paying the money has to give some security. A security is a right over something valuable belonging to them, for example an investment property or inheritance. This means that if they do not pay the maintenance, the person who was due to get it has another way of getting the money they are owed. These orders are very rare.</p>

*(continued)*

<b>Lump sum order</b>	This is an order that you or your ex pay a fixed amount of money, for example £2,000 or £20,000. The court can order you or your ex to pay a lump sum in one go or in instalments. The court can only make this kind of order if you or your ex has the money to pay it.
<b>Property adjustment order</b>	<p>This order sets out what is to happen to any property you and your ex own separately or together, for example, your home, the contents of your home or a car.</p> <p>The court can make a wide variety of property adjustment orders. For example, it can transfer property from you to your ex or from your ex to you or order the sale of a property and divide the profit between you equally or in different shares. The court can also transfer a tenancy (including council and housing association tenancies), for example, from your joint names into your name only or your ex's name only.</p> <p>If your ex is the sole owner or sole tenant of the family home, then it is critical you do not formally end your relationship by getting your final order before you ask the court to transfer the tenancy or ownership of the family home into your name – if that is what you want. This is a tricky area. If you are in this position, get some legal advice from one of our panel of Resolution members as soon as possible.</p>
<b>Pension sharing order</b>	This order sets out what percentage, if any, of a pension belonging to you or your ex must be transferred to the other.
<b>Pension attachment order</b>	This is an order for some or all of your ex's pension income or lump sum to be paid to you, when they start receiving it. Or, it is an order that when you start receiving your pension, some or all of it is paid out to your ex.
<b>Pension compensation sharing order</b>	This is an order stating that any compensation from the Pension Protection Fund must be shared.
<b>Pension compensation attachment order</b>	If you or your ex are due compensation from the Pension Protection Fund, this order tells the people managing the fund to pay a proportion of your ex's pension to you once your ex starts receiving income from it, or the other way round.
<b>Nominal order</b>	<p>This is an order for a minimal amount of maintenance (for example £1 a year) to be paid. If you get a nominal order, this keeps open the possibility of asking for more in the future if your or your ex's circumstances change, for example, because of your redundancy, serious ill-health or disability, or because your ex gets a large pay rise.</p> <p>The court will specify either that the order continues until you or your ex dies or the person getting the maintenance remarries or registers a new civil partnership, or that the order ends at a specific point in the future, which you may hear referred to as a 'term order'. You may be able to ask the court to extend the length (the court calls this the term) of the order as long as you do this before the time period runs out and there is no court order preventing an extension.</p>

**The kinds of financial orders the court can make**

*(continued)*

**The kinds of financial orders the court can make**

<p><b>Clean break order</b></p>	<p>This order makes clear that your financial responsibility for each other is over. This means neither of you has to pay maintenance to the other on an ongoing basis. It usually also means that you cannot ask to inherit anything from your ex if they die. These orders are only suitable when there is enough money to make both of you self sufficient. The court will consider whether to make this kind of order in every case. It is not always the right thing to do. Whether or not the court makes one in your case will depend on your individual circumstances.</p>
<p><b>Payment for legal services order</b></p>	<p>This is an order that you or your ex pay the other money to help with the legal costs of applying for a financial order. Legal costs are what you spend on a lawyer. The court will only make this kind of order if the person who asks for the order can show that they have no other way of paying for their legal costs, for example, by getting a loan. The court will not make an order if it means that the person due to pay will end up not being able to pay their own legal fees, or if it would cause them undue hardship.</p>

**Get some legal advice**

If you can afford it, it will be very helpful to get some legal advice on what financial orders the court could make in your case.

**When the court can make a financial order**

Courts can make interim and final orders. An interim order is an order to help support you while the financial proceedings are going on. The court can make an interim order, for example, for maintenance, at any time after you start your application for a financial order and before the final hearing. However, there are limits to what the court can do during this time. For example, the court cannot make an interim property adjustment order.

A final order is an order made at the end of the financial proceedings. The court cannot make a final order until you or your ex have got a conditional order. A conditional order is the order that confirms you are entitled to a divorce or dissolution. The final financial order cannot come into effect until the conditional order has been made into a final order. At this point, your marriage or civil partnership is officially at an end.

**Get expert legal advice**



for just **£120** on

- ✓ How the court will view your situation.
- ✓ What your rights are to any property and whether you need to take any urgent steps to protect it.
- ✓ What orders you could apply for and how enforceable they would be
- ✓ What documents you will need.
- ✓ What your next steps should be.

**FIND OUT MORE | >**

or go to  
[www.advicenow.org.uk/financial-order-1](http://www.advicenow.org.uk/financial-order-1)

## Planning to remarry or register a new civil partnership?

- Any maintenance you get for yourself from your ex will usually stop if you remarry or register a new civil partnership. Maintenance for children is different: – this does not stop if you remarry or register a new civil partnership.
- If you have not already applied to the court for financial help for yourself from your ex before you remarry or register a new civil partnership, it is too late! It is best to sort out your finances first, before you remarry or register a new civil partnership, because you cannot apply afterwards (save for certain pensions orders). At the very least, you must complete your Form A and take it to the court for the court to issue your application for a financial order before you re-marry or enter into a new civil partnership.



The kinds of financial orders the court can make



# Sorting things out by negotiation and agreement

You can sort out your finances and who gets what from the family home by negotiation and agreement with your ex at any time – either before or after you start court proceedings. Whether you are successful will depend a lot on the attitude of you and your ex to solving your problems this way. If one or both of you are not willing to negotiate or refuse to go along to mediation then you may have no choice but to go to court. But this way, you'll reduce your joint assets by the amount you then have to spend going to court which will leave less to share out between the two of you, and your children if you have any.

Reaching any agreement usually means being prepared to compromise – accepting less or paying more. And it may be worth doing this to avoid the uncertainty and expense of going to court. But how do you know what's fair for you to suggest to your ex, or for you to agree to? Understandably, you won't want to get less or pay more than a judge would order. We have another guide that helps you understand more about what a judge might do in a case like yours, so that you have a better chance of making a fair agreement with your ex. Take a look at [A survival guide to sorting out your finances when you get divorced](#) for more information.

Pensions can be very important assets to sort out when you get divorced. Often people overlook them. But, it is crucial that you don't otherwise you could struggle in later life. You can read more about pensions on divorce in [A survival guide to pensions on divorce](#).

Try to agree how to divide your possessions. No judge wants to discuss who gets the sofa and who gets the kitchen table. You could suggest that one of you makes a list of all your joint possessions, gives the other a copy and then you each mark what you would like to keep. It may turn out you do not want the same things anyway! Where you do, then a little give and take ('If you have this, is it okay if I have that?') may mean you can still reach an agreement.

## Reasons for sorting out your finances by negotiation and agreement (the law calls this settling) instead of going to court or all the way to a final hearing:

- ✓ It can be less stressful for you and any children.
- ✓ It can be quicker.
- ✓ It can be cheaper.
- ✓ It can create more certainty about the outcome.
- ✓ You can include things in your agreement that a court cannot order, for example, that your ex pays a debt on your behalf.
- ✓ You and your ex decide what happens instead of a judge imposing their decision on you.





## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on how you can sort things out through negotiation with your ex and avoid going to court.

### Get expert legal advice



for just £120 on

- ✓ How the court would view your situation.
- ✓ What is relevant to your case.
- ✓ What you should consider when negotiating.
- ✓ What might help you negotiate an agreement, for example, mediation.
- ✓ What your next steps should be.

**FIND OUT MORE** | >

or go to  
[www.advicenow.org.uk/  
financial-order-2](http://www.advicenow.org.uk/financial-order-2)

## Domestic abuse

If your ex has been abusive to you in the past or is still being abusive think very carefully about whether or not it is safe for you to deal directly with them about your finances. If you are on a low income and can get evidence of the abusive nature of your relationship you may be able to get legal aid. Search online for '[check if you can get legal aid](#)'. This will bring up the GOV.UK website where you can get an idea of whether or not you can get legal aid. Be aware that if you do qualify for legal aid you may be asked to pay a



contribution either from your income (on a monthly basis) or from any capital (savings) you may have. Legal aid should be seen as a loan rather than a gift. This means that if you receive legal aid and then at the end of your case you keep or get property or money you will need to pay back your legal aid costs.

## Consent orders

If you reach a financial agreement with your ex, you can ask the court to approve the agreement and turn it into a court order. These agreed orders are called 'consent orders'. The court can make an order that you both agree with at any time during the financial proceedings once you have your conditional order. This way, you get an official record of what you have agreed and the court can make sure that the agreement becomes reality – the law calls this 'enforcement'. If you don't turn your financial agreement into a consent order, and your ex changes their mind and will not comply with the agreement, the court cannot enforce it for you. Even when you are divorced, if you don't have a consent order that sets out your agreement either of you can apply to the court for an order that might be totally different to what you have agreed between you. Either of you can do this unless or until you remarry or enter into a new civil partnership.

Turning even a simple agreement into a draft consent order that a judge will accept is not easy. You may well decide you need to ask a lawyer to prepare a draft consent order for you. Or, it may be that your ex has asked a solicitor to prepare a consent order that sets out what you have agreed or, what your ex believes you have agreed. A consent order is full of legal terms, which can be confusing and intimidating. There may be parts of the consent order that you don't understand but which could have a real impact on your financial situation in the future.

Sorting things out by negotiation and agreement

You will need to fill in [Form D81](#) (Statement of information for a consent order) and attach the draft consent order you are asking the court to make to it. You can find this form by searching 'Form D81' online.

You can both fill in the same form or do one each but even if you do one each, you have to see each other's forms before you send them to the court. The court may want to see you to discuss the information you give in the form and the order you want made. You also need to fill in [Form A](#) and send that with the draft consent order to the court. Form A is the form that you need to use to apply to the court for a financial order or, if you have a draft consent order, for the court to consider it and hopefully approve it. You can find the form by searching online for 'Form A'. Follow the GOV.UK link to the form.

### Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on a draft consent order prepared by your ex's solicitor.

If you want legal advice from a solicitor about how to prepare the draft consent order or to do all the drafting for you, you can contact one of [our panel of solicitors](#) directly to get information on likely costs and time scales. Or you can go to the section called [More help and advice](#).

## Get expert legal advice



for just **£240** on

- ✓ What the document prepared means
- ✓ What other documents need to be completed
- ✓ What happens once its agreed by both sides
- ✓ What your next steps should be

Please be aware – the solicitor will not be able to tell you if you should accept the settlement set out in the consent order. This is because they would need to see all your and your ex's financial paperwork first to do this. If this is what you would like the solicitor to do you can talk to them about the cost of this work.

**FIND OUT MORE | >**

or go to  
[www.advicenow.org.uk/  
financial-order-3](http://www.advicenow.org.uk/financial-order-3)

## Your welfare benefits and your financial agreement or order

The financial agreement or final order made by the court may affect your benefits claim. If you are claiming means tested benefits, you should get advice about this before you start negotiating. See [More help and advice](#). Means tested benefits include benefits such as Income Support, income-based Job Seekers Allowance, income-related Employment and Support Allowance, Universal Credit or Housing Benefit.

Generally, if you have no savings before you reach an agreement with your ex then you can receive up to £6,000 from them without this affecting your means tested benefits. (If you get Pension Credit, the amount you can receive before it affects your benefit is a more generous £10,000.) If you get between £6,000 and £16,000 from your ex, then the Department for Work and Pensions will reassess you and may reduce or stop your means tested benefits. If you get £16,000 or more (£10,000 or more if you are on pension credit) then your means tested benefits will stop completely.



Sorting things out by negotiation and agreement

Entitlement to welfare benefits changes all the time. Check the impact of any proposal about how to split your money and property on your benefit income before you agree it. You can check your entitlement to benefits by searching online for '[benefits calculators](#)'. This will take you to the GOV.UK website page with a range of different calculators for you to choose from.

# The process in pictures

Have a look at our route map. It is designed to give you an overall picture of what is involved in a typical application for a financial order. Even though your case may be different, we hope it makes the process seem a bit less daunting.

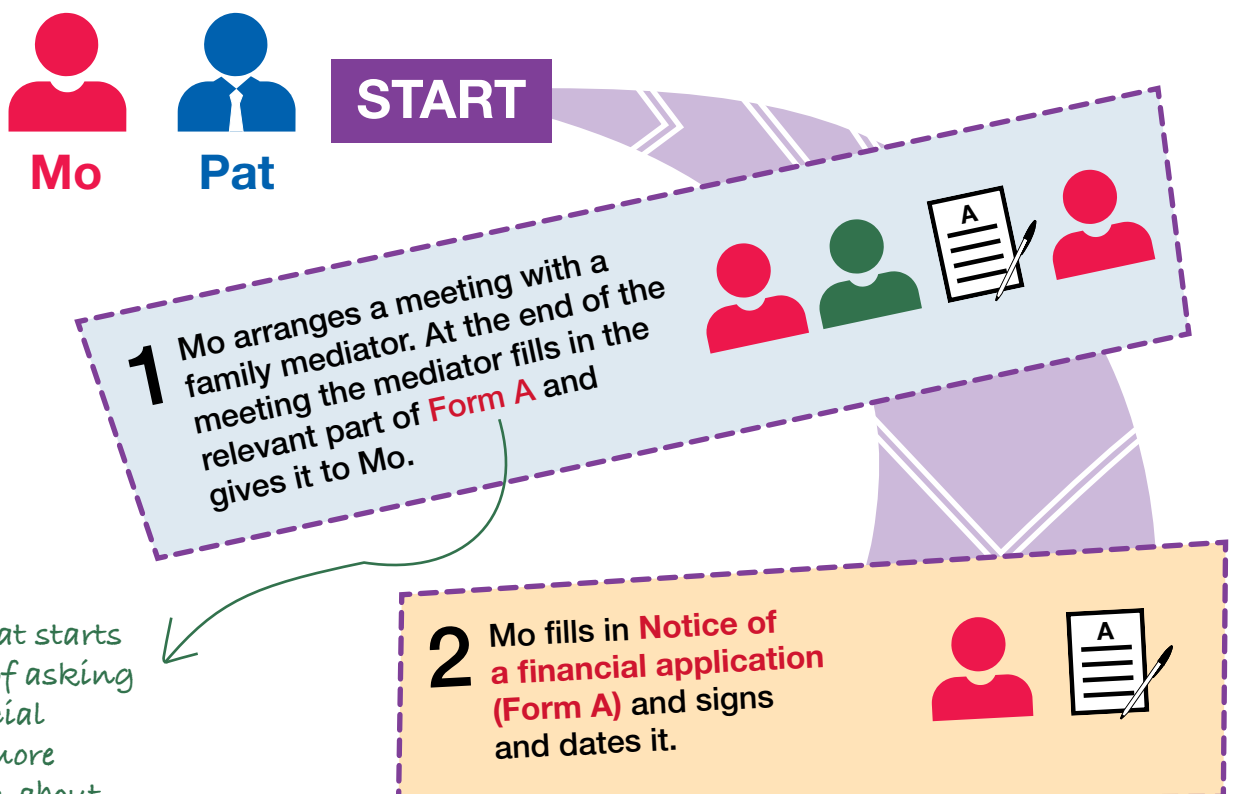
You will come across lots of new technical words. This is the jargon that lawyers and court staff use. Unfortunately, you have to understand what it means too.

In the route map, we have put all the jargon in red. We then explain these words the first time they appear. Follow the arrow to find out what they mean. You can also find them in [What does it mean?](#)

Sometimes we describe the court as 'doing' things, for example, sending out a form or making a decision. It sounds a bit odd because a court is really a place. But 'the court' is often used as shorthand to refer to the people working in the court.

The story so far.....Pat and Mo have been married for 8 years. They have 2 children – one is 6 years old and the other is 4. Pat moved out a year ago and Mo has started divorce proceedings. Mo lives in the family home and looks after the children, although the children see Pat regularly. The house is owned jointly by Mo and Pat. This is a step-by-step description of how Mo applies for a financial order. It does not attempt to describe the steps Pat has to take as well. The procedure would be the same if Pat and Mo were in a civil partnership.

## The process in pictures



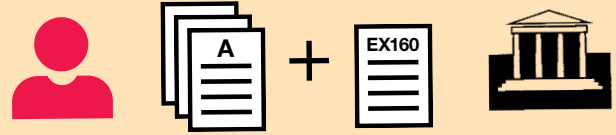
The form that starts the process of asking for a financial order – for more information about this form, see [page 29](#).

For information about court fees and this form, see [page 29](#).

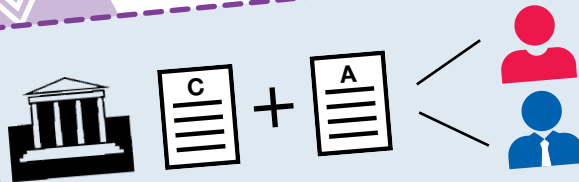
**3** Mo makes two photocopies of **Form A** (two for the court and one to keep).



**4** Mo sends **Form A** plus one copy to the court, following the instructions on this at the end of the Form A. She completes Form EX160 – applying for help to pay the court fee and includes that as well.



**5** The court sends Mo and Pat a **Notice of a first appointment (Form C)** and **Form A**.



This tells you when and where your first hearing with a judge will take place. It also tells you what you must do before you meet the judge and any deadlines you must meet.

Your first, short hearing with a judge – for more information, see the section called [The first appointment](#).

This is the form you fill in to tell the court about your finances. For more information about this form, see the section called [How to fill in your Form E](#).

A brief summary of what you want the court to decide for you because you cannot agree them with your ex.

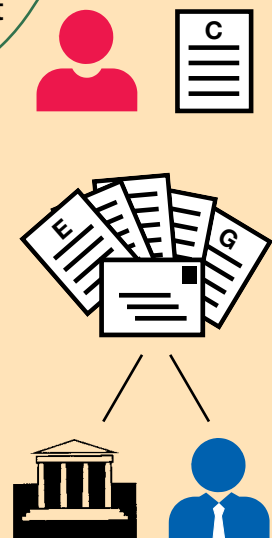
A list of key events in date order.

A list of any other information or documents you want your ex to provide.

This form asks you to tell the court and your ex whether you will be ready to negotiate an agreement at the first appointment.

**6** Mo checks **Form C** to find out what documents she has to prepare before the **first appointment**. **Form C** tells her she must send the court and Pat copies of:

- a **financial statement (Form E)**
- a **statement of issues**
- a **chronology**
- a **questionnaire**
- a completed **Form G**



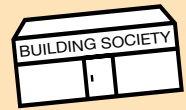
The process in pictures



**7** Mo checks **Form C** again and makes a note of the different deadlines – the dates when she must get these documents to the court and Pat.



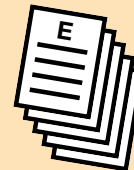
**8** Mo sends a copy of her **Form A** and **Form C** to the Tunstone Building Society – the company that lent her and Pat the money to buy their home.



**9** Over several weeks, Mo collects together all the information she needs to fill in **Form E** fully.



**10** Mo also starts collecting the documents she must attach to **Form E** as evidence of what she says in the form.



**11** Mo fills in her **Form E** (Mo uses the Advicenow film [How to fill in your financial statement](#) to help her.)



**12** Mo and Pat agree a date (in good time before the deadline set by the court) when they will send their **Form E** to the court and a copy to each other.



**13** Mo sends her **Form E** to the court and a copy to Pat as agreed. Pat does the same with his **Form E**.





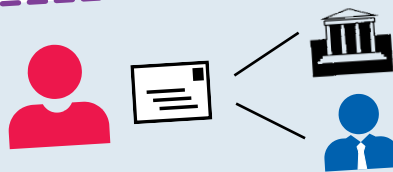
**14** Mo reads through Pat's **Form E** carefully. She makes a list of questions about things that are not clear and about an insurance policy that he does not mention.



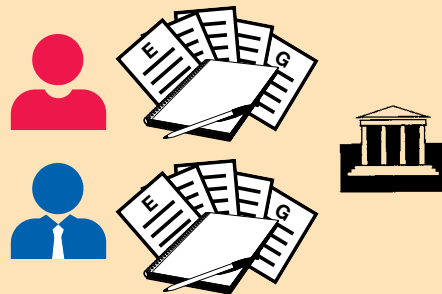
**15** Mo prepares a **statement of issues**, a **chronology**, a **questionnaire** and completes **Form G**.



**16** Mo sends them to the court and sends copies to Pat in time to meet the deadline.



**17** Mo and Pat go to court for the first appointment. They both take copies of their documents with them and a notebook and pen.



**18** The judge looks at all the documents provided by Mo and Pat. The judge decides that the court needs to know the value of Mo's and Pat's house. The judge tells Mo and Pat to instruct a surveyor to value it. The surveyor has to provide a report on the value in 4 weeks.



**19** The judge also fixes a date for the **Financial Dispute Resolution appointment**.



This is a meeting where the judge tries to resolve your financial dispute with your help and agreement – for more information about this hearing, see the section called [The financial dispute resolution appointment](#).

The process in pictures

**20** Mo and Pat instruct a surveyor to value their house. The surveyor sends the valuation report to the court and a copy to Mo and Pat.



**21** At the **Financial Dispute Resolution appointment**, Mo and Pat take it in turns to tell the judge what they are finding difficult to agree and what result they are looking for.



**22** The judge explains what order the court would probably make if this was the final hearing. The judge suggests a way of resolving the dispute and gives Mo and Pat a short break to think about the suggestion.



**23** Mo and Pat decide that the judge's suggestion is probably the best result they can get.



**24** The judge makes an order.



**25** The court sends both Mo and Pat a copy of the order.



**FINISH**

The process above talks about going to see a mediator in person and about going to court for each hearing. Now, you may find that meetings with a mediator take place by video call, rather than face to face. Some court hearings are now taking place by [video call or phone](#). The court will tell you beforehand how your hearing will take place.

The process in pictures

# Going to court – the basics

In this section we explain which court to use, where you can find the forms you will need and information about court fees and court rules (the [Family Procedure Rules](#)). We also talk about how much it could cost and how long it will take.

## Which court?

You can find instructions on where you need to send your application, at the end of the [Form A](#).

## Forms

In this guide we try and help you by including a link to those forms that are most relevant. Often the easiest way to find a form, if you know its name, is to just search for it online. You can also find the forms you need by searching online for [court and tribunal forms](#). Go to section D and choose ‘Divorce and Civil Partnership Dissolution forms’.

Most court forms seem a bit intimidating when you first look at them. A large part of most form filling involves giving factual information. Read though each form a couple of times to find out what information it asks for. Then get together the information you need before you start filling it in. Once you have done this, the job may turn out to be a bit easier than you first thought. It is unnecessary to use long words and legal language. The best thing is to keep it short and simple. Stick to what is relevant and try not to repeat yourself.

## Family court fees

You usually have to pay a family court fee when you start (the court calls this issuing) financial proceedings. For information about family court fees and when and how to pay them, search for



‘[EX50 court fees](#)’ online. This will take you to the GOV.UK page with guides in both English and Welsh. If you have a draft consent order you would like the court to consider and approve, the fee is a lot less than if you are applying for the court to deal with your dispute on finances.

In some circumstances you may not have to pay a fee at all or only a reduced fee if you have a low income. For example, you will not pay anything if you can prove that you get Income Support, income-based Jobseeker’s Allowance, Pension Credit guarantee credit,

Universal Credit with gross annual earnings of less than £6,000, or income-related Employment and Support Allowance as long as your savings or other capital don’t exceed certain limits.

You can ask for help paying court fees by completing form [EX160](#). You can find this form and notes (these are called EX160a) to help you complete the form correctly on the GOV.UK website by

Going to  
court –  
the basics

searching 'form EX160' online. On the same webpage you can choose to do the form online, which you may find is easier and quicker.

We have written a guide called [Getting help to pay a court fee in a family or civil case](#) that you may find helpful.

You have to complete a separate application for each court fee you want help paying. This may mean you have to complete this form more than once during your case.

If you do have to pay part of or the whole fee, it is possible your ex may be willing to share the cost with you, especially if you are applying for a consent order.

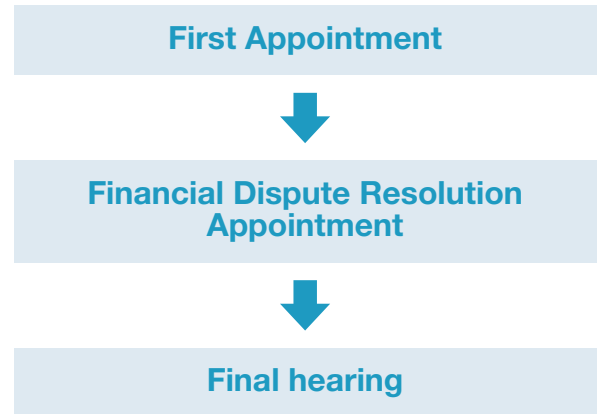
## Family Procedure Rules

These rules explain what you need to do and when. You may hear lawyers talk about the 'FPR'. What they are referring to are these rules. An individual rule often comes with one or more additional bits of guidance, called 'practice directions'. You need to follow the ones that apply to your case. You can find the rules by searching online for the [Family Procedure Rules](#).

The good news is that only a few rules and practice directions are likely to apply to your case, unless it is very complicated. So, it is not like a book – you don't have to start at the beginning and read all the way through to the end. You need to pick out the rules that are relevant to your case. We will try to help you do this by including any key rules in this guide.

## How long will it take?

There are usually 3 stages in an application for a financial order where you cannot agree: the first appointment, the financial dispute resolution appointment and the final hearing.



It can take over a year if you cannot reach an agreement and your case ends up going all the way to a final hearing. It may take longer if you or your ex is slow to share information about your finances or your situation is complex, perhaps involving things like a family business, complicated pension arrangements or a trust. But if you can reach an agreement, you may not need to go through all 3 stages. Be aware that the court expects you to negotiate with each other responsibly and reasonably at each stage. We explain each of these stages, and what you need to do at each stage, later in this guide.



## How much will it cost?

You should only have to pay your own costs (and not your ex's as well) unless the court decides you have run your case unreasonably. That might include not doing what the court has ordered, failing to turn up for hearings, misleading the court or your ex or carrying on trying to make unreasonable arguments. You may also have to pay one or more court fees.

How much it costs you will depend totally on whether you deal with all the paperwork yourself or pay a lawyer to do some or all of it for you.

Lawyers charge for their time. So, usually, every time you write, email or phone, they will charge you for the time they spend reading what you say, thinking about what advice to give you and giving you that advice. The more often you contact them, the more time they spend negotiating on your behalf or representing you at court hearings, the greater the cost – to you.

If you use a lawyer, the key thing is to use their time carefully. So prepare a list of the points you want to make and questions you want to ask before you speak to them. Legal costs can quite easily add up to thousands of pounds. This is one reason why the court encourages people to mediate and reach an agreement either without going to court at all or if you end up in court, at each hearing you have to attend.

Some lawyers offer packages of legal services for a fixed fee. Sometimes these services include a free first meeting. We suggest you ring round or email several to check what they offer for the price they are quoting. What will they do for you? What do they expect you to do?

You can also pay a lawyer to give you a specific piece of advice or do a specific task. So, for example, you could decide to pay them just to prepare your application. If so, ring round and ask for a quote for doing this job. You might want to pay them to be available on the phone on the date of the first hearing to answer your queries or to represent you at the final hearing. Some firms offer a 'pay as you go' option so you don't get any nasty surprises when it comes to paying your bill.

Another option to help you stay on top of your costs is our Affordable Advice scheme. While reading this guide you will have seen that, at various points, we suggest you get some legal advice if you can possibly afford it. We only do this when we think it will be really useful. We set out clearly what the solicitor can advise you on and how much it will cost you. There are no hidden extras. For more information on this scheme take a look at [Getting expert help from one of our panel of family solicitors](#).

You could also consult a barrister directly without involving anyone else (for example, a solicitor). Not all barristers offer this service though. For more information about finding a barrister to work directly for you look at the [Bar Council direct access portal website](#).

Going to court – the basics



## Estimating legal costs

If you have a solicitor acting for you, they must provide the court with an estimate of costs at every hearing. This way you can see what is coming out of your shared pot of money and assets before it is divided between you.

If you don't have a solicitor, you may have to complete Form H yourself. Check with court staff at the court dealing with your case.

This estimate of costs must be provided on [Form H](#). You can find this form by searching online for 'Form H'. At the Final Hearing you will need to use the [Form H1](#). Choose the GOV.UK link and this will take you to the correct form.

## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on the practicalities of how long it will all take and how much it will all cost.

### Get expert legal advice



for just £120 on

- ✓ What to expect at each stage.
- ✓ Whether there are alternative routes that would suit you better.
- ✓ What it will cost and what options there are for funding your case.
- ✓ What preparation you will need to do.
- ✓ What your next steps should be.

**FIND OUT MORE | >**

or go to  
[www.advicenow.org.uk/  
financial-order-4](http://www.advicenow.org.uk/financial-order-4)



# Applying for a financial order

In this section we explain who can apply for a financial order, how you apply, what forms you must fill in and what happens next.

## Who can apply for a financial order?

Either you or your ex can apply for a financial order.

If you apply, then you are called the 'applicant' and your ex will be called the 'respondent'. You might have applied for the divorce at the start and so you are called the 'applicant' in the divorce but if your ex applies for a financial order they then become the 'applicant' in the financial proceedings.

## How do you apply for a financial order?

You apply for a financial order by completing a Notice of an application for a financial order. This is also called the [Form A](#). Where the form asks you to tick boxes to show what court orders you are asking for, make sure you tick **all** the ones that might apply to you. If you are not sure whether a particular box is relevant, it is sensible to tick it anyway. This keeps all your options open.

### Checklist for starting an application for a financial order

- ✓ Get a copy of Form A (see Forms and rules box below).
- ✓ Read it through to find out what information it asks for.
- ✓ Collect any information you need.
- ✓ Answer all the questions that apply to you.
- ✓ Fill in your contact details correctly.
- ✓ Sign and date the form.
- ✓ Make enough copies of Form A – usually you will need two copies plus the original, so that there is one for the court, one for your ex and one for you.
- ✓ Attach the correct court fee or completed form EX160 Applying for help with fees to your application
- ✓ Send your application and other documents together with the correct number of copies to the family court that deals with financial applications in your region.

Applying for a financial order

## Forms and rules



You can find these forms and rules by typing in their names to a search engine.

[Form A](#) is the form you need to ask the court to make a financial order in your case. It is available in both English and Welsh versions.

You can find the general rules about applying for a financial order (the law calls this a financial remedy) by searching online for [family procedure rules part 9](#).

You can find the information provided by the court service about applying for a financial order by searching on line for [D190](#). This short guidance is available in both English and Welsh.

## What happens next?

The court office arranges an appointment for you and your ex to see a judge at a hearing roughly 12-16 weeks after you start your application. This hearing is known as the first appointment. For more information on this take a look at [The first appointment](#). The gap between applying for a financial order and the first appointment may seem long, but it is deliberate. You have got a lot to do to get ready for this first hearing.

The court will send both you and your ex a Notice of a first appointment (Form C). A notice is a bit like a letter. They are the way courts tell you what is going on and what you need to do next. This one tells you when and where you will first see a judge. It also tells you what you need to do before then.

## Applying for a financial order

## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on how to start the process of applying for a court order.

### Get expert legal advice



for just **£120** on

- ✓ If this is your best option.
- ✓ Get help with forms, including Form A.
- ✓ Likely timings for each stage.
- ✓ What your next steps should be.

**FIND OUT MORE** | >

or go to  
[www.advicenow.org.uk/  
financial-order-5](http://www.advicenow.org.uk/financial-order-5)

## Checklist of things to do before the first appointment

- ✓ If you have a mortgage, send a copy of your application (Form A) and the notice of first appointment (Form C) to the bank or building society that lent you the money.
- ✓ If you have a pension, look at [A survival guide to pensions on divorce](#) to find out how to get information on any state and private pensions you may be entitled to.
- ✓ Fill in **Form E** and collect together the evidence to send in with it. We explain how to do this in [How to fill in your Form E](#).
- ✓ Prepare a **Statement of issues** – we explain how to do this in [Other things to do before the first appointment](#).
- ✓ Prepare a **Chronology** – we explain how to do this in [Other things to do before the first appointment](#).
- ✓ Fill in **Form G** – we explain more about this in [Other things to do before the first appointment](#).
- ✓ File a **Questionnaire** – depending on what your ex says in their Form E. We explain how to do this in [Other things to do before the first appointment](#).
- ✓ Send these forms to the court (and copies to your ex) within the deadline given on Form C.

Applying for  
a financial  
order

# How to fill in your Form E

**In this section we help you fill in Form E. We don't explain every question, section or box – just those we think are a bit tricky or easy to misunderstand. It may help if you read this section of the guide with a copy of Form E in front of you or on your computer screen.**

Although the section focuses on explaining how an applicant fills in Form E, respondents may find much of it helpful too.

## What is Form E?

[Form E](#) is your financial statement. You can find this form by searching 'Form E' in a search engine. This takes you to the GOV.UK page where you will find the form and notes in both English and Welsh.

You use this form to tell the court about your finances. You may hear a judge or court staff or lawyers refer to this statement as 'Form E'. This is because 'Form E' is the form number. It is printed at the bottom of the form.

Be honest and provide all the information Form E asks you for. If you are dishonest or leave things out, then the court is less likely to believe other things you tell them. You don't need to include information about your ex's finances – they have to fill in a Form E of their own.

## When do I have to fill in Form E?

You must fill in Form E and send it to the court and a copy to your ex at least 35 days before the first court hearing (known as the first appointment). You may think this gives you plenty of time. But you will be surprised how much work is involved and before you know it the deadline will catch up with you. So, don't hang about or put it off, thinking you have got lots of time.

### Forms and rules

[Form E](#) is your financial statement. You can find this form by searching 'Form E' in a search engine. This takes you to the GOV.UK page where you will find the form and notes provided by the court service in both English and Welsh.



How to fill in your Form E

## Filling in Form E – top tips!

- ✓ Try not to be put off by its length. The form comes in five sections. Most people find it time consuming to gather together all the information it asks for and to fill it in. It may be easier if you fill in one section at a time.
- ✓ Get to work on getting information about your pensions right away – this can take a long time!
- ✓ If you do not have any valuable possessions and few savings, are an employee or on benefits, then it will probably take you less time to complete.
- ✓ Use Form E to tell the court about everything you own. If you are not sure whether to include something, put it down and the judge will decide whether or not to take it into account.
- ✓ You can write or type 'N/A' (not applicable) in the sections that do not apply to you.
- ✓ Take your time filling in Form E properly. If you rush it and make a mistake or forget to include something, it may look as though you are trying to hide things, even if this is not true. You risk creating a bad impression. If you deliberately lie on the form, you could be found in contempt of court. Contempt of court proceedings can be brought against a person who signs a statement of truth in a document but gives false information. If found guilty the punishment for contempt of court is up to two years in prison or a fine or both. The court is likely to take this behaviour into account when it makes its decision about your case.
- ✓ Look out for the shaded boxes at various points in the form. They tell you what documents you need to attach to Form E to support what you say.
- ✓ Keep copies of any letters or emails you write asking for this proof. That way, if nothing arrives in time for the first appointment you can show that you have asked for it. If you phone, then make a note of the date and time of your conversation, the name of the person you spoke to and what you both said.
- ✓ Watch Advicenow's film [How to fill in your financial statement \(Form E\)](#).

How to fill in  
your Form E



# Form E: front page

On the left-hand side of the front page there is a box with the word 'of' above it. You put your name in this box as it is your financial statement.

There is a box in the top right-hand corner of the front page headed: 'To be completed by the relevant party'. The 'relevant party' is you, so you need to fill in this box.

In the box headed 'Name of court' you put the name of the family court dealing with your case.

Giving your case a 'Case No.' is how the court is able to identify all the papers in your case. You will find your case number on any letters or documents that you have had from the court about this case. 'No.' is short for 'number'. Put your case number in this box.

**Financial statement**

- For a financial order under the Matrimonial Causes Act 1973/ Civil Partnership Act 2004
- For financial relief after an overseas divorce etc under Part 3 of the Matrimonial and Family Proceedings Act 1984/Schedule 7 to the Civil Partnership Act 2004

of  (please tick appropriate boxes)

Spouse  Civil partner

Dated / /

**To be completed by the relevant party**

Name of court	Case No.
Name of Applicant	
Name of Respondent	

**The parties are**  and

**Who is the**

Spouse  civil partner

Petitioner  Applicant  Respondent in the

divorce  dissolution  nullity

(judicial) separation  financial relief application

Applicant in this matter

**Who is the**

Spouse  civil partner

Petitioner  Applicant  Respondent in the

divorce  dissolution  nullity

(judicial) separation  financial relief application

Respondent in this matter

This form should only be completed in applications for a financial order (which can only be applied for as part of a divorce, dissolution, annulment or (judicial) separation in the High Court)

The 'applicant' is the person who has started the proceedings for a financial order. If this is you, you put your name under 'Name of Applicant' and your ex's name, the person responding to the application under 'Name of Respondent'.

## How to fill in your Form E

The 'parties' are you and your ex. If you are the applicant, put your name in the first box under the heading 'The parties are' and the respondent's name in the second box.

Next you tell the court whether you are a husband or wife (spouse) or civil partner by ticking the relevant box in first line below this. In the second line of boxes, if you are the applicant, you tick the one next to 'Applicant'. You ignore the 3rd line and in the last line you tick the box next to 'financial relief application.'

On the right-hand side, you put your ex's name in the box after 'and' and tick the boxes in the group below your ex's name to indicate whether they are a husband or wife (spouse) or civil partner. In the second line of boxes, if your ex is the respondent, you tick the one next to 'Respondent'. You ignore the 3rd line and in the last line you tick the box next to 'financial relief application.'

Essential documents that must accompany this statement are detailed in the form.

If there is not enough room on the form for any particular piece of information, you may continue on an attached sheet of paper.

If you are in doubt about how to complete any part of this form you should seek legal advice.

This statement is filed by



Name and address of solicitor

Form E Financial statement (04.14)

© Crown Copyright 2014

At the bottom of the front page, if you do not have a solicitor you put your name and address in the box next to the words 'This statement is filed by'. If you do have a solicitor, you put their name and address in this box rather than your own. Before you do this, check that your solicitor is happy for you to do this. If you are just using a solicitor for occasional bits of advice, they will probably want you to put your own name and address in here.

## Section 1 – General information

**Question 1.7** asks whether you have remarried or entered into a new civil partnership or have plans to do so.

**Question 1.8** asks whether you are living with a new partner and **Question 1.9** whether you have plans to do so within the next six months. The answers to these questions are relevant factors the court will take into account when deciding how to share out your money and property.

**Question 1.10** asks about 'children of the family'. This means something specific in law. It includes any child or children born to you and your ex before or after your marriage or civil partnership. It also includes any step child, adopted child and any other child whom you have both treated as a child of your family. A child can become a 'child of the family' even if they are the child of only one or neither of you. If you cannot agree who is a 'child of the family' then the court will decide. Any child placed in formal foster care with you is not a 'child of the family'.

**Question 1.11** asks about your state of health and the children's. You don't need to provide any information here unless you (or one of the children) have a long term physical or mental disability which you want the court to take into account when deciding what financial orders to make.

How to fill in  
your Form E

**Question 1.12** asks for information about the children’s present and future educational arrangements. So, for example:

Present arrangements	Future arrangements
Jana goes to Tunstone Primary School	In September, she moves to Tunstone County High School



**Question 1.13** asks for details about any arrangements for child maintenance, whether they are formal (for example, via the [Child Maintenance Service](#)) or informal (just sorted out between you on your own or with the help of a mediator).

If nothing has been agreed or calculated, you will need to estimate how much the parent who has less responsibility for the children’s day to day care is likely to have to pay. This may or may not be you. You can do this using the [GOV.UK child maintenance calculator](#).

Include the estimate in your answer. You can say something like:

‘The child maintenance calculator on the GOV.UK website suggests that I / my ex (*delete as appropriate*) will need to pay £ [*insert amount*] per week.’

GOV.UK has useful information about child maintenance whether you are the parent paying maintenance or the parent with most responsibility for the children’s day to day care. Search online for ‘[making a child maintenance arrangement](#)’.

**Question 1.16** asks for the address where you are living now, who else lives there (the occupants) and the basis on which you live there (the terms of occupation). Depending on your circumstances, this may be as a tenant, a lodger or an owner occupier. Equally, it could be your Mum’s house and she is just letting you stay for a while. So, for example:

Address	Occupants	Terms of occupation
12, Blue Rd, Tunstone	Ann Smith, June Smith and Mary Smith	The house belongs to my mother, Ann Smith. I am staying with her temporarily until I can find permanent accommodation.

---

## Section 2 – Financial details

### Section 2.1

You only fill in this section if the last home you shared with your ex was owned by one or both of you and it has not been sold yet. If your home has been sold already or you rented it, you do not have to fill in this section at all. You can move on to section 2.2.

Here we explain what information the court is asking for and where to get it:

What does it say?	What does it mean?
Land Registry title number	Most land and buildings in England and Wales are registered with the Land Registry. If your home is registered it will have a title number identifying it. If you have the Land Certificate or a copy, you will find the title number there. Alternatively, ring your mortgage company and ask them for it.
Mortgage company name(s) and addresses(s) and account number(s)	This asks for the name of the company you have your mortgage with. They are the people who lent you the money to help you buy your home. You also need to include their address and the mortgage account number. You should be able to find this information at the top of any letter from the company to you.
Type of mortgage	There are various different types of mortgage. Your mortgage may, for example, be a repayment mortgage, an interest only mortgage or a variable mortgage. If you do not know what type of mortgage you have, contact your mortgage company and ask them for this information.

*(continued)*

How to fill in  
your Form E

How to fill in your Form E

What does it say?	What does it mean?
<p>Details of who owns the property and the extent of your legal and beneficial interest in it (i.e. state if it is owned by you solely or jointly owned with your spouse/ civil partner or with others)</p> <p>If you consider that the legal ownership as recorded at the Land Registry does not reflect the true position, state why</p>	<p>You may own the home in just your name. If so, you can say: I am the sole owner.</p> <p>You may own it together with your ex. If so, you can say: The respondent and I own the property jointly.</p> <p>You may own it with a friend. If so, you can say: My friend, <i>[insert name]</i> and I own the property jointly.</p> <p>You may have bought the property on a shared ownership basis, for example, with a housing association. If so, you need to explain who owns what share, for example: The respondent and I own 60% of the property jointly and Tunstone Housing Association owns 40%.</p> <p>If you disagree with what the legal documents say about who owns the property, then you explain why here. For example, you may think some of it belongs to you even though there is nothing in the legal documents to say so, perhaps because you have put some of your own money towards buying the property or doing home improvements or paying the mortgage.</p>
<p>Current market value of the property</p>	<p>If you have had the property valued in the last six months, then you can include this figure here. Otherwise include your own estimate of the value. This must be realistic and based on research about what homes of a similar type and size in the same area are selling for.</p>
<p>Balance(s) outstanding on any mortgage(s)</p>	<p>This is the amount of money you still owe to the bank or building society. If you have more than one mortgage, include the amount owing on each one. This information should be on your most recent mortgage statement. If not, contact your mortgage company and ask them for this information.</p>

(continued)



What does it say?	What does it mean?
If a sale at this stage would result in penalties payable under the mortgage, state amount	Sometimes the terms and conditions of a mortgage mean that the mortgage company will charge you if you pay back the mortgage early. This charge is called a penalty. If you do not know whether this applies to your mortgage, contact your mortgage company and ask them.
Estimate the costs of sale of the property	This asks for information about how much it will cost you to sell the property. This includes things like estate agents fees and the cost of getting an Energy Performance Certificate (if you need one). Costs of sale are often estimated at 3% of the value of the property.
Total equity in the property (i.e. market value less outstanding mortgage(s), penalties if any and the costs of sale)	The 'total equity' is the value of what is left after you deduct any mortgages you owe, any charges you have to pay if you repay the mortgage early and how much it would cost you to sell it. The sum that is left over is what is available to divide up between you and your ex. Sometimes this can be little or nothing or even a negative amount. If the amount you sell your home for is less than what you owe on your mortgage, you will be left with a debt to repay. This debt is called 'negative equity'.
TOTAL value of your interest in the family home	'Your interest' means how much of the value in the family home you think already belongs to you. You can still make a claim even if you don't have any interest.

How to fill in your Form E

## Section 2.2

If you own any other property, land or buildings, for example, a home with your new partner, a holiday cottage, a shop or a buy to let property, this is where you tell the court. This section asks for the same information as in the previous section. If you have more than one property, for example, 2 buy to let properties, you must fill in a separate section 2.2 for each one.



At the bottom you are asked for Total B. This is the total value of your interest in any other properties you own, other than the family home. This means how much of the value in these other properties you think belongs to you.

If you do not own any other property, land or buildings, then you don't have to fill in this section at all.

### Section 2.3

In this section you list all the bank, building society and National Savings accounts either in just your name (your sole name) or in the joint names of you and another person (for example, you and your ex or you and a child) that you have had in the last 12 months. This would include, for example, an account which was open 8 months' ago even though it is now closed. Include all accounts, even those which are overdrawn.

The last column asks for the 'total current value of your interest'. In the case of a joint account in your name and one of your children, if your child or children are under 18, the law says all the money belongs to you so you need to put in 100%. If it is a joint account with your ex, then usually the answer will be 50%.

### Section 2.5

Here we explain some of the details about insurance and endowment policies asked for in this section:

How to fill in your Form E

What does it say?	What does it mean?
If the policy is assigned, state in whose favour and amount of charge	This asks you whether the policy has been transferred (assigned) to someone else and if so, who that person is and how much of it you have given them. So, for example, if you have transferred 75% of the benefit to one of your children, this is where you tell the court that. If you have not transferred the policy to anyone else, you can leave this section blank or put 'NA' – not applicable.
Name of any other owner and extent of your interest in the policy	If the policy is a joint one – in the names of more than one person – you put the name of the other person or people here. You also say what percentage of the policy belongs to you.

(continued)

What does it say?	What does it mean?
Maturity date (if applicable)	Some types of policy pay out on a particular date (the maturity date). If your policy has a maturity date, include that information here. You should find this information on the policy document. If not ask the company you bought it from for the information.
Current surrender value (if applicable)	This is the amount of money the company would pay you if you cancelled (surrendered) the policy now. Ask the company you bought it from if your policy has a surrender value and for the current amount.
If policy includes life insurance, the amount of the insurance and the name of the person whose life is insured	Life insurance pays out a sum of money on the death of the person whose life is insured. The amount that will be paid out and the name of the person who is insured should be on the policy document. If it is not clear, ask the company you bought the policy from for this information.
Total current surrender value of your interest in this policy	This is the amount of money that will belong to you if you cancel the policy now. If the policy is in your sole name, you will get 100% of the surrender value. But if, for example, 75% belongs to your child, the value of your interest is only 25% of the current surrender value.

How to fill in your Form E

## Section 2.8

You only list an item in this box, for example a car, a painting, a piece of jewellery, a piece of furniture if you could sell it for over £500. If you have nothing that is worth over £500 then you can leave this section blank.

People are often surprised that things that cost a lot of money originally do not always have a high second-hand value. So, before you add things to this list, check out the resale value first, in trade magazines, on eBay or other websites.

## Section 2.9

This section asks for information about your debts – the law calls them ‘liabilities’. It asks you to list the debts that are just your responsibility as well as those where you share the responsibility for the debt with one or more people. You do not need to repeat any information you have already given about overdrawn accounts or the money you owe on a mortgage.

Although the court cannot order a debt to be put into someone else’s name, it can divide up your money or property in a way that gives you or your ex enough to pay off a debt.

If a debt is in your joint names, then you share responsibility for it. If you have any joint debts, you need to say how much of each debt you are responsible for.

The general rule is that you are not responsible for debts that are in your ex’s name only (the law refers to this as the debt being in someone’s ‘sole name’). Equally they are not usually responsible for debts in just your name. However, if a debt was taken on during your marriage or civil partnership, for the benefit and support of the family, the court will probably treat it as a joint debt even if it is only in one of your names.

There are exceptions to this, for example, where the debt was for you or your ex’s personal expenditure. So, if you took out a loan to buy yourself a smart bike, to pay for cosmetic surgery or treat yourself to a holiday with your friends, your ex is probably not jointly responsible for that.

Example:

<b>Liability</b>	<b>Name(s) of other account holder(s) (if applicable)</b>	<b>Total liability</b>	<b>Total current value of your interest in the liability</b>
Burtons store card	Pat Smith	£350.56	0.00
HSBC visa card		£1,267.00	£1,267.00
Car loan	Pat Smith	£3,444.00	£1,722.00

## Section 2.10

Capital Gains Tax is a tax you pay on the gain or profit you make when you sell, transfer or give away something of value belonging to you. The law calls things of value ‘assets’. For more information search online for ‘[capital gains tax](#)’.

This section asks you to estimate how much capital gains tax you would have to pay if you sold, transferred or gave away (the law calls this ‘disposed of’) anything you have of value now, for example, shares or a buy to let property. You may need financial advice to answer this question. If it does not apply to you, you do not have to fill in this section at all.

## Section 2.11

You only fill in this section if you own part or all of a business. If you are self-employed, you must fill in this section. If you have an accountant, they may be able to help you with the information you need to complete it. You do not need to provide details about the income you get from your business here. You do this later at section 2.16.

## Section 2.12

This section asks you to list your directorships. If you are a director (the form calls this ‘have a directorship’) you control or govern a company or corporation together with other people – other directors. If you are not a director, leave this section blank.

## Section 2.13

This section asks for information about your pension rights. If you only have a right to a basic state pension, you don’t need to fill this section in. If you have any other pensions you will need to contact your pension provider and ask them for a valuation of your pension rights. It can take a long time to get the pension information that you need for this section, so do this as soon as you can. For more help and information take a look at [A survival guide to pensions on divorce](#).

Here is an explanation of some of the trickier questions or words used in this section:

What does it say?	What does it mean?
Type of scheme	For an explanation of the different types of pension scheme, search online for ‘ <a href="#">plan your retirement income</a> ’. Scroll down until you see the link the GOV.UK page on this topic.
Cash equivalent (CE)	This is the amount of money that the managers of your pension scheme could transfer into another pension scheme. It is a method of valuing your pension rights.

*(continued)*

How to fill in your Form E



Is the pension in payment or drawdown?	This question asks whether you are receiving an income from your pension right now. Drawdown is a way of taking money out of your pension fund without having to buy an annuity.
Is the PFF compensation capped?	<p>If you are receiving or are due to receive pension compensation, this question asks whether your compensation has had a limit placed on it.</p> <p>For information about the <a href="#">Pension Protection Fund (PFF)</a> search online for 'Pension Protection Fund'.</p>

For further information about how to fill in this section, see pages 2 and 3 of the [Form E notes](#) for guidance. You can find the notes by searching online for 'Form E' and then going to the GOV.UK link.

## Section 2.14

This section is where you give information about anything else you own or part own, whether in England and Wales or abroad.

Here is an explanation of some of the items of value that you must list in this section. If someone else looks after your money and property, then you will need to ask them if you have any of these things.

What does it say?	What does it mean?
Any personal or business assets not yet disclosed	Anything of value you have not already listed in an earlier section of this form.
Unrealisable assets	These are things you cannot sell easily and convert into money. So, for example, if you have transferred a property into a trust, perhaps to avoid paying care home fees, then this is not something you can now sell easily. If you are not sure whether something is relevant, list it here and the judge will decide.

*(continued)*

What does it say?	What does it mean?
Share option schemes	For information about share option schemes and what they are search online for ' <a href="#">tax and employee share schemes</a> ' and choose the GOV.UK link.
Business expansion schemes	These have been replaced by Enterprise Investment Schemes. For more information about these search online for ' <a href="#">enterprise-investment-scheme</a> ' and choose the GOV.UK link.
Futures	A contract to sell something at a pre-arranged price in the future
Commodities	Commodities are things of value that come from the earth like oil, gold, coal and wheat.
Trust interests	Trusts are a way of looking after valuable things like money, land or property for people. You have a 'trust interest' if you will or may benefit from a trust – if part of the valuable things in the trust are going to belong to you sometime.
Any asset that is likely to be received in the foreseeable future	<p>This refers to things like an inheritance or compensation that you are expecting to receive in the near future. If you are 30 and your parents are in their late 50's with no ill health, it is not necessary to list what you may one day inherit from them here. If, on the other hand, you have one very elderly parent remaining and you know that you are going to inherit something from them, you should include the value of that inheritance here.</p> <p>If you are unsure whether something is relevant or not, list it here and the judge will decide.</p>
Any asset held on your behalf by a third party	If you give something of value to someone else for safekeeping or on loan, then it is still yours and needs to be listed here.

How to fill in your Form E

(continued)

What does it say?	What does it mean?
Any asset not disclosed elsewhere on this form even if held outside England and Wales	If you have anything else of financial value that you have not mentioned anywhere else on this form, this is where you list it.

## Section 2.16

You must fill in this section if you are self-employed or in a business partnership. If you have an accountant, they may be able to help you with the information you need to complete it.

## Section 2.17

In this section you give details of any income you get, for example, from investments or a buy to let property or a caravan. You may get this income in the form of dividends or interest or rent. A 'dividend' is money paid regularly (typically every 3 months) by a company to its shareholders.

## Section 3 – Financial requirements

This section is in two parts. Part 1 asks about your income needs – how much money you and your children need to live on.

In section 3.1 you tell the court what the combined income needs of you and any children living with you or who you support are, calculated on either a weekly, monthly or annual basis. Once you have decided which basis to use, try not to mix them up! You can use our Checklist to help you work out your income needs.

You use sections 3.1.1 and 3.1.2 to list individual items of expenditure to help you calculate the overall figure required in section 3.1.

Section 3.1 also asks you to tell the court if the income you need for you and your children is likely to change in the near future, why it is changing, and an estimate of the cost. So, for example, if your energy bills or mortgage are about to go up, tell the court here and estimate how much more income you will need to cover the additional expense. You may have to estimate future costs if, for example, you are currently staying with relatives but expect to move to your own home once the financial case has been sorted out.



## Checklist

**What do you need money for and how much do you need? Calculate your income needs using our checklist to make sure you do not forget anything.**

To get a monthly figure from weekly figures, multiply by 4.33.\*

Item	£ per week *
<b>ACCOMMODATION COSTS</b>	
Mortgage/Rent	£
Endowment policy linked to mortgage	£
Council tax	£
Water rates	£
Electricity	£
Gas	£
Service charge	£
Ground rent	£
Oil/Solid fuel	£
<b>HOUSEHOLD EXPENSES</b>	
Food	£
Buildings insurance	£
Contents insurance	£
Window cleaning/gardening	£
TV licence	£
Cable/satellite TV subscription	£
Broadband/landline	£
House maintenance	£
Boiler maintenance	£
<b>CAR</b>	
Insurance	£
Road tax	£
Maintenance	£
<b>Subtotal</b>	£

How to fill in  
your Form E

Item	£ per week *
Petrol/electric charging costs	£
Loan for car purchase	£
<b>CHILDREN</b>	
Travel to school	£
School dinners/packed lunches	£
Uniform	£
School trips	£
Other school expenses (contributions to cooking etc)	£
<b>OUT OF SCHOOL</b>	
Clothes and shoes	£
Childcare (gross cost)	£
Nappies, wipes and creams	£
Dentist	£
Optician (contact lenses/glasses)	£
Haircuts	£
Pets including any vet's bills	£
Books and toys	£
Clubs and classes	£
Christmas and birthdays	£
Presents for their friend's birthdays	£
<b>PERSONAL EXPENSES</b>	
Clothes and shoes	£
Pension contributions	£
Mobile phone	£
Hair	£
Dentist	£
Optician (contact lenses/glasses)	£
Prescription charges	£
<b>Subtotal</b>	£



How to fill in  
your Form E



Item	£ per week *
Dry cleaning	£
Entertainment	£
Travel to work	£
Lunches at work	£
Holidays	£
Subscriptions	£
Other accommodation	£
Other items	£
<b>TOTAL</b>	£

Part 2 asks about your capital needs. ‘Capital’ is a fund of money. You may need capital to buy a home for you and the children to live in or a car to get you to work. In this section, you explain what you need and how much it will cost.

If any of your children have separate capital needs, for example, for a car, a wheelchair, a computer, specialist sports equipment, you identify these here as well as the cost.

You need to show how you have estimated the cost of each item (perhaps from a range of online prices for the same item) and that it is reasonable. It is reasonable if it is in line with your usual standard of living. If you normally drive to work in a Ford Fiesta, the court is unlikely to think that asking your ex to pay for a Porsche is reasonable.

If neither of you has any money to meet your capital needs, you can leave this section blank. You may have needs, but unfortunately, in practice, they are not going to be met.

How to fill in  
your Form E

---

## Section 4 – Other information

### Section 4.1.1

This section asks you about any significant changes to your financial position that have happened in the last 12 months. So, for example, the court will want to know if:

- you won the lottery 10 months ago
- you were earning £80,000 p.a. 8 months ago but now only earn £29,000 pa
- you had a job 6 months ago, but are now unemployed
- you had £10,000 in savings 3 months ago and now only have £250
- you gave away something of financial value in the last 12 months
- something you own, like property, jewellery, art has increased or decreased significantly in value in the last 12 months



### Section 4.1.2

This section asks you about any significant changes that are likely to happen in the next 12 months. So, for example, the court will want to know if you are:

- due to have surgery that will result in time off from work and a loss of wages
- going to be made redundant
- going to lose child benefit and/or child tax credit for one of your children who will shortly become 18
- expecting to get a bonus
- planning to retire.

You and your ex must tell the court and each other about any significant changes in your financial positions at all stages in your case. That includes anything significant that happens after you fill in Form E.

### Section 4.3

This asks about particular contributions to the family property, assets or outgoings. So, for example, the court will want to know if:

- you or your ex contributed by working only part time in order to care for the children and look after the home

- your parents or your ex's parents contributed to the deposit on your home
- one of you brought considerably more money to the marriage or partnership than the other
- your parents or your ex's parents pay for things like family holidays, the children's shoes, school trips or school fees.

## Section 4.4

Judges only take account of an ex's bad behaviour on very rare occasions when deciding how to divide a couple's joint assets. The fact your ex may have had a sexual relationship with another adult is not something the judge will take into account. It has got to be really bad behaviour or behaviour which affects your finances. For example, if your ex sexually abused the children or attacked you, causing injuries that left you unable to work, hid money in a secret bank account or had a gambling problem that seriously reduced the amount of money available to share, the court may take this into account in their decision.

Think about getting some legal advice before you include any information here (take a look at the end of this section on how to do this). The risk is that if you say things about your ex that are irrelevant to a decision about your finances, all you do is create more tension and bad feeling. It may make it harder to negotiate an agreement. And if the judge decides that your ex's bad behaviour is not relevant, you may have to pay your ex's legal costs for dealing with this issue.

## Section 4.5

'Contingent liabilities' are things that may or may not happen, depending on the result of something else. So, for example, if something is happening in your or your ex's life that means one of you may, for example, lose your job, go to prison, get compensation, this is where you tell the court if you have not already mentioned it.

## Section 4.6

You only need to fill in this section if you have remarried or formed a new civil partnership or plan to do either or are living with (or plan to live with) someone new. If so, then this section asks for information about your new partner's financial circumstances.

The court wants this information because it may help the judge make a fairer decision. It is not usually about getting less – it is more likely to be about when you get your share. So, for example, if you can live with your new partner in their home, then the court may say you have to wait to get your share of the capital from the family home until your children have grown up. This will allow the children to stay in the home they know without having to move. If the two of you have plenty of money, the court is less likely to be interested in what your new partner has.

How to fill in  
your Form E

---

## Section 5 – Order sought

In this section, the court asks for some idea about the kind of court order you are looking for. You may want to get some legal advice about what to say here. Take a look at the end of this section on how to do this.

### Statement of truth

In this section, you sign a statement confirming who you are and that you have given a full and honest description of your finances in your Form E. You must tell the truth about your finances in this form. Contempt of court proceedings can be brought against a person who signs a statement of truth in a document but gives false information. If found guilty the punishment for contempt of court is up to two years in prison or a fine or both.

If you are applying for a financial order without the help of a lawyer, you put your own address where it asks for 'Address for service'.

### Last page: the documents to attach to Form E

Here you will find a list of the documents you must attach to your Form E if they are relevant. Things like bank statements, mortgage statements, insurance policy documents and details about your pension. But if, for example, you and your ex rented and did not own the family home or other property, then you do not have to provide a valuation.

How to fill in  
your Form E

## I have filled in Form E but I don't have all the documents that are supposed to go with it. What should I do?

The court will tell you to provide the documents by a certain date. If you are not going to be able to get them in time, you can write to the court and your ex explaining that although you have asked for the documents you are still waiting for them. It is a good idea to send a copy of the letter(s) or emails you have written asking for the document(s) to prove you have done what you say.



## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on how to complete your Form E.

### Get expert legal advice



for just **£120** on

- ✓ Form E and how to obtain the more complicated bits of information you need.
- ✓ Any questions you have about filling in the form.
- ✓ How to complete part 4.
- ✓ Any extra reports you may need and how to get them.
- ✓ What your next steps should be.

**FIND OUT MORE** | >

or go to  
[www.advicenow.org.uk/  
financial-order-6](http://www.advicenow.org.uk/financial-order-6)

How to fill in  
your Form E



# Other things to do before the first appointment

**In this section we explain what else you have to do before the first appointment after you have filed Form E.**

The documents you need to prepare are:

- a statement of issues,
- a chronology,
- a questionnaire.

You also need to get information together on your housing situations.

- If you own any property or properties that are being used as a family home you also need to work together to get an estate agent to provide a valuation. Estate agents usually do this for free.
- You need to get no more than three sets of details on new housing options (flats, or houses, for sale or rent) that you will say are suitable for you and any children and another three sets for your ex and any children.
- If you hope to borrow money to buy a new home or re-mortgage a home you already have, you both need to provide information that gives the court an indication of how much you can both borrow.

## How to prepare a Statement of issues

After you have filled in your Form E and sent it to the court and a copy to your ex, you need to prepare a statement of issues.

Read through your ex's Form E carefully when you get it. This should help you work out what you disagree about. The law calls something you disagree about, an 'issue'. A statement of issues is a brief summary of what you want the court to decide for you because you cannot agree these things with your ex. So, for example, if you don't accept what your ex says in their Form E about their income, you may want to include something like: What is the respondent's real income and earning capacity?

You must send the statement of issues to the court and a copy to your ex at least 14 days before the date of your first appointment. An example of a statement of issues is coming up next.

Other things to do before the first appointment







## How to prepare a Chronology

After you have filled in your Form E and sent it to the court and a copy to your ex, you need to prepare a Chronology. You must send this to the court and a copy to your ex at least 14 days before the date of the first appointment.

A chronology is a list of key events in date order. Include the date(s) of:

- your marriage or civil partnership
- your separation
- your application for a divorce or dissolution

- your conditional order and final order
- your date of birth
- your ex's date of birth
- your child(ren)'s date(s) of birth, and
- any other key dates. For example, the date you bought the family home or when you or your ex were made redundant.

There is an example of a chronology coming up next.

Other things to do before the first appointment



## Notice of Response to First Appointment (Form G)

This is the name of the form you use to tell the court whether you think you will be ready to negotiate a settlement at the first appointment. This means that you think you can reach an agreement at the first appointment and avoid any more hearings. Whether you say you will or will not be ready you need to give your reasons. The court sends you this form.

You need to complete and return it to the court and a copy to your ex at least 14 days before the date of your first appointment.



## How to prepare a Questionnaire

Read through your ex's Form E carefully when you get it. If it is unclear or you think some information or documents are missing from it you can prepare a list of questions about anything you need them to explain more. If you suspect there are things that your ex has not told you about, look closely at the direct debits and standing orders on their bank and credit card statements. Is there any evidence your ex is spending money on things they have not told you about?

The court will usually want you to exchange questionnaires and think

about which questions (if any) you cannot answer before the first appointment. If you object to answering a particular question you may want to ask the judge, at the first appointment, to decide whether or not you have to answer it. But if, for example, the question asks you to

give more information or to explain what has happened to something you say you no longer own, you are likely to have to answer it. You will just cause delay if you do not answer and judges do not like delay. If you have only got part of the answer, say so and explain whether you can get more information, what you are doing to get it and how long it will take. If you cannot get more information, explain why not.

There is an example of a questionnaire coming up next.

Other things to do before the first appointment

## Example of a Questionnaire

The Family Court, sitting at *[insert name]* No: *[insert case number]*

### BETWEEN

**Mo Jones** Applicant

and

**Pat Jones** Respondent

---

### APPLICANT'S QUESTIONNAIRE

---

- 1** 1.The Respondent estimates that his future housing needs are £ *[insert amount]*. Please provide a breakdown of the realistic cost of buying a new home (including sample property particulars) as well as the cost of any furniture and carpets.
- 2** Please can the Respondent confirm that he has an account with *[insert name]* Bank. If it is closed, please can he provide a copy of the final statement and evidence showing what happened to the closing balance. If the account closed after *[insert date – usually 12 months before the date on his Form E]* please provide statements for the period up until the account was closed.
- 3** The Respondent's bank statements don't seem to show any expenditure on petrol even though he does a daily round trip of 25 miles to and from work by car. Does the Respondent have another bank account? If so please provide statements for the last 12 months. If not, how does the Respondent pay for his petrol? Where does that money come from?
- 4** The Respondent estimates that his income from self employment is £ *[insert amount]* per month. Please provide accounts to support this statement.
- 5** On 1st September 2021, there is a direct debit of £500 payable to J. Smith and it is repeated on the 1st day of each month. What is that for?
- 6** Please can the Respondent provide a copy of his tax return for the years 19/20 and 20/21?

Dated: .....

Signed: .....

(Applicant or Respondent or Applicant/Respondent's solicitor)

Other things  
to do before  
the first  
appointment



## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on how to prepare for the first appointment, in particular in preparing your Statement of issues, Chronology, and Questionnaire.

### Get expert legal advice



for just £120 on

- ✓ How to best express your issues to the court
- ✓ How to prepare your Statement of issues, Chronology, and Questionnaire, including specific help with tricky bits.
- ✓ How to prepare for the first appointment.
- ✓ What your next steps should be.

Please be aware – the solicitor will not be able to actually draft the court documents in this short meeting as it takes a lot more time. But, if this is what you would like the solicitor to do you can talk to them about the cost of this work.

**FIND OUT MORE | >**

or go to  
[www.advicenow.org.uk/  
financial-order-7](http://www.advicenow.org.uk/financial-order-7)



## Things you need to do during the week before the first appointment

If you are the applicant there are two more documents you need to fill in and send to the court no later than the day before the first appointment. You need time to fill these out and talk to your ex to agree on what needs to be recorded in documents (if you possibly can), so don't leave them until the day before!

### Case summary (ES1 template)

This is a form for the judge which summarises the key details of the case. You and your ex need to do your very best to agree what goes in this summary. Most of the information will be in your Forms E so you can take it from those. To find the Word version of the ES1 Template go to the [Financial Remedies Journal](#) website, then go to the section called 'frc corner', click on the Templates folder and then download the one called ES1 template.

Other things to do before the first appointment

## Schedule of assets and income (ES2 template)

This is a table summarising the most important details about your finances for the judge. Again, you need to take the information from your Forms E and put it in this schedule. You and your ex need to do your very best to agree what goes in this table. To find the Word version of this form go to the [Financial Remedies Journal](#) website and go to the section called 'frc corner'. Click on the Templates folder and then download the one called 'ES2 template (corrected)'. Don't worry if you don't have information for every box – just leave them blank if they don't apply in your case.



## The bundle

The bundle is a file of all the important documents about the case. The judge, you and your ex all need to have an up-to-date bundle for each hearing. If the court asks you to prepare the bundle you need to do this. Go to the section called [How to prepare the court bundle](#) for more help on this.

## Form H

If you have a solicitor acting for you, they must provide the court with an estimate of costs at every hearing. This way you can see what is coming out of your shared pot of money and assets before it is divided between you.

If you don't have a solicitor, you need to fill it in yourself. If you have spent any money at all in relation to the case, the form will be almost entirely blank. If you have paid for some things, such as some legal advice from a solicitor or direct access barrister, or a court fee you need to put the costs down in the Form H.

This estimate of costs must be provided on [Form H](#). You can find this form by searching online for 'Form H'.

The first appointment

# The first appointment

**This is your first, short hearing with a judge. It usually lasts about 30 minutes. You and your ex must both attend. You call the judge ‘sir’ or ‘madam’. The aim is to make sure you have each provided all the information the court needs to work out how much you own, both together and separately. Take a notebook and pen with you to write down anything important.**

If you are comfortable talking to your ex, think about getting to court a bit early and trying to see if there is anything you can agree between the two of you before you see the judge.

## Frightened of meeting your ex at court?

If you are worried about meeting your ex at court because they have been violent or abusive to you in the past, phone the court and tell them this. Ask them to make arrangements for you to wait for the hearing in a safe place. When you arrive at court, ask security to show you where to go. Other options might be available at your local court, such as a screen in the court room so you don't have to see your ex. Some court buildings have separate rooms you can be in while you address the judge via a videolink so you don't actually have to go into the court room itself.

You can also ask them to help you arrive at court and leave separately from your ex, via a different exit.

During the height of the Covid pandemic court hearings were held by video or phone call. Many hearings are now back, face-to-face, in court buildings. However, some hearings are still taking place this way, especially shorter, less complex ones like first hearings. If your hearing takes place by video or phone call then it will be a bit different. The court will contact you by letter, email or phone to let you know how the hearing will take place. If it is by video or phone they will explain more about the process for joining the hearing. To understand more about hearings that don't take place in a court building you can take a look at our short guide [Court and tribunal hearings by video or phone call](#).

Regardless of how the hearing takes place the judge can do a number of things at the first appointment, for example:

- Give more instructions (the law calls these ‘directions’) about what you need to do before a judge can decide your case.
- Decide which questions on the other's questionnaire you and your ex should each answer.
- Decide whether your case needs the help of an expert to value something you cannot agree on, such as the family home.
- If you both agree, make a final order.
- Delay the case (the law calls this ‘adjourn’) for a while to give you both a chance to see a family mediator.
- Treat the first appointment as a financial dispute resolution appointment and indicate what order the court might make if the case goes on to a final hearing.

- Fix a date for a financial dispute resolution appointment. If it is clear that you are not going to be able to reach an agreement, the judge may just fix the date for the final hearing and not bother with a financial dispute resolution appointment.

Advicenow has made a film [Representing yourself in family court](#). We know that going to court without a lawyer is a very frightening and stressful experience and we want to help. The film looks at the questions people who have represented themselves told us they worried about most and shows you simple tips that you can use to help you put your side as well as you can.



Again, you need time to fill these out and talk to your ex to agree on what needs to be recorded in documents (if you possibly can), so don't leave them until the day before you need to send them to the court!

## Case summary (ES1 template)

You need to update the ES1 template you did for the first hearing. You and your ex need to do your very best to agree what goes in this summary. You may find there isn't much to change since the last time. Edit the first one you did or if you can't find it and need to start a fresh one go to the [Financial Remedies Journal](#) website and go to the section called 'frc corner'. Click on the Templates folder and then download the one called ES1 template.

## Between the first appointment and the financial dispute resolution appointment

After the first appointment, you and your ex should complete all tasks given to you by the judge at the first appointment by the deadlines given. This may include, for example, completing your answers to each other's questionnaires, sending these answers to the court and a copy to each other, and getting an expert to value your family home.

You also need to update the forms you sent to the court just before the first appointment so that the judge who deals with the next hearing has all the up to date information they need. This time, they need to be sent to the court no later than 7 days before the financial dispute resolution appointment.



The first appointment



## Schedule of assets and income (ES2 template)

You need to update this with any new information that wasn't available at the first hearing. You and your ex need to do your very best to agree what goes in this table. Edit the first one you did or if you can't find it and need to start a fresh one go to the [Financial Remedies Journal](#) website and go to the section called 'frc corner'. Click on the Templates folder and then download the one called 'ES2 template (corrected)'. Don't worry if you don't have information for every box – just leave them blank if they don't apply in your case.

## The bundle

The court will need an up-to-date version of the bundle for the dispute resolution hearing. If you are asked to do this and need a reminder on how to do it, go to [How to prepare a bundle](#).

## Form H

The court will need an up-to-date Form H from you so the judge can see what costs have built up (if any) since the first hearing. This estimate of costs must be provided on [Form H](#). You can find this form by searching online for 'Form H'.

## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on what to do after you have attended the first appointment.

### Get expert legal advice



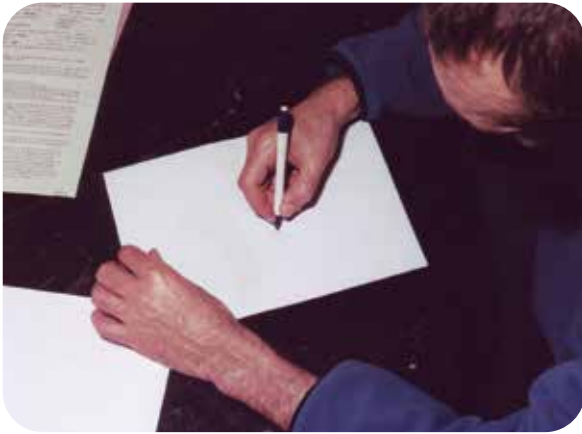
for just £120 on

- ✓ What the content of the order means.
- ✓ What you need to do to stick to the court timetable.
- ✓ Whether you should make an offer or what further information you need before you can make an offer.
- ✓ What your next steps should be.

[FIND OUT MORE](#) | >

or go to  
[www.advicenow.org.uk/  
financial-order-8](http://www.advicenow.org.uk/financial-order-8)

If you did not reach an agreement at the first appointment, the court will expect you to make a proposal for settling your case before the financial dispute resolution appointment – as long as you have all the information you need about your ex's finances. If you have not really thought about what you want, you should do this now. If you rent your home from the council or a housing association, and the tenancy is in your joint names, do you want it transferred into your sole name? If you own the family home, should it be sold now or later? What is the fairest way of dividing any money left over after it is sold?



## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on how to prepare for the financial dispute resolution appointment.

If you are going to stay in the home, do you need some maintenance to help you pay for the running costs?

Take a look at [A survival guide to sorting out your finances when you get divorced](#). This helps you understand more about what a judge might do in a case like yours, so that you have a better chance of making a fair agreement with your ex.

Once you have worked out what you think is fair in your circumstances, write to your ex (or their solicitor if they have one) suggesting a way of reaching an agreement in your case. The law calls this 'settling' a case.

If your ex makes you a proposal, the court will expect you to think about it seriously. If you or your ex refuses to negotiate, the court can order you to pay some of the other's legal costs.

### Get expert legal advice



for just **£240** on

- ✓ Possible outcomes at the court hearing
- ✓ What, if anything else, you need to do to prepare for the hearing.
- ✓ Whether you should make an offer.
- ✓ What to offer or what further information is needed before you can decide what offer to make.
- ✓ How to prepare a position statement.
- ✓ What your next steps should be.

**FIND OUT MORE | >**

or go to  
[www.advicenow.org.uk/  
financial-order-9](http://www.advicenow.org.uk/financial-order-9)

**The first  
appointment**



# The financial dispute resolution appointment

**This is a hearing, usually lasting up to about 1 hour, where the judge tries to resolve your financial dispute with your help and agreement. The judge cannot make a decision for you at this hearing. What the judge will do is give an opinion about what the court is likely to order if your case goes all the way to a final hearing.**

You may hear lawyers and court staff call this appointment the FDR for short.

You and your ex must both attend. If you have children at school, try and arrange for a family member or friend to pick them up in case the hearing goes on longer than expected.

The address of the court where you need to go for this meeting will be on the notice the court sent you telling you the date and time of the hearing. Remember that several other cases will be in the court diary at the same time as yours, so just because it says you have to be at court for a hearing at 10am it does not mean you will see the judge at 10am. You still need to be there on time though, as the judge may call you in at 10am.

If you are the applicant, you must write to the court at least 7 days before this hearing takes place explaining:

- what proposals you have made for reaching an agreement with your ex,
- what your ex's response was, and
- what proposals your ex has made to you.

Enclose copies of the letters or emails you have written and received.



This is an example of the kind of information you should give the court:

*'On 15/03/2022 I emailed the respondent and suggested that I should stay in the family home until Megan was 18 or had finished at college and then we should sell it and divide the proceeds 60/40 in my favour. He replied on the same date saying 'no way' and that he wanted us to sell the house now and divide the proceeds 50/50. I replied the next day explaining that I could not buy anything with that amount and so Megan and I would have nowhere to live. We have not made any other attempts to reach an agreement.'*

You and your ex will each have the chance to explain to the judge what you want and why you think what you want is fair. The judge will want to know how you think both your housing needs can be met and how you will support

yourself. If you need maintenance, the judge will want you to suggest how long this should last.

The judge cannot make a decision for you at this hearing. But what the judge will do is give an opinion about what the court is likely to order if your case goes all the way to a final hearing. The hope is that if you get an idea of the likely outcome in your case, it may be easier for you to reach an agreement. You will probably then get some time to discuss the judge's advice to see if an agreement is possible. You may be able to agree some things but not others at this meeting.

It is a confidential meeting. This means that nothing that is said or discussed at this meeting can be mentioned at the final hearing, if there is one. For this reason, the same judge will not deal with the final hearing as well as this one.

The judge can do one of three things at the end of a financial dispute resolution appointment:

- Fix another financial dispute resolution appointment or
- Make a consent order or
- Give directions for a final hearing (sometimes called 'trial' by lawyers and court staff).

If you cannot reach an agreement at this hearing, the court will give instructions (directions) about what you and your ex need to do next. This may include, for example, an order that you get an updated valuation and that you and your ex each file a 'narrative statement'.

A narrative statement is one that sets out the case of the person making it with reference to the factors explained in [What the court takes into account when it makes a decision](#). Use each factor as a heading and deal with each one in turn. Some will probably be more relevant than others in your particular case. This way you will provide

a summary of the main issues in your case. You can attach evidence to your narrative statement but only if this is new evidence, that the court has not already seen. You must be careful not to mention the negotiations you and your ex had at the financial dispute resolution appointment or what the judge said in your narrative statement.

## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on how to avoid a final hearing.

### Get expert legal advice



for just £120 on

- ✓ What proposal you should consider making to settle and avoid a final hearing.
- ✓ How to write your statement and important things to include.

[FIND OUT MORE](#) | >

or go to  
[www.advicenow.org.uk/  
financial-order-10](http://www.advicenow.org.uk/financial-order-10)

The financial dispute resolution appointment

If you are unable to reach an agreement and you have to go to a final hearing you may be asked to prepare or update the court bundle. We explain more about this and how to do it in the next section.

You also need to update the forms you sent to the court just before the dispute resolution appointment so that the judge who deals with the final hearing has all the up to date information they need. They need to be sent to the court no later than 7 days before the final hearing.

Again, you need time to fill these out and talk to your ex to agree on what needs to be recorded in documents (if you possibly can), so don't leave them until the day before you need to send them to the court!

### Case summary (ES1 template)

You need to update the ES1 template you did for the last hearing. You may find there isn't much to change. You and your ex need to do your very best to agree what goes in this summary.

### Schedule of assets and income (ES2 template)

You need to update this with any new information that wasn't available at the last hearing. You and your ex need to do your very best to agree what goes in this table.

### Form H1

At the Final Hearing you will need to update the court again on any costs since the last hearing. At the final hearing you need to use the [Form H1](#) – you can find this by searching online for 'Form H1'.

## How to prepare a bundle

In this section we explain what a bundle is and when you might be asked to prepare one.

### What is a bundle?

Essentially it is an information pack. It pulls together all the information and evidence relevant to the case in one place and makes it easier to refer to information during the hearing. It combines documents belonging to you and your ex. If you have to provide one you must agree the contents with your ex (or their solicitor if they have one). A bundle needs to have a list at the front called an index, which tells you what is included and which page number it can be found at.

### Paper bundles and electronic bundles

Until quite recently, bundles were always in paper form. Lots of photocopying was involved so that the court and all the people involved in a case had their own paper bundle.

Now the court requires electronic bundles – known as e-bundles. This involves getting all the important documents scanned onto a computer and put into one document using special software.

### Who has to prepare the bundle and index?

The court will want a bundle and index prepared for every hearing. Usually the applicant prepares the bundle. If you do not have a solicitor but your ex does, then the court will ask them to prepare it. This will save you having to puzzle over the task.

However, if both you and your ex are litigants in person, you only have to prepare a bundle and index if the court tells you to. You can choose to prepare one, but if you do, it must meet the requirements of the [family procedure rules practice direction 27a](#).

If the court tells you to prepare the bundle, it is highly likely it will expect this to be an electronic bundle. You may not have the necessary IT equipment or skills to be able to do this. It is very important, if you are asked to prepare an electronic bundle but don't have what you need, that you say so as soon as possible. The court may agree to do the bundle or they may ask you to do a paper one.

## Electronic bundles

To prepare an electronic bundle you need:

- easy access to a laptop or desktop computer,
- good Wi-Fi,
- a scanner to get any paper documents into electronic form,
- All the applications, documents filed at court, emails and letters sent to each other, the court, and other people or companies involved,
- electronic bundle creation software.

There are different software packages available online. You may find you have to pay to use the software and this may mean you need to sign up to a subscription. If you cannot afford this, you need to tell the court.

You can find guidance on the rules on e-bundles by searching online for '[general guidance on electronic court bundles](#)'. This will take you to a page on the Judiciary website. At the bottom, you can find links to two videos on how to create an e-bundle.

A lot of the rules for the two different types of bundles are the same, for example you can't have more than 350 pages in either type of bundle unless the court gives you permission.

An important difference between paper bundles and e-bundles is that in a paper bundle there are lots of different sections (more on this next), while an e-bundle has no sections and every page is numbered from the start to the end – much like in a book. If you have to add new documents to an e-bundle they must go at the end so they don't muddle the page numbering.

Both paper bundles and e-bundles need to have an index at the start. This is just a list of everything that has been included with the page number where you can find it. In an e-bundle you need to make sure that you can click on each document listed in the index and go straight to it. This is called a hyperlink.

## Paper bundles

### The index

The index is the list at the front of the bundle that tells you what is in the bundle and where you can find each document. You should be able to look down the index, find the document you are interested in, turn to the page it says it is at and find it there. If at the hearing you say to the judge, for example, 'please will you look at page 28 of section C in the bundle' and everyone quickly and correctly finds the same page, then you have prepared your bundle and index successfully!

The financial  
dispute  
resolution  
appointment

Here is an example of what an index for a paper bundle looks like:

<b>The Family Court, sitting at</b> <i>[insert name]</i> <b>No:</b> <i>[insert case number]</i>	
<b>BETWEEN</b>	
<b>Mo Jones</b>	Applicant
and	
<b>Pat Jones</b>	Respondent
<hr/>	
<b>INDEX TO BUNDLE FOR HEARING ON</b>	
<i>[insert date]</i>	
<hr/>	
<b>Description of Document</b>	<b>Page number</b>
<b>Section A</b>	
Background summary	1-2
Statement of issues	3
Position statement	4-5
Chronology	6-7
<b>Section B</b>	
Form A	1-12
<b>Section C</b>	
Form E	1-28
<b>Section D</b>	
Valuation of family home	1-3

The financial  
dispute  
resolution  
appointment

## Top tips for preparing a paper bundle

- ✓ Never put original documents in the bundle but take them with you to the hearing in case the judge has any queries about them.
- ✓ The court may tell you what to include in the bundle – so check any notices or order for directions to see if they have asked you to include anything specific.
- ✓ If you include a document in the bundle that your ex has not already seen they may object and you will have to explain to the judge why you are only producing it now.
- ✓ The usual order to put the documents in is:

### Section A

An up to date summary of the background to the hearing limited, if possible, to one page

A statement of the issue or issues that need deciding

A statement from each of you explaining what outcome you want (you may hear this called a 'position' statement)

An up to date chronology

### Section B

Applications and orders

### Section C

Statements, for example, Forms E (you just include the Form, not all the extra documents like your bank statements)

### Section D

Experts' reports and other reports, if there are any.

### Section E

Any other documents.

*(continued)*

The financial  
dispute  
resolution  
appointment



- ✓ Separate each section using a divider.
- ✓ Don't number the pages in the bundle until your ex has agreed what is going in it. If they want something else to go in and you have already numbered it, you will end up having to do it all again!
- ✓ Number the pages of each section in the bundle separately, so that each section begins again at 1.
- ✓ Produce and number one bundle and index first. Check the bundle against the index to make sure the documents in the bundle are in the order the index says they are in.
- ✓ Make sure every sheet of paper in each section is numbered in order at the bottom of the page, so when you look, for example, for page 37 you can find it easily. Being able to keep up with which document the judge is referring to will make your time in court less stressful.
- ✓ You may hear the term 'pagination' used by the judge or court staff. All it means is giving numbers to the pages of the bundle. So a 'paginated' bundle is one where the pages have been numbered in the middle of the bottom of the page.
- ✓ Make sure you have got your first bundle right before copying however many more you need. This may sound obvious but it is easy to do the copying before numbering the pages and then you are stuck with having to number 3 or more sets of documents by hand instead of just one!
- ✓ You will need to do single sided photocopying.
- ✓ Put your bundle and index in one A4 size ring binder or lever arch file. If you need to use more than one binder you must ask the court's permission first. You must not put more than 350 single-sided pages in each file.

## How do I get the bundle agreed?

Whether the bundle needs to be electronic or in paper form, you need to agree what gets included. To get the bundle agreed, just send a copy of the index – your list of what the bundle will have in it – to your ex. There is no need to send them the actual documents along with the index. If you are doing a paper bundle, the index will not include page numbers yet because you have not finalised what is going in the bundle. Your ex may want documents taken out or added. If you cannot agree, the documents in dispute are put in a second bundle.

## What do I do with the bundle when it is ready?

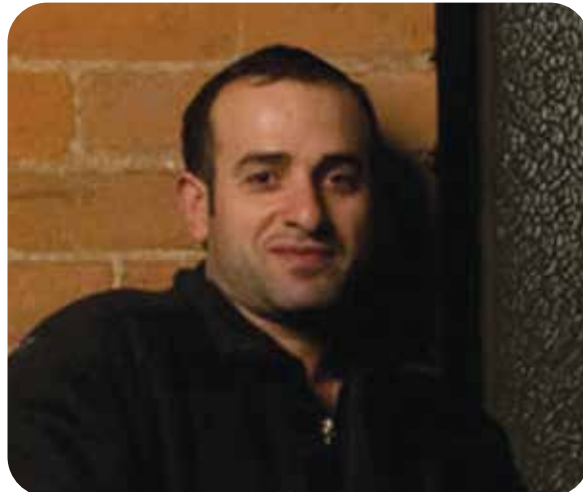
You usually have to file the bundle at the court office where the hearing will take place and get a copy to your ex at least 2 days before the hearing (or whenever the court tells you to do this). If you have witnesses or experts coming to the final hearing, you will need to take other copies with you to court on the day to give them. And you will need one for yourself too. If you are not sure how many copies to make, check with the court office. If you need to do an e-bundle you send this to the court and other people involved, electronically.

Stick to the deadline for filing the bundle at court. If this is not possible for some reason (for example, you have just come out of hospital and are not well enough to do it yet) then try to agree more time with your ex. Let the court know and explain your difficulty. If your ex will not agree, then you will have to apply to the court for more time. Whatever you do, don't just ignore this or any other deadline!

### Forms and rules



The rules about what has to go in the bundle, how the bundle must be made up and the timetable you have to stick to when you do this task are all set out in [family procedure rules practice direction 27a](#)



The financial  
dispute  
resolution  
appointment

# The final hearing

**This is the last hearing – the one where the judge considers all the evidence in the case and decides what you both have and how to share it out between you and your ex. The judge will do this taking into account the factors described in the section called [What the court takes into account when it makes a decision](#).**

The judge will listen to what you and your ex and any witnesses have to say. This is called evidence. Before you give your evidence, you will be asked to swear (a religious oath) or affirm (a non-religious oath) that you will tell the whole truth. Not telling the truth when giving evidence is a serious criminal offence called perjury, for which you can be fined or sent to prison, or both.

You and your ex each need to be prepared to give live evidence – to explain briefly what you are asking for and why. You also each get a chance to ask the other questions. The law calls this process ‘cross examination’. So, think about what you want to say to the judge in advance and what questions to ask your ex and any witnesses they bring with them. And be ready to answer your ex’s questions when they cross examine you. The judge may well have questions for you and your ex as well.

If you are bringing a witness of your own with you, you must be ready to ask them questions, for example about what is in their witness statement or expert report, so their evidence can be heard by the judge.

At the end of the hearing you must be ready to put your final argument to the court to persuade them to your point of view about the order you want made. You should be able to work out most of what you want to say before the hearing starts. You have some idea of what the evidence is going to be from the various statements that should be in the bundle by the final hearing. You also know what the strong points are in your case. But you need to take into account what actually happens in the final hearing, so be adaptable – you may want to make some changes on the day.

The judge you see at this hearing will not be the same one you met at the financial dispute resolution appointment and you cannot mention what you talked about in that meeting here.

If you are representing yourself but your ex has a lawyer to represent them, take a look [A survival guide to going to court when the other side has a lawyer and you don’t](#). Even if your ex doesn’t have a lawyer some bits of this guide will still be really useful.

## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on how to prepare for your final hearing.

### Get expert legal advice



for just **£240** on

- ✓ What is likely to happen at the final hearing.
- ✓ What your opening and closing positions should be.
- ✓ What questions you should ask in cross examination.
- ✓ Get help with drafting your skeleton argument.
- ✓ Whether you should consider hiring a lawyer to represent you at the final hearing and how much it would cost.
- ✓ What your next steps should be.

**FIND OUT MORE** | >

or go to  
[www.advicenow.org.uk/  
financial-order-11](http://www.advicenow.org.uk/financial-order-11)

## Taking a friend with you to court

You can bring a friend along to court for moral and practical support. But you can only take them into the hearing with you if you want them to act as your McKenzie friend (supporter) and they meet the relevant criteria. Ask the judge as soon as possible if you want your friend to take on this role. You can find the guidance explaining what McKenzie friends can and cannot do in [A survival guide to going to court when the other side has a lawyer and you don't](#).

The judge can ask your friend to leave the court if they behave in a way that interferes with the court doing its job, for example, if they make loud comments.

If you have a hearing that is taking place by video call or phone you must not have anyone with you in the room for support unless the judge agrees to this at the very start of the hearing. If the judge agrees then the person you want present for support can join you in the room.

The final hearing

# Top tips!



- ✓ **Get organised!**
- ✓ **Write the case number on any letters, documents or forms you send to the court. This way they will get linked up with your case.**
- ✓ **Collect information about your finances and keep it safe and organised.**
- ✓ **Keep copies of any letters or emails you send or receive as well as court papers in date order in a folder.**
- ✓ **Whenever you send something to the court such as a form or document, make sure you also send a copy to your ex and keep a copy for yourself. The court will not do this for you.**

Top tips!

# More help and advice

## Emotional support

[Relate](#) offers relationship support. They have lots of information on their website about a range of problems that can arise in relationships and families.

## How to find a family mediator

If you are looking for a family mediator you could ask friends and family for a recommendation or your solicitor, if you have one. It is a good idea to check any recommendations using the family mediator finder service on the [Family Mediation Council](#) website.

It is fine to phone around, ask how much they charge and compare prices.

For more useful information on mediation as a process have a look at [A survival guide to family mediation](#).

[www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)

## How to find a legal advisor

The [Royal Courts of Justice Advice Bureau](#) may be able to help you if you:

- live in England or Wales,
- have a case in the Family Court, and
- are not already represented by a solicitor or barrister.

To book an appointment, please check their website for latest appointment details.

For help finding a family lawyer a good place to start is [Resolution](#) where you can find lawyers by searching using your postcode. Resolution members must commit to helping you work out your legal problem in a non-confrontational way. A green tick next to the lawyer's name tells you that they offer legal aid. You can find an accredited lawyer who is a specialist in finances on divorce by going to the 'Find a law professional' page. Then, click on 'advanced search'.

[www.resolution.org.uk](http://www.resolution.org.uk)

You can also search for a specialist lawyer near you who has been accredited by the Law Society. This means they have a significant amount of experience and expertise and have passed a Law Society assessment. On the [Law Society Find a solicitor page](#) you can click on 'More search options' on the right at the bottom of the box. This gives more options to choose from. Here you can tick the accreditation box for 'Family' or 'Family – advanced', or both.

[solicitors.lawsociety.org.uk](http://solicitors.lawsociety.org.uk)

More help  
and advice



You can also find a family lawyer who does legal aid work via the gov.uk website – [find-legal-advice.gov.uk](https://www.gov.uk/find-legal-advice).

Another way to get legal advice is to speak to a barrister who is qualified to represent members of the public directly (without a solicitor being involved). There are limits on what a barrister can do outside of representation at court but it is often a cheaper option if you just want to get some advice rather than have a solicitor to negotiate on your behalf. The details of appropriately qualified barristers and an explanation of the way the system works can be found by searching online for ‘[Direct Access Portal](https://www.directaccessportal.co.uk)’. Don’t be afraid to phone around to compare prices or see if you can find someone who will give you the first appointment for free.

[www.directaccessportal.co.uk](https://www.directaccessportal.co.uk)

## Paying for legal advice

Legal aid is only available to apply for a financial order in very limited circumstances. More and more lawyers are offering a wider range of products and services than in the past. These include:

- Free or low cost initial telephone consultations
- Pay as you go advice – where you pay for the advice you receive at the time you get it. This can be helpful if you don’t mind doing some of the paperwork and admin involved yourself.
- Fixed fees – where you agree in advance what you are buying and what you are paying for it. This usually applies to longer pieces of work, for example, to negotiate a financial agreement.

It is okay to shop around and compare prices. Look carefully at what is and is not included to make sure you buy the right service for you.



## Help at court

[Support Through Court](https://www.supportthroughcourt.org) supports people going through the court process without a lawyer. Volunteers offer a free and confidential service at some court buildings. You can look at their website to see if they have an office at your local court. The volunteers aim to help you manage your own case yourself. They cannot give legal advice or act on your behalf, but can offer practical help such as going to your hearing with you and supporting you with your forms. They can also help you if your hearing is by video or phone, by talking you through the process and sometimes joining the hearing too. They run a free national helpline **03000 810 006**, open Monday to Friday 9.30am-4.30pm. This is a good place to start for information on what they can do to help you.

[www.supportthroughcourt.org](https://www.supportthroughcourt.org)

More help  
and advice

## Help and support for separating and single parents

[Gingerbread](http://www.gingerbread.org.uk) have lots of information on a wide range of issues, including benefits and tax credits, childcare, separation, work, housing and child maintenance.

[www.gingerbread.org.uk](http://www.gingerbread.org.uk)

If you can't find the information you need on their website you can call their helpline **0808 802 0925**.

Monday – 10am-6pm, Tuesday – 10am-4pm, Wednesday – 10am-1pm and 5pm-7pm, Thursday and Friday – 10am-4pm. (Closed on public holidays).

[Family lives](http://www.familylives.org.uk) is a national charity providing help and support in all aspects of family life. Their helpline can give information, advice, guidance and support on any aspect of parenting and family life.

Family Helpline: **0808 800 2222**  
Monday to Friday 9am-9pm,  
Saturday and Sunday 10am-3pm.

[www.familylives.org.uk](http://www.familylives.org.uk)

[OnlyMums](http://www.onlymums.org) offers online support to parents going through divorce or separation. The site has a free web chat facility and email exchange service. OnlyMums and OnlyDads run the Family Law Panel, which links you up to specialist family law solicitors, barristers or mediators near you for a free initial conversation either on the phone or by email to help you work out how to go forward.

[www.onlymums.org](http://www.onlymums.org)

[OnlyDads](http://www.onlydads.org) offers online support to parents going through divorce or separation. The site has a free web chat facility and email exchange service. OnlyMums and OnlyDads run the Family Law Panel, which links you up to specialist family law solicitors, barristers or mediators near you for a free initial conversation either on the phone or by email to help you work out how to go forward.

[www.onlydads.org](http://www.onlydads.org)

[MATCH – mothers apart from their children](http://www.matchmothers.org) is a charity that offers non-judgemental support and information to mothers apart from their children in a wide variety of circumstances. E-mail: [enquiries@matchmothers.org](mailto:enquiries@matchmothers.org). Helpline: **0800 689 4104** 9am-1pm and 7pm-9.30pm, Monday to Friday.

[www.matchmothers.org](http://www.matchmothers.org)

## Domestic violence and abuse

**Always dial 999 in an emergency.**

For support or to discuss your options you can call the [National Domestic Violence Helpline](http://www.nationaldomesticviolencehelpline.org.uk) on **0808 2000 247** or in Wales, [Live Fear Free](http://www.livefearfree.org.uk) on **0808 80 10 800**.

Both help lines are for anyone who is experiencing, or has experienced domestic abuse, or for anyone who is worried about domestic abuse happening to a friend, family member or colleague. It is free, confidential and the number will not show up on a BT telephone bill.

If you are a man affected by domestic abuse, or you are worried about someone you know who is suffering abuse, you can contact [Men's advice line](http://www.mensadvice.org.uk) who offer confidential advice, support and information – **0808 8010327** Mon-Fri 10am-8pm.

More help and advice



[The National Centre for Domestic Violence](#) provides a free, emergency injunction service to survivors of domestic violence regardless of their financial circumstances, race, gender or sexual orientation. You can contact them on: **0800 970 2070**. Alternatively you can text: NCDV to **60777** and they will call you back.

[Galop](#) runs a national helpline for lesbian, gay, bisexual and trans people experiencing domestic abuse. You can contact them on **0800 999 5428**.

You can find more information and support from:

[www.refuge.org.uk](http://www.refuge.org.uk)

[www.womensaid.org.uk](http://www.womensaid.org.uk)

[www.welshwomensaid.org.uk](http://www.welshwomensaid.org.uk)

[www.survivingeconomicabuse.org](http://www.survivingeconomicabuse.org)

If you are worried about your own behaviour towards your current or ex-partner, or are you concerned for someone you know who is being abusive, help is available to stop this at [Respect Phonline](#) with non-judgemental advice and access to behaviour change programmes. Call **0808 8024040**, Monday-Thursday 10am-8pm and Friday 10am-5pm.

[respectphonline.org.uk](http://respectphonline.org.uk)

More help  
and advice

# What does it mean?

**Applicant** – the person who applies for a financial order.

**Application** – how you ask a court to do something.

**Chronology** – a list of key events in date order.

**Dissolution** – the legal ending of a civil partnership.

**Divorce** – the legal ending of a marriage.

**Financial Dispute Resolution appointment** – a meeting where the judge tries to resolve your financial dispute with your help and agreement.

**Financial statement (Form E)** – the form you complete to tell the court about your finances.

**First appointment** – the first, short hearing with a judge.

**Narrative statement** – a statement that sets out the case of the person making it with reference to the factors explained in the section called [What the court takes into account when it makes a decision](#).

**Notice** – a notice is a bit like a letter. They are the way courts tell you what is going on and what you need to do next.

**Notice of a first appointment (Form C)** – this tells you when and where your first hearing with a judge will take place. It also tells you what you must do before you see the judge and any deadlines you must meet.

**Notice of an application for a financial order (Form A)** – the form that starts the process of asking for a financial order.

**Notice of response to first appointment (Form G)** – the form you complete to tell the court and your ex whether or not you will be ready to negotiate a settlement at the first appointment.

*(continued)*

What does  
it mean?

**Pre-action** – before court proceedings start.

**Protocol** – an official procedure explaining how to behave and what to do in particular situations.

**Questionnaire** – a list of any other information or documents you want your ex to provide.

**Respondent** – the person who responds to proceedings for a financial order.

**Settle** – sort out the case with your ex by reaching an agreement.

**Statement of issues** – An issue is something you disagree about. A statement of issues is a brief summary of what you want the court to decide for you because you can't agree them with your ex.



What does  
it mean?

## Notes



## Disclaimer

The information in this guide applies to England and Wales and is for general purposes only. The law is different in Scotland or Northern Ireland.

The law is complicated. We have simplified things in the guide to give you an idea of how the law applies to you. Please don't rely on this guide as a complete statement of the law. We recommend you try and get advice from the sources we have suggested.

The quotes and cases we refer to are not always real but show a typical situation. We hope they help you think about how to deal with your own situation.

**advicenow.org.uk**  
Making sense of the law and your rights

If you would like this guide in another format  
please email [guides@lawforlife.org.uk](mailto:guides@lawforlife.org.uk)

This guide was originally written and produced by Advicenow with funding from the Family Justice Council. This version of the guide was updated thanks to funding from the Ministry of Justice and The Access to Justice Foundation through the Legal Support for Litigants in Person grant.



Advicenow would like to thank all those who provided feedback on this guide and took part in the pilot, particularly Melanie Bataillard-Samuel of MBS Family Law.

**Published by Law for Life – June 2022**

This is just one of our guides to help you deal with family law problems. We have plenty more and most are free. Find them all at [www.advicenow.org.uk/help-deal-family-problems](http://www.advicenow.org.uk/help-deal-family-problems)

## Can you help us?

We hope you found this guide useful. Can you support this guide with a donation?  
To donate just go to [www.advicenow.org.uk/donate](http://www.advicenow.org.uk/donate).

We are always trying to improve our service. If you have any comments on what you like or don't like about this guide please go to [www.advicenow.org.uk/feedback](http://www.advicenow.org.uk/feedback).

**lawforlife**  
Foundation for Public Legal Education

Advicenow is an independent, not for profit website providing helpful information on rights and legal issues ([www.advicenow.org.uk](http://www.advicenow.org.uk)).

Advicenow is part of [Law for Life](http://www.lawforlife.org.uk). Law for Life is a charity dedicated to ensuring that people have the knowledge, confidence and skills needed to deal with law-related issues.

Law for Life: the Foundation for Public Legal Education is a company limited by guarantee, registered in England & Wales no. 07695486. Charity no. 1143589. Registered office: 4th Floor, 18 St Cross Street, London EC1N 8UN.

