



## Consent Order Fact Finder

For us to draft your Consent Order and supporting documents, please complete the following questionnaire. Before we can send the Consent Order for drafting, both parties' financial details are required.

You will need to provide as much detail as possible. If in doubt, details of any agreement you have with your spouse can be written into the Summary of Agreement box at the end of the questionnaire.

To enable the Solicitor to draft your order as instructed by both parties, you need to ensure that all the information you provide on the questionnaire is correct at the time of submission. Please ensure you have included all information requested. We must have the Respondent's financial details and agreement to sign prior to sending to the Solicitor for drafting. **Please note: any fact finders not fully completed with both parties' details will be returned. It is your responsibility to collect all the relevant information.**

This is a remote drafting service, we require you to complete the fact finder as accurately as you can. If on the first draft there are errors or something has been missed, please do not hesitate to contact us at [support@divorce-online.co.uk](mailto:support@divorce-online.co.uk). We will endeavour to have this corrected within 3-5 working days. ***Once the order has been drafted, any information that you wish to add or change could leave you subject to further costs. Any redrafting work undertaken by the solicitor is subject to a timescale of approximately 8-10 working days.***

Please refer to the explanatory notes in the shaded boxes prior to completing each section of the questionnaire. This could answer any queries you may have however, if not please email us at [support@divorce-online.co.uk](mailto:support@divorce-online.co.uk), or call on 01793 211211.

**BASIC DETAILS**

This asks you for your basic details; your names and addresses, dates of birth and contact numbers. Please do not return the questionnaire with the name of just one party, as this makes it difficult for us to locate your file as well as the drafting for the Consent Order.

**Please DO NOT submit your fact finder until you have your case number, you will receive this once your divorce petition has been issued.**

Name of Court	
Divorce Case Number	
Marriage or Civil Partnership	

**APPLICANT DETAILS**

Surname	
Forename	
Other Name(s)	
Date of Birth	
Gender (male/female)	
Contact Number	
Full Address	
Rented/Owned/ Tenant/Mortgaged	

**RESPONDENT DETAILS**

Surname	
Forename	
Other Name(s)	
Date of Birth	
Gender (male/female)	
Contact Number	
Full Address	
Rented/Owned/ Tenant/Mortgaged	

**DETAILS OF MARRIAGE AND DIVORCE**

It is important that you provide the dates of your marriage and separation, as well as your Decree Nisi/Conditional Order and Decree Absolute/Final Order (if applicable)

Date of Marriage/ Civil Partnership	
Date of Separation	
Date of Decree Nisi (if applicable)	
Date of Decree Absolute (if applicable)	

**CHILDREN**

If you have any children under the age of 18, or children who are 18 but in full time education, you will need to provide their name and date of birth.

<u>Full Name</u>	<u>Date of Birth</u>
1.	
2.	
3.	
4.	
5.	

**WHERE WILL THE CHILDREN LIVE?**

**THIS MUST BE COMPLETED.** We need to know with which party the children predominantly reside. Please complete this section.

	ADDRESS	BASIS OF CONTACT? FULL TIME/ SHARED BETWEEN BOTH PARTIES
<b>APPLICANT</b>		
<b>RESPONDENT</b>		

**LEGAL ADVICE**

Have either party sought legal advice in relation to the consent order? **(please tick)**  
(Both parties are entitled to take legal advice with regards to the consent order, but this not compulsory)

**APPLICANT**

YES

NO

**RESPONDENT**

YES

NO

**NEW RELATIONSHIPS**

The Court need to know what your relationship/living situation is in order to make a fair judgement.  
Confirming your current relationship status will have no impact on your divorce.

**APPLICANT**

Do you have any intention to remarry at present? .....

Have you remarried? If so, please give the date of marriage .....

If you intend to remarry, what date will this occur? .....

Are you living with a new partner? .....

Do you intend to live with a new partner? .....

**RESPONDENT**

Do you have any intention to remarry at present? .....

Have you remarried? If so, please give the date of marriage .....

If you intend to remarry, what date will this occur? .....

Are you living with a new partner? .....

Do you intend to live with a new partner? .....

**INCOME AND CAPITAL**

**IMPORTANT INFORMATION (PLEASE READ THROUGH BEFORE COMPLETING YOUR FINANCIAL DETAILS)**

1. This is the Income and Capital section and is extremely important that you and your spouse complete it fully.
2. **PLEASE DO NOT LEAVE ANY BOXES EMPTY. IF THE ANSWER IS ZERO, PLEASE ENTER £0.00. DO NOT ENTER N/A.**
3. Please ensure you complete the table correctly as per the following instruction:

It does not matter whether you have joint assets or not, whether you have anything to share or whether you have already dealt with your assets. For the Judge to approve a Consent Order and sever all financial ties you **MUST** provide financial information. **This information is required by law.**

**The Court will not process a Consent Order application where the financial information has not been declared.**

You are unable to waive your rights to your spouses' current and future assets if they are not declared in the Consent Order. If it were to be found out later that full financial disclosure had not been given, the consent order could be set aside. This meaning the court would dismiss any order made previously and you will not be protected in the future. It is important that both parties complete the information. It is preferred that both parties complete the same questionnaire. If this is an issue, we can send another form out. Whilst you can fill out your own questionnaire, it is a legal requirement that you both see each other's financial information. You will both sign the same document once drafted.

**PLEASE COMPLETE BELOW THE FINANCIAL INFORMATION FOR BOTH PARTIES, PLEASE BE AWARE THAT YOU MUST PROVIDE YOUR FULL FINANCIAL DISCLOSURE AS IT STANDS WHEN COMPLETING THIS FORM. THE FIGURES PROVIDED MUST BE CURRENT, NOT BACKDATED AS TO WHEN YOU SEPARATED.**

Please ensure that you enter your **MONTHLY NET** income, not your gross annual. (**NET per month**, after tax and national insurance. Please include any benefits and/or maintenance you are in receipt of).

	<b>Applicant</b>	<b>Respondent</b>
<b>Income (Net Monthly)</b>	£	£

<p><b>Box A - Please enter your equity. This is the value of the property you own minus the mortgage you owe. If the property is jointly owned, you must split the total cost equally between your two columns regardless of your agreement. If it is only owned by one party, then it should only be recorded in that parties' box.</b></p>			
	<b>Applicant</b>	<b>Respondent</b>	<b>Child(ren) if applicable</b>
<p><b>a) Equity</b> Value of your property minus your mortgage. E.g.: property worth £200,000 with a mortgage of £55,000 would leave £145,000 in equity.</p>	£	£	
<p><b>BOX B - Below should include any value of saving funds, ISA, stocks and shares, endowment policies, timeshare etc.</b></p>			
<p><b>b) Other</b> (savings, stocks and shares, ISA's etc)</p>	£	£	
<p><b>Box C - If you add up the figures in Box A and Box B this gives you your gross capital</b></p>			
<p><b>c) Gross capital:</b> <b>A + B =</b></p>	£	£	
<p><b>Box D – This is not asking you to complete the mortgage, it's merely for any credit cards or loans that you have to pay whether they are joint or single debts they need to be recorded in this box.</b></p>			
<p><b>d) Debts:</b> Not including mortgage. For example, loans, overdrafts, credit cards</p>	£	£	
<p><b>BOX E - This is the value in Box D deducted from Box C – you now have your net capital, this is before we add any pension valuations onto your final figure.</b></p>			
<p><b>e) Net capital:</b> <b>C – D =</b></p>	£	£	

**CO**

Box F - If you have a private or workplace pension, please ask your provider to send you the Cash Equivalent Transfer Value (CETV) and declare it here. The CETV is the value of your pension to-date, it will be one figure, not annuity or lump sum values you will receive once retired. Therefore, please do not send the fact finder back with the value of an annuity. This does not include your state pension.

<b>f) Pensions Valuation:</b> (Even if you are not pension sharing you must provide the CETV value for any pension held)	£	£	
---	---	---	--

Box G - Since April 2011, any compensation received from the government after a Private Pension Fund (PPF) went into administration and must be declared, as the Judge now takes this figure into consideration when contemplating a Consent Order application.

<b>g) PPF Compensation Valuation</b>	£	£	
--------------------------------------	---	---	--

Box H - This will be the figure in **Box E** plus any figures you have entered in **Box F** and **Box G**. If you have not entered any figures in **Box F** or **G**, then this figure will remain the same as you net capital figure.

<b>h) Total Capital:</b> <b>E + F =</b>	£	£	
--	---	---	--

**PROPERTY DETAILS**

If you have a property that you are selling, transferring or otherwise, please include the following details e.g. if the property is subject to a mortgage, who is the mortgage provider? What is the property agreement? What is the agreed valuation of the property?

Title Number of the home(s) **(this is essential to include if transferring or selling a property, please do not leave blank)**. This can be found on the title deeds of the house, with your conveyancing solicitor and with the Land Registry.

Is your property subject to a mortgage? If so, what is the name of your mortgage provider? Please list all of the properties you own. **(If you are not dealing with a property, please mark this box as N/A).**

CO

What are the arrangements regarding the former matrimonial home, and any other arrangements you may have for any other property, such as an investment property. **If you are doing a transfer of property, have you spoken to a mortgage advisor?**

Are you transferring the property into one party's name? If so, when do you intend to do so? Are you paying the other party a lump sum for their share in the property? Please provide the relevant information in the box below. **(If you are not dealing with a property, please mark this box as N/A).**

Are you selling the former matrimonial home (or any other properties) and splitting the equity? What % are you each looking to receive? **(If you are not dealing with a property, please mark this box as N/A).**

If the property has already been transferred or sold, please provide the details below, including the property address, if it has already been transferred, when did that happen, who transferred to whom, and the lump sum amount, if paid. In case of a sale, please include the address and the split of the equity.



**CAPITAL PAYMENT AND MAINTENANCE DETAILS (please complete if applicable)**

If there are any payments to be made between parties, this is where you would detail them.

- Capital payments are one off lump sums. If one party is paying the other a lump sum as part of the settlement, please disclose.
  - If you have a private agreement, e.g. child maintenance, please disclose.
- If spousal maintenance has been agreed between both parties, please disclose. Spousal maintenance is a monthly payment for an agreed fixed term from one party to the other. You will need to seek advice from a solicitor if you are wanting additional information about spousal maintenance and your entitlements.
- If there are any other agreed monthly payments between parties to cover debt repayments etc, please disclose.

**Lump Sum Payments**

Please give details of any capital payment between the parties, e.g. a payment of £10,000 to offset other assets, or a transfer of £50,000 as the other parties’ share of equity.

<b>From:</b> e.g. Applicant to Respondent	<b>Details:</b> e.g. £15,000 to offset pension

**Child Maintenance**

If applicable, please give details of maintenance which will be paid in respect of the children.

<b>From:</b> e.g. Applicant to Respondent. For how many children?	<b>How much per month?</b>	<b>When will the payments stop?</b>

**Spousal Maintenance**

If applicable, please give details of maintenance which will be paid in respect of the other spouse. Please include any triggers that may end the agreed payment, e.g. ‘the agreed maintenance payment will cease when my former spouse remarries, cohabits for a period exceeding 6 months, upon my retirement, etc.)

<b>From:</b> e.g. Applicant to Respondent	<b>How much per month?</b>	<b>When will the payments stop?</b>

**Any other payments agreed between the parties**

Please give details of any further payments to be made in respect of debts or outgoings, e.g. paying off loans or credit cards, etc.

<b>Further payment details:</b> e.g. what is the name of the lender and/or the account number?	<b>How much per month?</b>	<b>When will the payments stop?</b> e.g. When will the debt be cleared?

**ADDITIONAL INFORMATION FOR THE CONSENT ORDER**

When the judge considers a Consent Order application, it not just approved on the basis that the parties agree. It is the obligation of the Judge to ensure that both parties are entirely happy with the proposed Consent Order before it is sealed and legally binding.

If the Judge isn't happy to approve the Consent Order at first glance, they will often query the order. Common queries include: 'What is the basis of the order?' 'How is the Order fair to the parties?' 'What is the rationale?' A letter signed by both parties answering the questions raised must be returned for the Judge to reconsider the order.

It is therefore recommended that you detail how you came to the arrangements you have in the box below. You may use additional sheets. The more information we provide in the first instance, the less likely the judge is to query the order. This can be incorporated within the Consent Order documentation, or in a cover letter to support the application. Please see the example on the next page

## CO

When completing the additional information for the consent order, it is beneficial to provide as much background detail as possible. The more information you can provide about why/how you have reached the agreement made, the better.

You will need to consider agreements you have made in relation to with property, debt, maintenance, pensions etc. This will help give the judge greater understanding of why you have reached the current agreement.

*Please see the example below:*

***Through discussion the parties have the following agreement:***

***Property: It has been agreed that the matrimonial home will be sold. Before the parties were married the respondent purchased the property putting down the deposit of £15,000. It has been agreed that the respondent will keep the £15,000 deposit. The rest of the equity will be split 50/50 between the parties.***

***Debts: Both parties have agreed that they will be responsible for their own debts. The debts listed were accumulated after the date of separation and throughout the marriage both parties have always kept their debts separate.***

***Pensions: Both parties have decided that they do not wish to share each other's pension. As the applicant is younger than the respondent, she has greater earning potential and possibility to build her pension. The respondent is older and is looking to retire soon and it has been agreed that as he will no longer have his income to support him and will rely on his pension for his living expenses.***

***Savings: All joint savings from the marriage were split at the time of separation, any savings either party has now their own and neither party has any interest in the other parties' savings.***

***Overall the parties agree and are happy with decision they have come to. They are happy splitting the equity after the payment to the respondent of £15,000. This will allow both parties to start their new and enable both parties to purchase new properties.***

**FAQ'S:**

**Do I have to provide my financial information?**

*YES. It is absolutely VITAL that both parties provide all the information asked for. A Judge will not approve an Order whereby either party has not been truthful and honest. You will not be fully protected by the Order if you do not supply the required information.*

**My spouse is refusing to provide the information required. What can I do?**

*If one party is refusing to provide the required information, unfortunately you are unable to apply for a Consent Order. You would need to seek legal advice from a solicitor.*

**What if we have no agreement and no assets?**

*Then you can still apply for a Consent Order so that you can protect any future assets you accrue. You must enter 0's in the income and capital section, if applicable.*

**How much is it to submit a Consent Order to the court?**

*There is a court filing fee of £50 unless on a low income or in receipt of benefits however, this payment will not be needed straight away. Once the paperwork has been drafted and signed by both parties, this is when the court fee is due.*

**What will happen once I have submitted the Consent Order questionnaire?**

*Once the questionnaire has been received, it will be sent over the Solicitor so that they can begin drafting. This will take 31 working days. When the drafted documentation is returned from the solicitor, it will be sent to you for checking and signing along with further guidance notes.*

*Should you wish to fast track the agreement, this can be done for £100. The order will then be completed within 5-7 working days. If you would like to proceed with the fast track option, please contact our new enquiries team on [01793 384029](tel:01793384029).*

**The figures look very unequal on paper. What will the Judge think?**

*Don't worry too much as to what the Judge is going to think. You have come to your agreements for a reason, if both parties are happy with these arrangements then the only thing the Judge can do is query the order. That is what the additional explanation is for – that you can tell the Judge the reasoning behind the agreement.*

**Can the court tell us to change our arrangements?**

*No. The Consent Order is an amicable agreement made by two consenting adults. The Judge may ask for further information, but they cannot change your decisions. The court will not get involved in the delegation of assets unless they are asked to; that is a different process and cannot be done via a Consent Order.*

**What if the Judge refuses the Consent Order?**

## CO

*It is very common that the Judge will query a Consent Order. If it queried, then a letter must be written to answer the issues raised.*

### **How long will the process take?**

*The whole Consent Order process will take between 2-3 months if the Consent Order is approved on first submission. If not, the process can be extended by a further 6 weeks (variable based on court timescales).*

**If you are interested in using our consent order services from £199, then please [visit our website](#) to get more information or [call us on 01793 384 029](#).**