

DIY Divorce

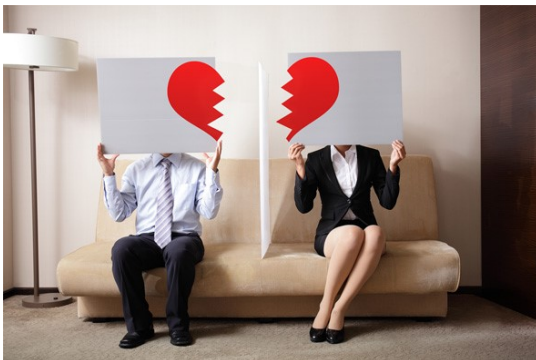
Do I Really Need a Solicitor ?



It has now been a year since the introduction of 'no fault' divorce in April 2022. The process for separated couples who wish to end their marriage legally by divorce has been simplified, and application can either be made by one party, or by both parties, jointly. It is only necessary to declare that the marriage has irretrievably broken down, removing the need to give a reason or place blame on one party, or otherwise wait for a period of two or five years. This has significantly reduced the acrimony involved in the divorce process, a very welcome change.

Now that the divorce process is dealt with online, separated couples may choose to progress the divorce themselves, without the assistance of family lawyers. However, there are a number of reasons why it is sensible to seek early legal advice. Whilst the divorce process is simple, complications can arise if the other party does not cooperate and it is therefore sensible to understand the process and potential for difficulties at the outset.

The financial matters that need to be resolved on divorce are dealt with separately from the divorce proceedings. A Final Order (previously called the Decree Absolute) in divorce proceedings does not dismiss the financial claims spouses have against one another arising from their marriage. These can only be dismissed upon a 'clean break' Order made by the Court, remarriage or death.



The importance of receiving legal advice on the financial issues arising from a marriage breakdown is often overlooked, which can be detrimental. The application of the law is not straightforward, and as every couple's situation is different, it is necessary to receive advice tailored to the individual circumstances. There are often many intricacies involved in a family's finances and legal advice from an experienced lawyer is required to understand how to fairly divide the assets (and liabilities) on divorce. A family lawyer will have many years of training and experience and will be able to use this to apply the law to your individual circumstances.

Very often, pensions are the largest asset after the family home, and divorcing spouses are very often unaware of their rights, and even less aware of how to approach the issue of a fair division of pension assets.

Pensions can be very complex and it is necessary to obtain expert advice to understand how pensions can fairly be divided to ensure the parties needs in retirement are met. It is all too easy to disregard pensions, and this can be a very expensive mistake to make.

Receiving legal advice at an early stage can help separated couples reach an informed financial agreement more easily and quickly, removing the acrimony and ongoing uncertainty that may arise otherwise.

Legal advice obviously comes at a cost and this comes at a time when family finances are stretched, and couples are often having to cover the costs of running two households. A 'DIY' divorce may seem like a way to save money but this is often a false economy and the value of understanding your legal position should not be underestimated. Lawyers are often viewed as expensive, but we are specialists with many years of legal training and experience in dealing with family disputes

A failure to understand your legal position may be an expensive mistake in the long run and cause further delay later.

Getting proper legal advice should be seen as investment in yourself and your future (and that of any children). You only get ONE chance to deal with everything properly, so it is important you get it right.

We always offer a free initial 30-minute appointment at either our office in Fakenham or Holt. Please telephone 01328 863131 to arrange an appointment with one of our family law experts; together we have in excess of 100 years' experience!



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