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Your questions answered

THE PITFALLS OF DIY DIVORCE

This Stowe guide explains some of the pitfalls people may encounter when undertaking a “do it yourself” divorce.

What is a DIY divorce?

A DIY divorce, also known as a ‘kitchen table divorce’, is one in which couples agree the terms of their divorce between themselves, before drafting and filing their divorce application without the help of a divorce lawyer.

Why some couples choose DIY divorce

For couples who are on good terms with each other and have little or no assets, and no children, DIY divorce is an appealing option. By completing and submitting the relevant paperwork themselves, without assistance from a family lawyer, they can avoid incurring legal fees.

At a time when ex-partners may be concerned about how they’ll fund the inevitable cost of creating two homes from one, the lower cost of a DIY divorce is appealing.

The potential risks of DIY divorce

While DIY divorce will undoubtedly work for some couples, for many there are inherent risks of settling a divorce without professional legal advice.

Divorce is a big decision, and once agreements are made they can be expensive and difficult to reverse. Without expert legal guidance, you may potentially make mistakes that cause delays, increase costs, or in a worst-case scenario, are irreversible.

Therefore, DIY divorces are not recommended for complicated, abusive, or acrimonious divorces.

In choosing to move ahead without the right legal support some separating couples leave themselves vulnerable and at risk of achieving an unfair outcome.

3 pitfalls of DIY divorce

Potential errors in DIY divorce forms

Whilst the paperwork to apply for divorce is easily found online, it is not always simple to complete. Legal implications vary depending on the individual circumstances of each couple and completing the application without bespoke legal advice from a family lawyer could leave some couples unaware of their legal position.

Financial claims and DIY divorce

The divorce process does not resolve finances. To legally separate yours and your ex-partner's finances you must reach a financial agreement. With tailored legal advice from a family lawyer, the legally binding financial agreement can ensure that the needs of any children are prioritised, deal with the sale or transfer of property, division of capital assets, and fairly address disparities in income and pensions.

Tailored legal advice from a divorce lawyer can also help ensure financial protection by avoiding future claims from your ex-partner.

For example, without a final financial settlement your ex-partner could:

- Apply in the future for payment of a lump sum or transfer or sale of a property.
- Apply for provision from any pensions, amongst other claims.

This could happen if one party's financial situation improves in the future. For example, if you receive inheritance, win the lottery, start a successful business venture, or you come into money in any other way, without a financial agreement your ex-partner could still make a financial claim against you.

Examples of financial claims made against ex-spouses who haven't reached a financial agreement include applying for a lump sum, property adjustment, or applying for a spousal maintenance order.

Professional legal advice when undertaking DIY divorce papers is extremely important.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk

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The remarriage trap

If you remarry and you do not have a financial agreement in place from your previous divorce, then you will be no longer be able to make financial claims against your ex-spouse, even if these claims would have reasonable within the divorce settlement.

Meanwhile, if your ex-spouse does not remarry, without a financial settlement they can still make future claims against you.

This is known as the 'remarriage trap' and can be financially devastating for some.

We highly recommend seeking advice from a specialist divorce lawyer who can explain the risks and advise on the best way to take to protect yourself.

The need for legal advice when doing a DIY divorce in England

Understandably money is a consideration when instructing a solicitor to handle your divorce, and DIY divorce can save initial costs. However, clear legal advice and support from a family lawyer can help you to avoid costly mistakes and formally record you're the agreements you make.

Taking independent, specialist legal advice now will ensure that you reach a financial settlement that meets both of your needs today, provides financial security for the long-term, and gives reassurance against unwelcome surprises in the future.



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