



How to

Fill in your
financial statement
(Form E)
without the help
of a lawyer

advicenow

Making sense of the law and your rights



Who is this guide for?

This guide is for you if you have to fill in your financial statement (Form E) without the help of a lawyer.

You will be doing this if you have applied for a financial order because:

- 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.

It is also for people supporting others in this situation, for example Personal Support Unit volunteers, CAB volunteers, advice workers, housing support workers and court staff as well as relatives and friends.

If you apply for a financial order without the help of a lawyer, then the law calls you a 'litigant in person'. It is possible that you and your ex are both litigants in person.

What does this guide do?

In this guide 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 this guide focuses on explaining how an Applicant fills in Form E, Respondents may find much of it helpful too.

We try to explain any legal language as we go along, but there is also a jargon buster at the end for quick reference, see **What does it mean?** on **page 28**.

We use the word 'ex' in this guide to mean your ex-husband, your ex-wife or your ex-civil partner.

The information in this guide is for general purposes only. Please do not rely on it as a substitute for getting legal advice about what to do in the specific circumstances of your case.

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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 up your savings, possessions, other property and pensions; and whether one of you should pay maintenance to the other. A 'financial order' is what the law calls a court order that sets out these decisions.

For information about how to apply for a financial order and the different financial orders a court can make see Advicenow's guide Applying for a financial order without the help of a lawyer: www.advicenow.org.uk/advicenow-guides/family/applying-for-a-financial-order-without-the-help-of-a-lawyer

What is Form E?

Form E is your financial statement. 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



You can find Form E (and a Welsh/English bilingual version) here:

<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/form-e-eng.pdf>

<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/form-e-bil.pdf>

You can find the notes provided by the court service to help you fill in Form E (and a Welsh/English bilingual version) here:

<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/form-e-notes-eng.pdf>

<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/form-e-notes-bil.pdf>



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.
- 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 charged with perjury. 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.

Form E: front page

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 about this case that you have had from the court. 'No.' is short for 'number'. Put your case number in this box.

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.

Form E:
front page

The 'Applicant' is the person who has started the proceedings for a financial order. As 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'.

The 'parties' are you and your ex. You put your name (again!) in the first box under the heading 'The parties are'.

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 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.' You are the 'Applicant in this matter'.

On the right hand side, you put your ex's name in the box after 'and' and tick the boxes in the group below to indicate whether they are a husband or wife (spouse) or civil partner. In the second line of boxes 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.' They are the 'Respondent in this matter'.

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)

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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.

Part 1 –
General
information

Part 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. For more information see Advicenow's guide Applying for a financial order without the help of a lawyer: www.advicenow.org.uk/advicenow-guides/family/applying-for-a-financial-order-without-the-help-of-a-lawyer

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.

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 calculator at: **www.cmoptions.org/en/calculator**

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

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

The Child Maintenance Options website has lots of 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.

See: **www.cmoptions.org/en/toolbox/leaflets.asp**

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.

Part 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)

Part 2 –
Financial
details

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.

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, two 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. So 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 all the money in the account belongs to the child, the answer to this is 'nil'. 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:

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.

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 (their ‘sole name’). Equally they are not usually responsible for debts in your sole 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:

Liability	Name(s) of other account holder(s) (if applicable)	Total liability	Total current value of your interest in the liability
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’. You can find more information about it here: <https://www.gov.uk/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 (disposed of) anything you have of value now, e.g. shares or a buy to let property. You may need financial advice to answer this question. However, this section is probably irrelevant to most people. 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, you can 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.

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, please see: https://www.gov.uk/plan-retirement-income/private-pensions
Cash equivalent (CE)	This is the amount of money that the managers of your pension scheme could transfer into another scheme. It is a method of valuing your pension rights.

(continued)

Is the pension in payment or drawdown?	This question asks whether you are receiving an income from your pension. Drawdown is a way of taking money out of your pension fund without having to buy an annuity.
Is the PFF compensation capped?	If you are receiving or are due to receive pension compensation, then explain whether the amount of compensation has had a limit placed on it here. For information about the Pension Protection Fund (PFF) see: www.pensionprotectionfund.org.uk

For further information about how to fill in this section, see pages 2 and 3 of the notes for guidance:
<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/form-e-notes-eng.pdf>

Part 2 – Financial details

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. The law calls things of value ‘assets’. 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.
Share option schemes	For information about share option schemes and what they are see: www.gov.uk/tax-employee-share-schemes

(continued)

What does it say?	What does it mean?
Business expansion schemes	These have been replaced by Enterprise Investment Schemes. For more information about these, see: www.hmrc.gov.uk/eis
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 or may be going to belong to you sometime.
Any asset that is likely to be received in the foreseeable future	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. If you are unsure whether something is relevant or not, list it here and the judge will decide.
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.
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.

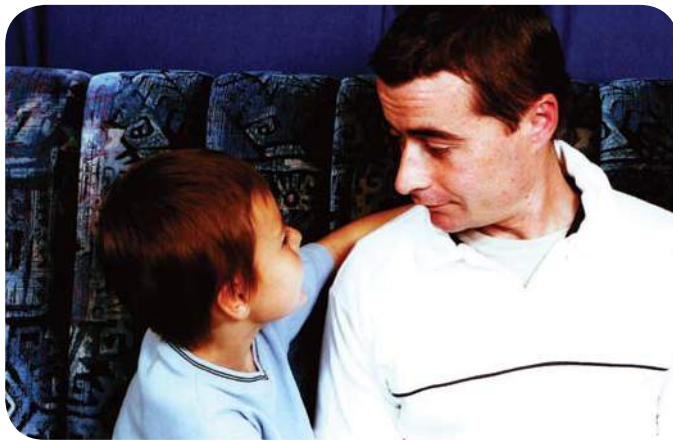
Section 2.16

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.

Part 3 – Financial requirements



This section is in two parts. Part 1 asks about your income needs and the needs of any children living with you or who you support. How much money do you and they need to live on?

In section 3.1 you tell the court whether you have calculated your

income needs on a weekly, monthly or annual basis. Once you have decided which basis to use, try not to mix them up!

If the list of what you need will not fit in the box, continue on a separate sheet of paper and attach it to the form. You can use our **Checklist** on **pages 19–21** to help you work out your income needs.

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.

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

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

Item	£ per week *
Petrol	£
Loan for car purchase	£
CHILDREN	
Travel to school	£
School dinners/packed lunches	£
Uniform	£
School trips	£
Other school expenses (contributions to cooking etc)	£
OUT OF SCHOOL	
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 friends' birthdays	£
PERSONAL EXPENSES	
Clothes and shoes	£
Pension contributions	£
Mobile phone	£
Hair	£
Dentist	£
Optician (contact lenses/glasses)	£
Subtotal	£



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

Item	£ per week *
Prescription charges	£
Dry cleaning	£
Entertainment	£
Travel to work	£
Lunches at work	£
Holidays	£
Subscriptions	£
Other accommodation	£
Other items	£
TOTAL	£

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 let you get 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.

**Part 3 –
Financial
requirements**

Part 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 a year 8 months ago but now only earn £29,000
- 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 of 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 up 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. 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 even 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, 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 or 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.

Part 5 and the last pages

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. See **More help and advice** on **page 25**.

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. 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'.

The documents to attach to Form E

On the last page 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.

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) you have written asking for the document(s) to prove you have done what you say.



More help and advice

How to find a family mediator

Ask friends and family for a recommendation or your solicitor if you have one. Or use the family mediator finder service to find one near you: www.familymediationcouncil.org.uk. It is fine to phone around, ask how much they charge and compare prices.

How to find a legal advisor

Ask friends and family for a recommendation. You can also search here:

- find-legal-advice.justice.gov.uk
- <http://solicitors.lawsociety.org.uk>
- www.resolution.org.uk/findamember

The Royal Courts of Justice Advice Bureau www.rcjadvic.org.uk 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 see www.rcjadvic.org.uk for latest appointment details.



Paying for legal advice

Legal aid is only available to apply for a financial order in limited circumstances. For more information see: www.justice.gov.uk/legal-aid-for-private-family-matters

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.
- **Online services** that let you buy, for example, a DIY consent order with or without a clean break or a bespoke consent order – where a lawyer will manage getting the consent order for you.

More help
and advice

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 with dividing your money, property and possessions

Wikivorce www.wikivorce.com offers free support, information, forums and a calculator to help you work out how to divide your money and property. Helpline **0800 44 88 66 44** (for calls from landlines) or **01202 80 50 20** (for calls from mobiles).

The Money Advice Service offers free information and a calculator to help you draw up a budget so you can stay on top of your finances, work out what you have and what you owe and create scenarios for splitting what you have: www.moneyadviceservice.org.uk/en/tools/divorce-and-separation-calculator

Help at court

Court staff may be able to explain court procedures or help you find a court form. They are not able to give you legal advice.

The Personal Support Unit (PSU) supports people going through the court process without a lawyer. Volunteers offer a free and confidential service. PSU aims to help you manage your own case yourself. PSU does not give legal advice or act on your behalf, but can offer practical help such as going to your hearing with you and help completing and filing your forms. For more information as well as the location and contact information for your nearest PSU, please visit www.thepsu.org

Help and support for single parents

Gingerbread
www.gingerbread.org.uk

Gingerbread's Single Parent helpline offers support and expert advice on anything from dealing with a break-up, to going back to work or sorting out maintenance, benefit or tax credit issues. Helpline: **0808 802 0925**. They also provide lots of information and support forums on their website.

Families Need Fathers
www.fnf.org.uk

Families Need Father's helpline offers support and a listening ear to dads, mums, grandparents and other members of the family. Helpline: **0300 0300 363**. They also provide factsheets and online support through forums.

Both Parents Matter Cymru
www.fnf-bpm.org.uk

Both Parents Matter Cymru runs monthly support meetings and with Law Works Cymru and support from local solicitors provides free legal clinics across Wales. Helpline: **08456 004446**

More help
and advice

Further reading

Using a divorce lawyer: ten helpful tips
www.legalombudsman.org.uk/downloads/documents/publications/Using-a-divorce-lawyer-ten-helpful-tips.pdf

Ten questions to ask your lawyer about costs: www.legalombudsman.org.uk/downloads/documents/publications/Consumer-Guide-Costs-BW.pdf

A survival guide to divorce or dissolution: www.advicenow.org.uk/advicenow-guides/family/survival-guide-to-divorce-and-dissolution

How to apply for a court order about the arrangements for your children without the help of a lawyer: www.advicenow.org.uk/advicenow-guides/family/applying-for-a-court-order-about-the-arrangements-for-your-children-without-the-help-of-a-lawyer

Sorting out arrangements for your children: www.advicenow.org.uk/advicenow-guides/family/sorting-out-arrangements-for-your-children

How to apply for a financial order without the help of a lawyer: www.advicenow.org.uk/advicenow-guides/family/applying-for-a-financial-order-without-the-help-of-a-lawyer

A Guide to Representing Yourself in Court: www.barcouncil.org.uk/media/203109/srl_guide_final_for_online_use.pdf



Further information about the law and your rights

Advicenow
www.advicenow.org.uk

Citizens Advice
www.adviceguide.org.uk

Family Mediation Council
www.familymediationcouncil.org.uk

Resolution
www.resolution.org.uk/moneyandhome

Sorting out separation
www.sortingoutseparation.org.uk/en/hub.aspx

Wikivorce
www.wikivorce.com/divorce/financial-settlements.html

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.

Dissolution

The legal ending of a civil partnership.

Divorce

The legal ending of a marriage.

Financial statement (Form E)

The form you complete to tell the court about your finances.

First appointment

The first, short hearing with a judge.

Respondent

The person who responds to proceedings for a financial order.

The information in this guide applies to England and Wales only. The law may be different if you live in Scotland or Northern Ireland.

The law is complicated. We have simplified things in this guide. 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.

advice**now**.org.uk

If you would like this guide in another format please email guides@lawforlife.org.uk

This guide was written and produced by Law for Life's Advicenow project.

It was produced thanks to funding from the Ministry of Justice.

Updated by Law for Life – March 2015.



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