



Online Divorce Advice, Pros and Cons

We know what you are going through,
and we are here to help.



What is online divorce?

Launched in May 2018, the online divorce platform allows members of the public to be able to petition for a divorce themselves online on the government website.

You will be guided through a series of questions and will be asked to upload several documents. The forms are available for free, along with guides at www.gov.uk/divorce.

When is online divorce appropriate?

The online divorce process is worth considering if you have no difficulty completing forms online, and understand the process and questions asked of you on the website. The website sets out a step by step guide.

We often advise clients to access the website first to see if they would feel comfortable doing this themselves or whether they would like us to take the stress away and represent them in the divorce process.

We would advise that obtaining legal advice about your financial situation is essential. A financial remedy order is needed to ensure you have a clean break. You need advice as what you are entitled to and what would be a fair financial settlement. If you have children and cannot agree arrangements you may also need legal advice on that issue.

The online divorce process **does not include** finalising the financial and child arrangements.

Before you apply

You must decide whether you want to make a joint application with your husband or wife or whether you want to apply on your own. It normally takes at least 7 months to get a divorce. This is the same for joint and sole applications.

What you will need

When applying for divorce online, you will need both yourself and your former spouse's full names and addresses so the court can send them a copy of the divorce application. You can access help at www.gov.uk/divorce-missing-husband-wife if do not know your husband or wife's address.

You will also need your original marriage certificate or a certified copy of it, and proof of any name changes if you've changed your name since separating from your partner.

Costs and funding online divorce

You will save on solicitor's fees, but will need to pay the Court fee, which is currently £593. This is paid for online when the application is made.

You may be able to get help with fees if you are entitled to benefits, or are on a low income. If you apply for funding help, a decision will be made based on your financial status, and you may be asked to pay some or all of the fee.

What does an online divorce not include?

Childcare arrangements

You know your children better than anyone else and as a parent you are best placed to make the important decisions for them, but there may be times you need more advice and support regarding children and divorce. You can choose how to make arrangements for looking after your children if you separate from your partner

We advise parents to mutually agree on future arrangements for their children so that a non-confrontational solution can be met. However, when parents/carers cannot agree who the child can see, spend time with and have contact then the Court make the decision via a Child Arrangements Order. The Court will always make their decision based on the best interests of the child or children involved.

Once an agreement is made, it can easily be changed as circumstances change and the child or children get older. However, a Child Arrangements Order is binding and you will need to apply to Court to change it.

Financial agreements

It is important to note that finances are not finalised without having a Financial Remedy Order. Even if you and your ex-spouse have an informal agreement, there is no clean break unless you have a court-agreed Order meaning that financial claims remain open and can be pursued at a later date.

It is useful to begin negotiations alongside the divorce proceedings. You can usually avoid going to court hearings if you come to an amicable agreement on how to split your money and property. You should be aware that a financial remedy order/consent order cannot be filed at Court until the Conditional Divorce Order has been made.

Once an order is approved by the Court, it is very difficult to change. It will be binding unless there are exceptional circumstances. You cannot simply change your mind.

You should consider delaying applying for the final order if you do not have a sealed consent order/ financial remedy in place for the following reasons:

- 1 Your entitlement to certain assets of the marriage may be affected, particularly but not limited to pension funds or trust funds.
- 2 If your spouse died before the financial arrangements are finalised, you may lose pension rights or life policies once the Final Divorce Order is made.
- 3 If your spouse were to die, you will no longer have any Widows rights against his estate.
- 4 If any assets are later transferred which attract tax charges, if that tax has an exemption for transfers between spouses that exemption will be lost, such as stamp duty (at present).
- 5 There may be tactical reasons not to make the application immediately.



What value can solicitors add to a divorce?

Solicitors can advise and assist on the divorce process and prepare the application for you and progress the matter on the divorce portal which has been set up for Solicitors.

Any additional matters outside of the divorce itself, such as negotiating agreements to do with children and finances on your behalf, can be done by the Solicitor.

Having a solicitor providing legal advice ensures that you are supported throughout the process which can help to reduce the emotional burden. A solicitor can also ensure that the forms are completed correctly so that there are no delays and increased costs incurred by errors made on the forms.

Why choose Banner Jones?

Here at Banner Jones, we offer a fixed fee consultation at our offices in Chesterfield, Dronfield, Mansfield and Sheffield where we can talk through all of the options with you. We can deal with any issues that you may have with your case and come up with the best way forward for you. We also offer fixed fees for the Divorce Proceedings and for preparing Financial Remedy Orders.

- At Banner Jones we will advise you from the outset if there will be any funding available to you. You may also benefit from our fixed fee packages. We will always provide a clear indication from the beginning to the expected level of fees which may be incurred.
- We have Resolution and Collaborative Law accredited specialists who have trained to the high levels expected of Resolution Specialists. We will endeavour to look for a non-confrontational solution, although in some cases we appreciate that this may not always be possible.
- Our team of compassionate specialists are here to help you every step of the way.
- Since 2013, Banner Jones has been recognised as a leading “UK Legal 500” firm.
- We have a team of award-winning family law solicitors with a wealth of experience and offer excellent personal service.

We know... you need expertise and compassion.

Our expert divorce solicitors are highly experienced and will treat each case uniquely depending on your circumstances. Our family law specialists achieve solutions through confidential settlements and are always on hand to provide support as we know going through a divorce can be a stressful time. We have worked on many family law divorce cases and we ensure each of our clients receive the utmost care and consideration throughout the case.

If your financial circumstances are complex and you need advice on the division of high value matrimonial assets and property, then we have the experience and skills to ensure you receive a fair outcome.

Our team are ready to help

1

Free call with one of our team

2

Agree a fixed fee (no hidden costs)

3

Appointment with an expert solicitor

4

Receive professional and specific advice in writing

5

You decide how you would like to proceed



Kelly Parks
Head of Family Law



Shetal Gudgeon
Senior Family Law Solicitor



Lauren Mahon
Family Law Solicitor



Sarah White
Chartered Legal Executive



Our Family team have been ranked in the Legal 500 yet again for their outstanding work.

0330 108 0366
www.bannerjones.co.uk

Disclaimer

The information contained in this update does not constitute legal advice. It's our best assessment of the current position and is in places based on opinion. In order to bring you a comprehensive guide we have included some financial information, but this does not constitute financial advice. If you want specific advice, please contact us.