

Applying for a financial order without the help of 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.

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.

See **page 2** for more information about whether this guide will be helpful to you in your own situation.

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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. If you are in this situation you may find this guide helpful instead: **www.advicenow.org.uk/living-together/breaking-up**

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 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. You can find a list of the different financial orders a court can make on **pages 10 and 11**.

A court can make these financial decisions for you if you cannot agree how to divide up 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.

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 jargon buster at the end for quick reference, see **What does it mean?** on **page 64**.

We do not explain what to do if you need financial support from your ex but you have not yet started divorce proceedings or proceedings to end a civil partnership. Nor do we explain how to stop your ex 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** on **page 61**.

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.

The law

You can find the main bits of law about financial orders at: **www.legislation.gov.uk/ukpga/1973/18** (see in particular section 25 of the Matrimonial Causes Act 1973) and the most important court rules at: **www.justice.gov.uk/courts/procedure-rules/family/parts/part_09** and: **www.justice.gov.uk/courts/procedure-rules/family/parts/part_27**

Things to understand

Things to understand

- There is a court called the Family Court, which works in different places across England and Wales, that 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 be concerned to help you and your ex 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 your ex.
- 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 all depends on how much there is to divide up. You cannot share out what you have not got.
- The term 'financial order' is quite new. You may hear a judge, lawyer or court staff talk about 'ancillary relief'; this is the same thing.
- 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.

Family mediation

Before applying to the family court for a financial order, think about trying mediation. If you do end up going to court, the judge will ask you whether you have tried mediation and if so how you got on.

Family mediation is not about getting back together. In fact it is the opposite; family mediation aims to help you to agree how you will live apart. Here's an explanation of family mediation and how it could help you:

www.advicenow.org.uk/advicenow-guides/family/could-family-mediation-help-you-sort-out-arrangements-after-splitting-up

Nobody has to use mediation. But in most cases, if you want to apply to court for a financial order the court expects you to meet a mediator at least once before you do this. This is because the government thinks it is usually better that you decide how to divide up what you own between yourselves if you can, rather than the court telling you what to do. You can meet a mediator separately or together with your ex.

This first meeting is called a Mediation Information and Assessment Meeting (or MIAM). For an explanation about how these meetings work, see: **www.advicenow.org.uk/advicenow-guides/family/could-family-mediation-help-you-sort-out-arrangements-after-splitting-up/how-the-information-and-assessment-meetings-work,10347,FP.html**



There are circumstances when you do not have to attend a Mediation Information and Assessment Meeting. For example, where there has been domestic violence between you within the past year involving the police or civil proceedings. (If you did not report it, you still need to speak to a mediator but can explain you do not want to use mediation because there has been violence between you). You can find the full list of circumstances in which 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') in para 3.8 of Part 3 of the Family Procedure Rules: **www.justice.gov.uk/courts/procedure-rules/family/parts/part_03#para3.8**

You can find a family mediator here: **www.familymediationcouncil.org.uk**

If you want to claim exemption from attending a Mediation Information and Assessment Meeting, you must complete section 3 of the Notice of an application for a financial order (Form A) if or when you apply for a court order. You can find a link to this form in the Forms and rules box on this page.



Forms and rules

You can find Form A here: **<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/form-a-eng.pdf>**

And court guidance about Family Mediation Information and Assessment Meetings here: **www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_03a**

Legal aid

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 have suffered domestic violence or abuse 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, see:

www.justice.gov.uk/legal-aid-for-private-family-matters/legal-aid-divorcing-separating-abusive-partner

Legal aid is still available to pay for family mediation. You can find information about family mediation here: **www.advicenow.org.uk/advicenow-guides/family/could-family-mediation-help-you-sort-out-arrangements-after-splitting-up** You can check if you are financially eligible for legal aid here: **www.gov.uk/check-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. The leaflet **Paying for your civil legal aid** explains when you have to contribute towards or repay your legal aid and how to do it: **www.justice.gov.uk/downloads/legal-aid/funding-code/paying-for-your-civil-legal-aid-leaflet.pdf**

What does the court take into account when it makes a decision?

The law explains what a court needs to take into account when it decides how to divide up what you have between you. If you and your ex try and 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 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 to go round, 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 does the court take 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 are 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 will take this period of time into account as well.

- **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 sexually abused the children, 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 divide up.

What does the court take 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. For an estimate of what a fair financial settlement might look like for you, you can try using the Money Advice Service's free calculator: www.moneyadvice.org.uk/en/tools/divorce-and-separation-calculator

What does the court take 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) at www.legislation.gov.uk/ukpga/1973/18 and Part 5 of Schedule 5 of the Civil Partnership Act 2004 at www.legislation.gov.uk/ukpga/2004/33/schedule/5

What kinds of financial orders can a court 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.

What kinds of financial orders can a court make?

An order for maintenance pending suit	<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. You may also hear it called 'interim maintenance'.</p>
Periodical payments order	<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 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 (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 (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>
Secured provision order	<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)

Lump sum order	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.
Property adjustment order	<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 a different way. The court can also transfer a tenancy (including council and housing association tenancies), for example, from your joint names into your sole name or the sole name of your ex.</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 decree absolute or final order before you 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 as soon as possible. See More help and advice on page 61.</p>
Pension sharing order	This order sets out what percentage, if any, of a pension belonging to you or your ex must be transferred to the other.
Pension attachment order	This order sets out what proportion of any pension income or lump sum belonging to you or your ex must be paid to the other.
Pension compensation sharing order	This is an order stating that any compensation from the Pension Protection Fund must be shared.
Pension compensation attachment order	If you or your ex are due compensation from the Pension Protection Fund, this order sets out what percentage of it must be paid directly to the other.
Nominal order	<p>This is an order for a minimal amount of maintenance (for example 1p 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 (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>

(continued)

What kinds of financial orders can a court make?

Clean break order	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 the court makes one in your case will depend on your individual circumstances.
Payment for legal services order	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 you can show that you have no other way of paying for your legal costs, for example, by getting a loan. The court will not make an order if it means that you or your ex would not be able to pay your own legal fees, or if it would cause you or your ex undue hardship.

When can a court 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. A 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 a court can do during this time. For example, a court cannot make an interim property adjustment order.

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

Warning!

Planning to remarry or register a new civil partnership?

- Any maintenance you get for yourself from your ex will 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 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.

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 on you and your ex's attitude 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. However, all that happens if you will not or cannot negotiate an agreement, with or without the help of a mediator or solicitor, is that you reduce your joint assets by the amount you then have to spend going to court. This leaves less to share out between the two of you. Reaching any agreement usually means being prepared to compromise – accepting less or paying more. But it may be worth doing this to avoid the uncertainty and expense of going to court.

Try and agree how to divide up 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.



Sorting things out by negotiation and agreement

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

- ☒ 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.

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. A court can make an order that you both agree with (the law calls these 'consent orders') at any time during the financial proceedings. This way, you get an official record of what you have agreed and a 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.

You will need to fill in this statement of information: hmctsfinder.justice.gov.uk/courtfinder/forms/d081-eng.pdf and attach the consent order you are asking the court to make to this form. You can fill in one of these forms together 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.

This is a good moment to pay for some legal advice if you can possibly afford it, to:

- check that you have filled in the statement of information correctly;
- ensure that you understand the implication of the answers you give;
- get help with the wording of the order; and
- ensure that the wording of the proposed consent order achieves what you want it to.

For information about finding a solicitor see **More help and advice** on **page 61**.

If you have to draft an agreement yourself, you can find a sample financial remedy order here: www.judiciary.gov.uk/publications/family-orders-project

It is very long because it includes a 'pick and mix' of different sections. It is quite possible that many of the sections will not be relevant to your case. But if you have to write a consent order, it will give you some idea of where to start.

Will an agreement or financial order impact on my welfare benefits?

Maybe! If you are claiming means tested benefits you should get advice about this before you start negotiating. See: **More help and advice** on **page 61**. Means tested benefits include benefits such as Income Support, income based Job Seekers Allowance 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 DWP will reassess you and may reduce or stop your benefits. If you get £16,000 or more (£10,000 or more if you are on pension credit) then your benefits will stop completely.

Warning!

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 here: www.gov.uk/benefits-calculators

Sorting things out by negotiation and agreement

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. There is no getting around it; 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?** on **page 64**.

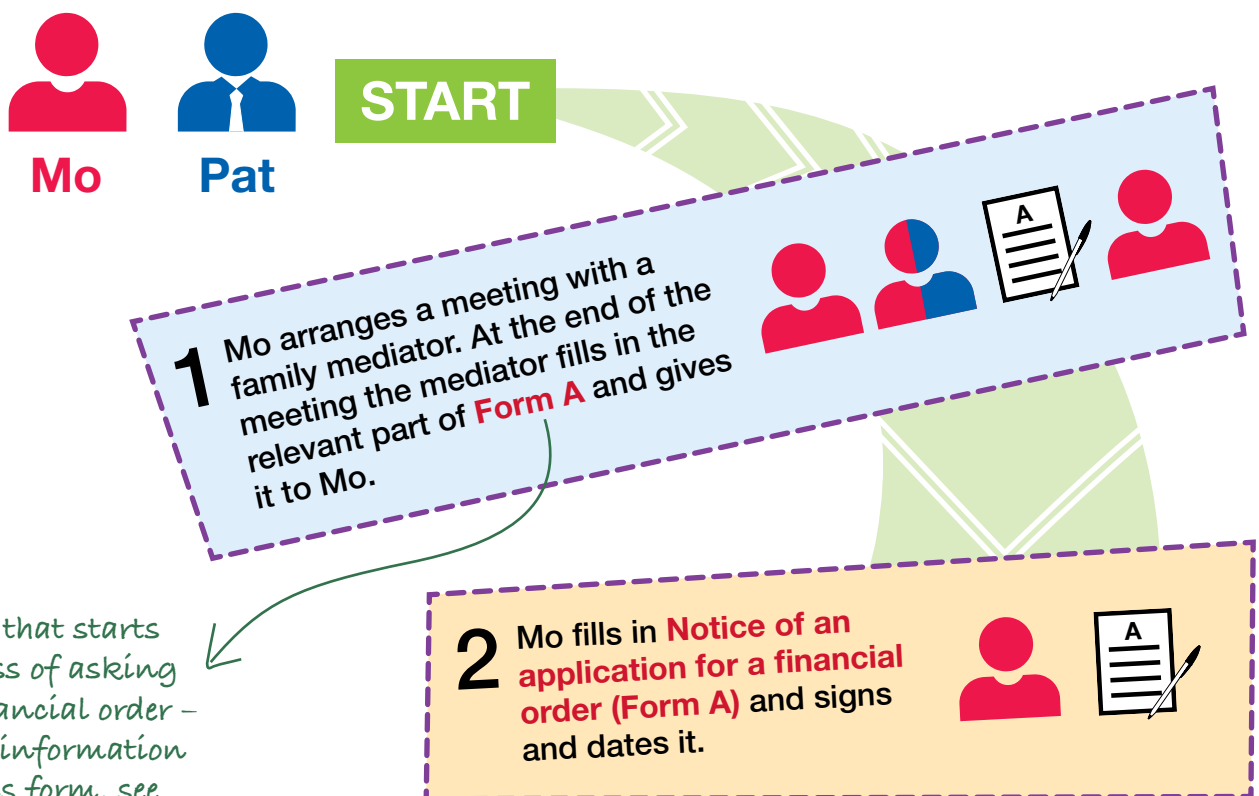
Sometimes we describe the court as 'doing' things, for example, sending out a

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 a same sex couple.

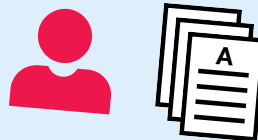
The process
in pictures



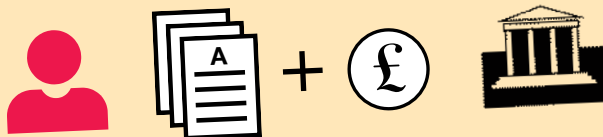
The form that starts the process of asking for a financial order – for more information about this form, see page 23.

This is the name given to the system for deciding whether you are eligible to pay a reduced court fee or none at all. For information about court fees, see page 20.

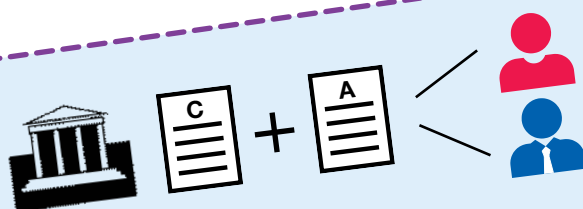
3 Mo makes two photocopies of **Form A**.



4 Mo sends **Form A** and the copies to the same family court that is dealing with her divorce proceedings. She completes a **fee remission** application form and includes that as well.



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



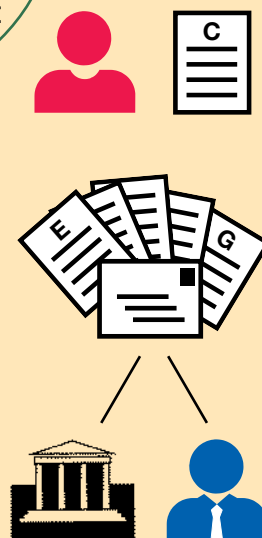
This tells you when and where your first meeting with a judge will take place. It also tells you what you must do before you meet the judge and any deadlines you must meet.

Your first, short meeting with a judge – for more information, see page 52.

This is the form you fill in to tell the court about your finances – for more information about this form, see pages 25–45.

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 copies to Pat):

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



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 or not you will be ready to negotiate an agreement at the first appointment.

The process in pictures

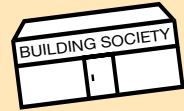
7 Mo checks **Form C** again and makes a note of the different deadlines – the dates when she must get these documents to the court and Pat.



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.



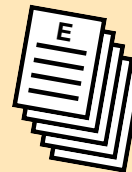
+



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**.



12 Mo and Pat agree a date (in good time before the deadline) 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**.



The process
in pictures

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 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.



The process
in pictures

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 page 54.

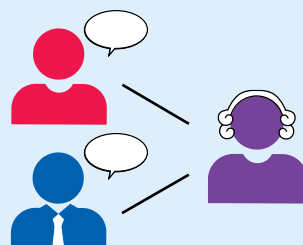
20

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.



The process in pictures

23

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



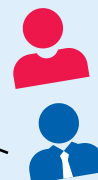
24

The court makes an order.



25

The court sends both Mo and Pat a copy of the order made by the court.



FINISH

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 use the Family Court, the same one that dealt with or is dealing with your divorce or ending your civil partnership. Any documents you have had from the court, for example the acknowledgment of service form or notice of issue of petition, will say ‘the Family Court, sitting at [the location]’.

Once you know the name of the court you are looking for, you can find its contact details and opening times here: <http://hmctscourtfinder.justice.gov.uk/HMCTS>

Forms

Your family court should have the forms you need and send them to you for free. If not, you can find the forms you need here: <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>

Choose ‘Divorce/Civil Partnership Dissolution’ from the menu under the heading ‘Available types’ and then click on ‘Search →’. In this guide we try and help you by including a link to those forms that are most relevant. Where the form is also available in the Welsh language, we include a second link.

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 through 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 in what you write. 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 (issue) financial proceedings. For information about family court fees and when and how to pay them, see: <http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex050-eng.pdf> It costs more to apply for a financial order when you disagree about what you want than applying when you agree.

In some circumstances you may not have to pay a fee at all or only a reduced fee. The system for deciding whether

you are eligible to pay a reduced court fee or none is called the 'fee remission' system. 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 apply for 'fee remission' by completing form EX160A at the back of the leaflet Court and Tribunal fees – Do I have to pay them? See: <http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex160a-from-07-october-eng.pdf>

You have to complete a separate application for each court fee you want reduced or cancelled.

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.

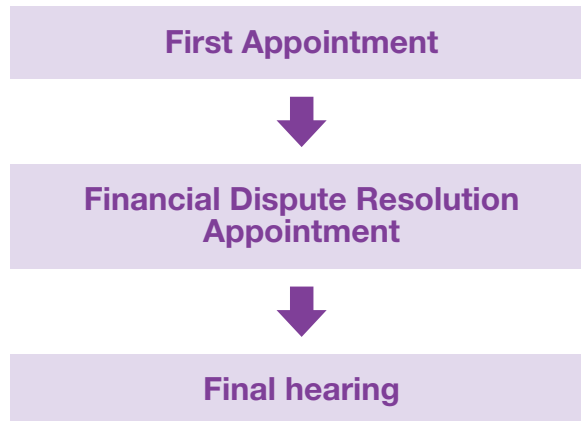
Family Procedure Rules

These rules explain what you need to do 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 here: www.justice.gov.uk/courts/procedure-rules/family/rules_pd_menu

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 do not 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 and 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: 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. We explain each of these stages later in this guide.

Costs

How much will it cost?

Unless you seriously mislead the court or deliberately run your case in a way to annoy or worry your ex or cause them more work, you will only pay your own costs, not your ex's as well. So, for example, if you do not keep to the deadline for sending in your financial statement or other documents, the court could order you to pay some of your ex's legal costs. You may also have to pay one or more court fees (see **Family court fees** on page 20).

Going to court – the basics

How much it costs you will depend on whether you deal with all the paperwork yourself or pay a lawyer to do some 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 is to use their time carefully. Prepare a list of the points you want to make and questions you want to ask before you speak to them. Legal costs can add up to thousands of pounds. This is why the courts encourage people to mediate and reach an agreement either without going to court at all or before the final hearing.

More and more lawyers are offering 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?

Alternatively you can pay a lawyer to give you a specific piece of advice or do a specific task. So, for example, you might want them to prepare your application for a financial order, draft a consent order or be available on the phone on the date of the first hearing to answer your queries. If so, ring round and ask for a quote.

You can also consult a barrister directly without having to involve anyone else (for example, a solicitor). For information about the Public Access scheme, see: www.barcouncil.org.uk/instructing-a-barrister/public-access

Estimating legal costs

If you have a solicitor, they must provide the court with an estimate of costs at the final hearing. It is also useful if they do this at the financial dispute resolution appointment. This way you can see what is coming out of your shared pot of money and assets before it is divided up between you.

This estimate of costs must be provided on Form H. You can find Form H at: <http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/form-h-eng.pdf>

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.



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. You may have got used to being called the 'petitioner' (the person who starts divorce proceedings or proceedings to end a civil partnership) or the 'respondent' (the person who responds to these proceedings). But if you apply for a financial order, the formal name the court uses to describe you will change. You will be the 'applicant'.

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 (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 or not a particular box is relevant, 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 overleaf).
- ☐ 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.
- ☐ Work out how many copies of Form A you need. If you are not sure, ask the court office.
- ☐ Make enough copies of Form A.
- ☐ Attach the correct court fee or completed fee remission application form (see **page 21**) to your application.
- ☐ Send or take your application and other documents together with the correct number of copies to the court office.

Applying for a financial order

Forms and rules



You can find Form A here:
<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/form-a-eng.pdf>

and the general rules about applying for a financial order (or 'remedy') here:

www.justice.gov.uk/courts/procedure-rules/family/parts/part_09

You can find the information provided by the court service about applying for a financial order here:

<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/d190-eng.pdf>

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.
- ☐ fill in **Form E** and collect together the evidence to send in with it. We explain how to do this on **pages 25–45**.
- ☐ prepare a **Statement of issues** – we explain how to do this on **page 46**.
- ☐ prepare a **Chronology** – we explain how to do this on **page 48**.
- ☐ fill in **Form G** – we explain more about this on **page 50**.
- ☐ file a **Questionnaire** – depending on what your ex says in their Form E. We explain how to do this on **page 50**.
- ☐ send these forms to the court (and copies to your ex) within the deadline given on Form C.

Applying for a financial order

What happens next?

The court office arranges an appointment for you and your ex to meet a judge roughly 12–16 weeks after you start your application. This meeting is known as the first appointment. For information about the first appointment see **page 52**. 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 meeting.

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 meet a judge. It also tells you what you need to do before you meet the judge.

How to fill in 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.

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 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>

How to fill in 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.
- 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

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 about this case that you have had from the court. '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

To be completed by the relevant party

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

(please tick appropriate boxes)

☐ Spouse ☐ Civil partner

Dated DD/MM/YYYY

The parties are

and

Who is the

<input type="checkbox"/> Spouse	<input type="checkbox"/> civil partner
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant <input type="checkbox"/> Respondent in the
<input type="checkbox"/> divorce	<input type="checkbox"/> dissolution <input type="checkbox"/> nullity
<input type="checkbox"/> (judicial) separation	<input type="checkbox"/> financial relief application

Applicant in this matter

Who is the

<input type="checkbox"/> Spouse	<input type="checkbox"/> civil partner
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant <input type="checkbox"/> Respondent in the
<input type="checkbox"/> divorce	<input type="checkbox"/> dissolution <input type="checkbox"/> nullity
<input type="checkbox"/> (judicial) separation	<input type="checkbox"/> 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. 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'.

How to fill in Form E

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.

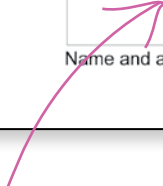
If there is not enough room on the form for any particular piece of information, you may continue on an attached sheet of paper.

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) © 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.

Part 1 – General information

How to fill in Form E

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 **page 7**.

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.

How to fill in
Form E

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 (and most are) 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)	<p>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.</p> <p>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.</p>
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)

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>
Current market value of the property	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.
Balance(s) outstanding on any mortgage(s)	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.

How to fill in
Form E

(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)

How to fill in
Form E

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		£3,444.00	£1,722.00

How to fill in
Form E

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: www.hmrc.gov.uk/cgt/intro/basics.htm

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: www.hmrc.gov.uk/pensionschemes/types-of-scheme.htm
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?	<p>This question asks whether the amount of pension compensation you are receiving or are due to receive has had a limit placed on it.</p> <p>For information about the Pension Protection Fund (PFF) see: www.pensionprotectionfund.org.uk</p>

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>

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)

How to fill in
Form E

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 are going to 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.
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.

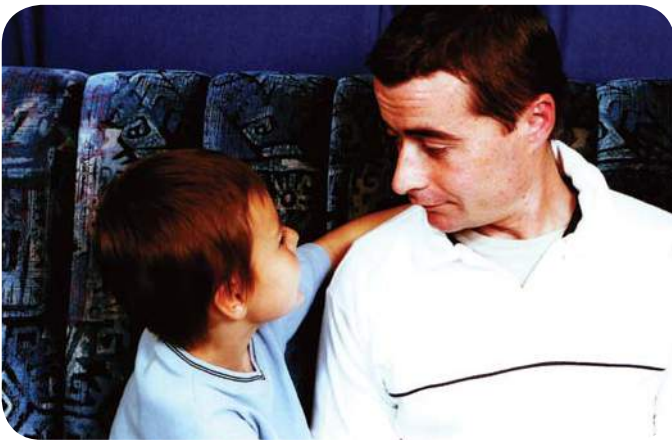
Section 2.16

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 40–42** 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.

How to fill in
Form E

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.

How to fill in
Form E

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	£



How to fill in
Form E

* 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.

How to fill in
Form E

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 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.

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 work contributed by working only part time in order to care for the children and look after the home

How to fill in
Form E

- 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 divide up, 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, 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 have always known 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 – 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 61**.

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'.

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.

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.



How to fill in
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. This includes preparing a statement of issues, a chronology and a questionnaire. We also show you what these look like.



Other things to do before the first appointment

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.

There is an example of a statement of issues on the next page.

Example of a Statement of issues

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

BETWEEN

Mo Jones

Applicant

and

Pat Jones

Respondent

APPLICANT'S STATEMENT OF ISSUES FOR HEARING ON

[insert date]

- 1** What is the value of the former family home? Should it be sold and the proceeds divided or kept as a home for me and the children of the family?
- 2** What are the parties' real earning capacities? Is it reasonable to expect me to get part time work now or when our youngest child starts school?
- 3** Can there be a clean break in this case?
- 4** What is the extent of the Respondent's income? It is unclear because he has failed to provide adequate accounts for his self employed work.
- 5** Are the Respondent's needs as explained in his Form E reasonable, taking into account the available capital and income?

Dated:

Signed:

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

**Other things
to do before
the first
appointment**





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 decree nisi or conditional order and decree absolute or 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 on the next page.

Other things to do before the first appointment

Example of a Chronology

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

BETWEEN

Mo Jones

Applicant

and

Pat Jones

Respondent

APPLICANT'S CHRONOLOGY FOR HEARING ON

[insert date]

DATE

EVENT

[dd/mm/yyyy]

Applicant born *[Age now]*

[dd/mm/yyyy]

Respondent born *[Age now]*

[dd/mm/yyyy]

Date of Marriage

[dd/mm/yyyy]

Child *[Name]* born *[Age now]*

[dd/mm/yyyy]

Child *[Name]* born *[Age now]*

[dd/mm/yyyy]

Date of Separation

[dd/mm/yyyy]

Date of Petition

[dd/mm/yyyy]

Form A issued

[dd/mm/yyyy]

Former family home sold

[dd/mm/yyyy]

Applicant's Form E filed

[dd/mm/yyyy]

Respondent's Form E filed

[dd/mm/yyyy]

Decree Nisi pronounced

[dd/mm/yyyy]

First Appointment

Dated:

Signed:

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

**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. Whether you say you will or will not be ready you need to give your reasons. The court should send 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.

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 if possible

answer the questions too 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 on the next page.



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** 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 June 2013, there is a direct debit of £100 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 11/12 and 12/13?

Dated:

Signed:

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

**Other things
to do before
the first
appointment**

The first appointment

This is your first, short meeting with a judge. It usually last 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.

You can also ask them to help you leave the court separately from your ex, perhaps via a different exit, after the hearing.

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.
- 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.

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.

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 up any money left over after it is sold? If you are going to stay in the home, do you need some maintenance to help you pay for the running costs?

This might be the moment to get some legal advice if you have not had any up until now. A family solicitor should be able to give you an idea of what the court will see as fair in your situation. You will need to give them copies of the papers you and your ex have sent to the court. See **More help and advice** on **page 61**.

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 just refuse to negotiate, the court can order you to pay some of the other’s legal costs.



The first appointment

The financial dispute resolution (FDR) appointment

This is an informal meeting, usually lasting up to about 1 hour, where the judge tries to resolve your financial dispute with your help and agreement. You and your ex must both attend. If you have got children at school, try and arrange for another 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.

As 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 30/6/13 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 FDR hearing:

- Fix another FDR hearing;
- Make a consent order;
- Give directions for trial.

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 at **pages 7–9**. Use each factor as 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 FDR hearing or what the judge said in your narrative statement.

Preparing a bundle and index

In this section we explain how to prepare a bundle and show you what an index looks like.

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).

What is an index?

An 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
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Here is an example of what an index looks like:

The Family Court, sitting at: <i>[insert name]</i>		No: <i>[insert case number]</i>
BETWEEN		
Mo Jones	Applicant	
and		
Pat Jones	Respondent	

INDEX TO BUNDLE FOR HEARING ON
[insert date]

Description of Document	Page number
Section A	
Background summary	1–2
Statement of issues	3
Position statement	4–5
Chronology	6–7
Section B	
Form A	1–13
Section C	
Form E	1–28
Section D	
Valuation of family home	1–3

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Who has to prepare the bundle and index?

The court will want a bundle and index prepared for every hearing. 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 Practice Direction 27A: www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_27a

Top tips for preparing a 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.

Section D

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

Section E

Any other documents.

- 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 usually be expected to do single sided photocopying.
- Put your bundle and index in an A4 size ring binder or lever arch file – more than one if you have a large number of papers. You must not put more than 350 pages in each file.

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How do I get the bundle agreed?

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. At this stage the index will not include page numbers 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?

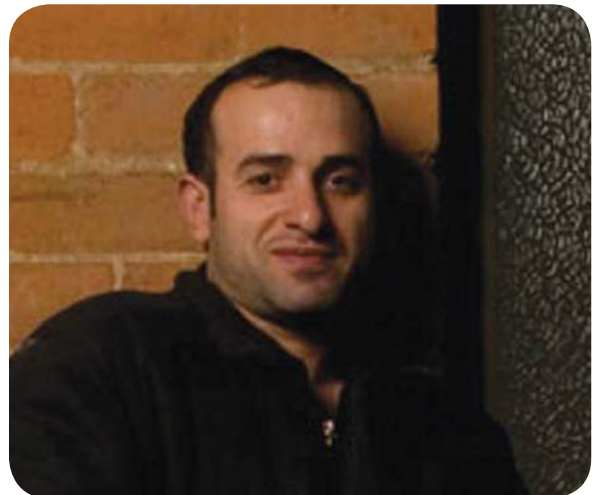
You usually have to file the bundle with the index at the front at court and send a copy to your ex 2 days before the hearing (or whenever the court tells you to do this). If you have witnesses or experts coming to the final hearing, you will need to take other copies with you to court on the day to 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.

Stick to the deadline for filing the indexed 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



This is the guidance that explains in more detail 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: www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_27a



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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 on pages 7–9.

The judge listens to what you and your ex and any witnesses have to say. 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.

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 have been filed. 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 meet 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 (speaking for yourself, without a lawyer to speak for you), then sections 3 and 4.4 of this guide are very useful: www.barcouncil.org.uk/media/203109/srl_guide_final_for_online_use.pdf

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 and they meet the relevant criteria. Tell 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 here: www.judiciary.gov.uk/publications/mckenzie-friends

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.

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. The court will not do this for you.**

Top tips!

More help and advice – where to go for further information or legal 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 provided by the government 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.rcjadvise.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.rcjadvise.org.uk** for latest appointment details.

Paying for legal advice

Legal aid is only available to apply for a financial order in very limited circumstances, see **Legal aid** on **page 6**.

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.

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.

More help
and advice

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 work out how to draw up a budget to help you 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/categories/divorce-and-separation

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** or call **020 7947 7701/7703**.



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.

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 question to ask your lawyer about costs: www.legalombudsman.org.uk/downloads/documents/publications/Consumer-Guide-Costs-BW.pdf
- Could Family Mediation help you sort out arrangements after you have split up? www.advicenow.org.uk/advicenow-guides/family/could-family-mediation-help-you-sort-out-arrangements-after-splitting-up
- A survival guide to divorce or dissolution: www.advicenow.org.uk/advicenow-guides/family/survival-guide-to-divorce-and-dissolution
- Sorting out arrangements for your children: www.advicenow.org.uk/advicenow-guides/family/sorting-out-arrangements-for-your-children
- 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

Resolution

www.resolution.org.uk/moneyandhome

Sorting our separation

www.sortingoutseparation.org.uk/en/hub.aspx

Wikivorce

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

More help
and advice

What does it mean?

Jargon buster

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.

Fee remission

This is the name given to the system for deciding whether you are eligible to pay a reduced court fee or none at all.

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 meeting with a judge. For more information about this hearing, see **page 52**.

Narrative statement

A statement that sets out the case of the person making it with reference to the factors explained at **pages 7–9**.

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 meeting 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.

What does it mean?

Notice of an application for a financial order (Form A)

The form that starts the process of asking for a financial order. For more information about this form, see **pages 23 and 24**.

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.

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

Notes

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 to give you an idea of how to apply for a financial order. 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

This information is produced by Advicenow. You can find lots of user-friendly information on a range of different issues on the Advicenow website.

Plain
English
Campaign

“Advicenow is the liveliest, least stuffy, most accessible and understandable website on legal matters that I've ever come across.”

Plain English Web Award 2004

Marcel Berlins, *The Guardian*

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