

How to fill in your Form E: tips, tricks and points to consider



If you are going through a divorce and you are trying to deal with your financial settlement, the chances are that early on your solicitor handed you a copy of a “Form E – financial statement” and asked you simply to “complete this and then come back to me”. For many, this is a gargantuan task, one which may bring you out in a cold sweat; rummaging through years old paperwork or having to let your now estranged spouse know about a recent dabble in cryptocurrency that went horribly wrong. For others, it is an opportunity to make use of those carefully colour coded files that sit within pristine filing cabinets, complete with supporting excel spreadsheets all-ready to provide to your (very) grateful solicitor. Whatever type of person you are, the Form E is an important piece of evidence in any divorce, and it is therefore very important to get it right. Take early legal advice and refer back to a solicitor if you are unsure at any point.

The Form E is broken down into 5 sections. Many of us when looking at a document of this nature tend to ignore the cover page as it usually sets out names, addresses – form-filling essentially. The Form E however provides you some very important information which cannot be ignored. You must be aware of your duty to provide the court and your spouse full and frank financial disclosure. If you don’t, this could lead to contempt of court proceedings or in very severe circumstances, criminal proceedings under the Fraud Act 1996.

Section 1

Simply put, this is the personal information section. Much of it will be self-explanatory. The paragraph that sometimes trips people up is the child maintenance section. This is not an opportunity to ask the court for what you want your spouse to pay; this is to inform them of what he or she is already paying towards the support of



the children or what he or she should be paying with reference to the statutory assessed formula.

Section 2 – part 1

This is the meat of the Form E – where you need to know your figures. The first thing that you need to be aware of is that there is a grey box at the top of each page which lists the documents that you need to acquire and attach to the form. Be aware, this is not advisory and this information will be required. If you don't provide it, your spouse or their solicitor will ask questions of you, which will increase your legal fees. All too often, clients will only provide one bank statement or a screenshot of their current mortgage balance. Unfortunately, the Form E requires more formal documentation and it is necessary to provide 12 months statements for each bank account and a full mortgage redemption statement. This will reveal, for example, whether there are any early redemption charges.

Another important matter to note is the pension. It can often take some time to acquire a pension statement showing its current equivalent value. Deal with this first. It is not enough to say, that pension relates to a job I had 15 years ago – your spouse (and your solicitor) will need to know about it.

Section 2 – part 2

I have lost count of the amount of times clients have come to me and told me that the actual Form E document is “unworkable”. This phrase tends to be referenced when it comes to setting out income, as there are a number of sub-sections that this can be included in, but try not to admit defeat too early. Firstly, consider how you receive your income; are you self-employed, do you run your own business, are you in a traditional employer – employee relationship or are you receiving support from the government? If you have any concerns about how these sections should be completed, you shouldn't suffer in silence. If you slot into one of the first two categories, consult with your accountant as it is likely that their input will be required in any event.

Section 3

Section 3.1 is entitled “Income needs” but it may also be referred to by your spouse or the legal teams as expenditure or a budget. This is your own budget, a detailed breakdown of your monthly living costs, both now and in the future (post separation from your spouse). A good way to approach this is to review your bank statements, direct debits and spending habits. Unfortunately, the template Form E is not very well formatted and it is very unlikely that you will be able to fit in every item within the space provided. It is commonplace therefore to attach an excel spreadsheet to the Form E and simply add the totals into the relevant fields when complete.

Section 3.2 on the other hand relates to your capital needs. These are the big items, for example, the house or the car. More often than not, this is a very important part of anyone's case and therefore it is likely you will require some individual advice as to what is appropriate here. Unfortunately, there is no one size fits all approach.

Section 4

You will often hear section 4 referred to as the narrative section of the Form E. A solicitor will be able to explain why these specific matters require addressing. It is always helpful to provide your solicitor as much information as possible in relation to each of these points, even if you think that you may have provided the relevant details already. Section 4.4 in particular requires careful consideration because your spouse's conduct will only be relevant in a handful of circumstances. For example, your spouse's adultery on its own will not be enough for the court to make a greater financial award in your favour.

Section 5

It is likely that the very last section will require input from a solicitor. Before you make any hasty decisions about what it is that you would like to achieve from your financial settlement, consider with a solicitor the possible and likely outcomes. It may be that this dictates your decision as to whether you seek to retain the family home, or sell it, or you keep your children in a fee paying school, for example.

The above is by no means an exhaustive summary of the types of things that must go into a Form E. As mentioned above, it is an extensive document, an important piece of evidence, and it should therefore be given the time it deserves. I would urge you to seek legal advice on its completion at the earliest opportunity.

How we can help

If you require help with completing your Form E, we are always happy to have a free initial, no obligation, chat. If you would like to discuss your circumstances further, please do [contact a member of our family law team](#).

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