

DIY divorces are the cheaper way to split up

No, it doesn't involve getting your overalls on.



by EMILY GULLA  MAR 6, 2020



Getting a divorce can be a long and difficult process, which means it often seems quite intimidating at first if you're thinking of splitting up from your partner. Plus, all the talk of lawyers and courts can make the prospect of divorce seem even more scary. But it doesn't need to be that way.

More and more people are opting for a DIY divorce, without all the legal hassle, and 39% of divorces are now DIY ones done online. A DIY divorce can also save you thousands in legal fees, with solicitor costs going all the way up to £30,000 for a financial settlement that goes all the way to court, according to the Money Advice Service. If you're thinking of choosing a DIY divorce, here's everything you need to be clued up on...



WHAT IS A DIY DIVORCE?



A DIY divorce is basically when a couple embarks on a divorce without the help of legal professionals like solicitors or barristers. This applies to both of the main aspects of a divorce: firstly, the divorce petition, which is basically the application form for a divorce, including your grounds for divorce; and secondly, the process of separating from your partner financially, including splitting a home you own together or paying your partner a maintenance fee.

An increase in the number of DIY divorces is down to cuts to legal aid, which helps people to afford the cost of legal advice, says [Sophie Connors](#), Barrister at 4PB. More DIY divorces are also the result of a new online application process for completing the divorce petition, adds [Sophie](#), meaning that you can submit the form yourself without any need for a lawyer.



HOW DOES A DIY DIVORCE WORK?



You can complete the divorce petition form online, by visiting the [government website](#). Otherwise, you can apply by post by downloading and sending off a D8 form. Applying by post or online costs £550.

To fill out the form, you'll need your partner's full name and address, your marriage certificate and proof that you've changed your name, if you have since you got married.

You then need to include the grounds which you are divorcing on. The UK still uses a 'fault' based system, [explains Sophie](#), which means that you need to prove your marriage has broken down.

Grounds for divorce include:

- ◆ Adultery. According to the government, you can only claim adultery if your partner has had sex with someone of the opposite sex. And you can't claim adultery if you still lived together for more than six months after you found out.
- ◆ Unreasonable behaviour. This can include physical or verbal abuse, taking drugs or refusing to pay living expenses.
- ◆ Desertion. This is when your partner has left you for at least two years.
- ◆ You've been separated for two years, but your partner must agree.
- ◆ You've been separated for five years. In this case, your partner doesn't need to agree.

Adultery and unreasonable behaviour are the most common grounds, says Justine, however, your partner has to admit to adultery or it has to be proven. When it comes to unreasonable behaviour, "if this is drafted too 'lightly' (as in the level of behaviour is not that serious) then the petition might be knocked back by the court," she explains.



HOW IS DIY DIVORCE DIFFERENT FROM TRADITIONAL DIVORCE?



"Traditionally, separating couples have relied on qualified family solicitors and barristers for advice and help during the divorce process," explains Sophie. But paying for legal advice is, no surprise, often expensive. Sophie says that it can be helpful to have neutral advice from a legal expert, and that good solicitors will try to save costs for you by asking you to do the easier bits yourself without their help.

However, "if your separation is pretty amicable and you're clued up on your options for separating your finances, then it can be worth doing it yourself to save costs," says Sophie.

WHAT ARE THE DOWNSIDES TO DIY DIVORCE?



Basically, being too nice to your partner. "Drafting the petition can be difficult as people who are trying to remain on amicable terms, often for the sake of their children, are reluctant to accuse their partner too strongly. This means that if the behaviour listed in the petition isn't 'unreasonable' enough, then the court can reject it," Sophie explains.

If you want to be amicable, then discuss with your partner what you'll put in the petition beforehand so there aren't any inflammatory surprises, Sophie suggests.

When it comes to splitting your finances, Sophie advises making sure you have a really clear picture of your joint assets and separate assets before you come to any kind of agreement. This is because once your agreement is set out in a consent order, it's extremely difficult for it to be changed by the court. Sophie adds that coming to a financial agreement can be made much easier with the help of a solicitor, because they know what will objectively be seen as fair in court.

So, if you and your partner are separating on good terms, and you're clear about how you'll split your finances, then a DIY divorce might be a good option for you. But if you're not as friendly, or you're struggling to come to a financial agreement, it might be useful to get the lawyers involved.