



# HOW TO: **COMPLETE A D81 FORM**

Your questions answered by  
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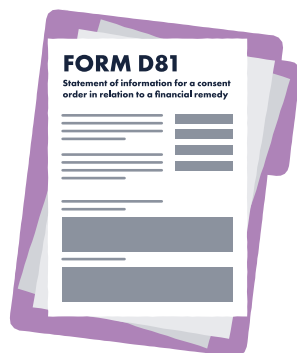
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### **The process of dividing finances on divorce involves several important documents.**

This guide is to help you navigate Form D81. However, it is strongly advised that you seek expert advice from a family lawyer when completing the form, as it is an essential part of your financial consent order. This order legally breaks your financial ties to your ex-spouse and prevents any future claims.

Submitting a financial consent order application costs £60, and there is no additional fee for the D81.



# WHAT IS FORM D81?

**Divorce has two separate but simultaneous processes: the dissolution of the marriage, and the division of finances.**

Getting a financial consent order to legally break your financial ties with your ex-spouse is not mandatory, but highly recommended. Without it, you remain financially connected to your ex, and they could potentially make a financial claim in the future.

Form D81 forms the basis of your draft financial consent order. It is compulsory to submit the form with the consent order application. Without it, your consent order will be returned to you, unapproved and you will have to resubmit, which comes with time and extra financial costs.

The D81 allows the court to construct an accurate picture of each person's financial situation at the time of divorce, when it is submitted with the drafted financial consent order. It will also show the prospective financial circumstances of the parties after the agreed terms have been complied with, giving the court a complete picture of the assets at the time of divorce, and what the ex-couple plan for them to look like if the financial settlement is agreed.

Alongside detailed financial information and substantive evidence, the form is an opportunity for you and your ex-spouse to provide justification for the decisions you have made in the draft consent order.

Form D81 is a legal document, and purposefully lying or withholding information could result in legal sanctions.



# WHAT INFORMATION IS REQUIRED IN THE FORM?

The D81 form asks for details of each person's assets, including property, savings, investments, pensions and any debts. Income is an important section, and it is important to disclose any income from salary, benefits, maintenance payments or other ventures such as renting out property. You must make full and frank financial disclosure and sign a Statement of Truth.

Importantly, it asks questions about the financial future of each person, based on the agreements made in the financial consent order. The court will consider your consent order based on whether it is fair and reasonable to both you and your ex, so you will need to note any relevant factors that may impact your financial future.

## SOME EXAMPLES INCLUDE:



**Where you plan to live**



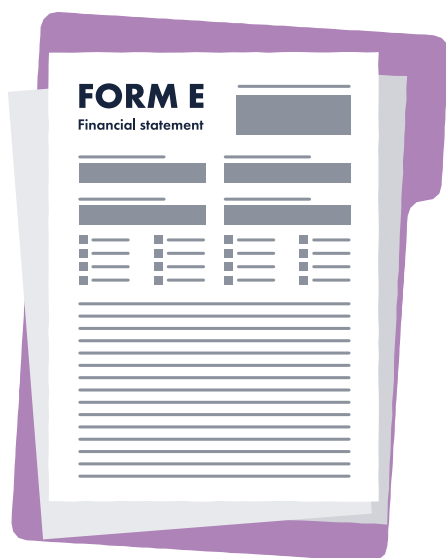
**Whether you will be living with a new partner**



**Where any children will live**

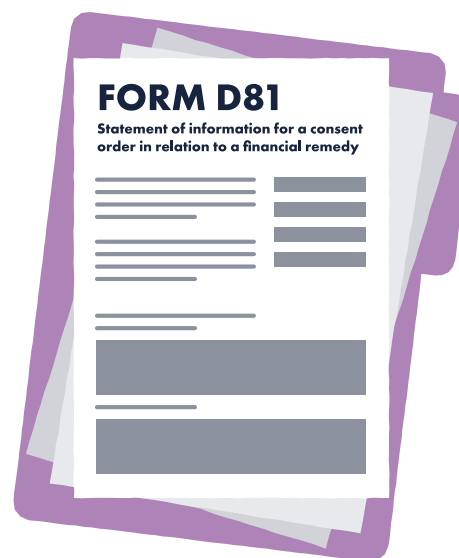
The D81 form is your opportunity to explain why you have reached the agreements you have and what changes you anticipate as a result. This gives the court full insight into your prospective futures, from which they can assess whether the financial consent order is fair and reasonable to both parties.

# WHAT IS THE DIFFERENCE BETWEEN A D81 FORM AND A FORM E



## FORM E

The Form E is used in the financial disclosure process to help a separating couple reach an agreement about the division of the assets. The Form E is completed by you and your ex-spouse. It sets out a detailed summary of each of your assets, liabilities, pension and income, along with income and capital needs for the future. Your lawyers then have an accurate picture of the matrimonial finances, and you can negotiate a reasonable settlement through negotiation, or other out-of-court methods, or court proceedings if necessary.



## D81 FORM

The D81 form provides the information to the court about the matrimonial assets, which may have been laid out in full in the Form E and explains how they will be divided. Most importantly, however, there are opportunities on this form to explain why the agreement has been reached and explore potential consequences.

## CAN MY EX-SPOUSE LIE ON THE FORM?

If you suspect that your ex has not provided truthful disclosure of their assets, you must seek legal advice as soon as possible. There are measures that can be put in place if this occurs.

It is expected that you complete the form jointly, and one party is the applicant, the other the respondent. If you cannot complete it together, you can fill out separate forms, but you will need to provide an explanation as to why a joint form is not possible. This may be, for example, because the relationship was abusive and direct contact is dangerous. It is worthwhile gathering relevant documents before you start filling in the form, for example:



## PROPERTY VALUATIONS

[illegible]

## PAYSLIPS



## LETTERS FROM ACCOUNTANTS



**ANY MAINTENANCE AGREEMENTS**

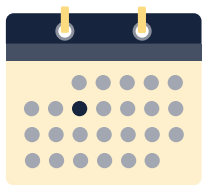
The form has additional guidance to support you as you fill it in. However, it is strongly advisable to seek assistance from your lawyer, or a financial advisor, for certain sections.



# FILLING IN THE D81 FORM, SECTION BY SECTION

The following pages detail what  
is required in each section



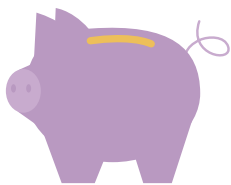


## SECTION 1

Is information gathering and requires you to give key dates, for example birth dates of you, your ex-spouse and any children, as well as the dates of your marriage and separation.

You will also need to say how you reached your proposed consent order, e.g. through direct negotiation, solicitor negotiation, out-of-court dispute resolution.

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## SECTION 2

Asks about your current capital and income, which will need to be correct as close as possible to the time you sign the form.

For this section you will need information on:

- How much equity is in your home (current property value minus any mortgage)
- Cash funds in your sole and joint accounts
- Pension valuations
- Liabilities including loans and credit card debt







## SECTION 3

Asks about what your capital and income would be if your financial consent order is approved by the court.

You will need to explain the potential outcomes for any children, for example who will be their primary carer, where they will live, and any child support payments agreed between you.

Within this section, you will need to explain the agreement you have reached, and any key matters you think would be relevant for the court to consider. Your lawyer can give guidance on what relevant factors would need to be disclosed.

For example, you may have divided assets unequally, but you may have an important reason for doing so which you will need to explain to the court to help them understand your draft consent order.

Also required is information on any new relationships, the transfer of mortgages and pension sharing plans.

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*Joe Bloggs*

## STATEMENT OF TRUTH

Both you and your ex will need to sign the Statement of Truth which declares that the information in the form is correct to the best of your knowledge.





# THE IMPORTANCE OF LEGAL ADVICE

**It is very important to seek expert legal advice from a specialist family lawyer.**

You can fill in Form D81 by yourself, but an expert family lawyer's advice should be sought to explain the importance of full financial disclosure, and the role the D81 form plays in your financial proceedings. They will be able to help draft your statements explaining the decisions you have made in the financial consent order.



## USEFUL LINKS

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Form D81

**CLICK HERE**

