



2009 EDITION

DIY LAWYER Limited
and
DIY Divorce Ireland

IRELAND'S MOST SUCCESSFUL DIVORCE AGENCY

A STANDARD **DIVORCE** FOR ONLY **€600**

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**Email info@diylawyer.ie
www.diylawyer.ie**

DIY LAWYER LTD can help you obtain your own divorce for a mere fraction of what you can expect to pay with the legal profession. We assist spouses with making their own application for divorce to the courts in the Republic of Ireland. With the cost of the average divorce in Ireland over **€5,000** with the legal profession for consent divorce cases alone we believe couples should, at the very least, explore what is involved in obtaining their own low cost divorce in Ireland before they embark on a very costly divorce procedure and time consuming exercise with the legal profession.

ARE YOU TRANSFERRING A PROPERTY AS PART OF YOUR DIVORCE SETTLEMENT?

DO YOU WANT YOUR MAINTENANCE AGREEMENT MADE A COURT ORDER?

DO YOU NEED TO PROTECT YOUR PENSION OR AWARD YOUR SPOUSE A SHARE OF YOUR PENSION?

If you have consent and agreed terms why not let our experts draw up your documents. We have successfully drawn up divorce documents for consenting couples with assets ranging from €1m to €20m. You can have your settlement declared and approved before the Courts and then you are able to have any property transferred without the assets becoming the subject of our slow, costly and overly adversarial legal family law system where you pay a percentage of the value of your assets, regardless of consent, to the legal profession.

So whether you require Maintenance Orders, Property Adjustment Orders, Orders for Sale of Property or Pension Adjustment Orders why not give us a call and check out your options.

WHAT YOU GET FOR YOUR MONEY?

You get a fast, personal and discreet service that stays with you until you are divorced, usually within 1-3 months.

You get a complete customised set of divorce papers

You get information backed up by established and current case law

You get a Step By Step Guide that lays out the complete divorce procedure in easy simple steps

WHAT YOU **DON'T** GET FOR YOUR MONEY

A price that changes as you declare your financial circumstances

Pay half now, get half the papers and live in hope for the other half

Blank papers to fill out, for your own convenience of course

A Step By Step Guide with rungs removed

A service that ends when you encounter a difficulty

A PROVEN SERVICE

Our service is proven and has been referred to in numerous radio shows and by the print media right across the country and we have customers referred to us from Solicitors, the Court Offices, the Citizen's Information Centres and Community Organisations.

**DIY LAWYER LTD
IS A REGISTERED BUSINESS**

Registered with the Companies Office
Registered with the Revenue Commissioners
Registered with the Data Protection Commissioner

DATA PROTECTION AND PRIVACY STATEMENT

All data obtained by us shall be kept for lawful purposes only and shall not be used or disclosed in any manner incompatible with those purposes. It is treated with the highest standard of security and confidentiality and strictly in accordance with the Data Protection Acts, 1988 & 2003. Some data may be anonymised and kept only for the purpose of statistics or carrying out research but only where the results of the statistical work or research are not made available in a form that identifies any of the individuals involved and the data are not used in such a way that damage or distress is, or is likely to be, caused to any data subject.

DISCLAIMER

Please be advised that we are not solicitors and we do not provide legal advice or legal opinion. We provide information and documentation only to assist spouses, as lay litigants, who are interested in doing their own divorce.

For more information on divorce topics visit our information website www.diydivorceireland.com

COURT SERVICES

It should be noted that some court areas differ with the procedures they follow and with the documentation required and also that court rules are continually updated. Changes in the legislation and the court rules can make documents obsolete or unacceptable by the courts. The legal documents supplied by us are intended to be presented to the court within 30 days. If the documents are not filed by you within that timeframe and are subsequently rejected by the court for reasons beyond our control we will not provide any refund. We are available to provide new or amended documentation. The court staff are not obliged to discuss your divorce with us, nor are they expected to provide documentation. The Courts Service is committed to providing a high quality and professional service to all users of the courts and they have a Customer Charter setting out their standard of service.

FREQUENTLY ASKED QUESTIONS

Q: How does your service work?

On receipt of payment we will send, by return post, a questionnaire to obtain the necessary information to satisfy the courts. The questionnaire is easy to follow with notes on its completion and is designed so that the information can be exchanged hassle free and from the comfort of your own home. We are available by telephone, mail or email to answer any queries you may have in relation to the information requested. When we receive the returned questionnaire we will ensure we have sufficient information and we will make contact if necessary. When we are satisfied with the information given us we will complete the necessary paperwork and have it with you within five working days together with our Step By Step Guide.

Q: Using your services, how long will the procedure take?

Once you return the completed questionnaire we will send you the divorce documents within 5 working days together with our detailed Step By Step Guide. If you start the procedure without delay and your spouse responds positively within 10 days you should be on a list for the next Circuit Court Family Law hearings within 3 weeks of instituting proceedings. To our knowledge the shortest time period for someone who used our service in the past year to obtain their divorce was four weeks. However, the time it takes depends on your own attentiveness to detail and whether your spouse responds and the next available court date for the court hearing.

Q: How do you apply for a divorce?

A divorce application is commenced by the serving of court stamped documents on your spouse. The documents will contain a Family Law Civil Bill, an Affidavit of Means and an Affidavit of Welfare if there are dependent children of the family. You must provide proof of the sending or serving of all documents, including notice of the divorce hearing, by sworn affidavit. The remaining procedure will depend on the response, if any, from your spouse.

Q: Do I need to have a Separation Agreement or Judicial Separation before applying for divorce?

No, you are not required to have a mediation, separation agreement or a judicial separation before applying for a divorce. However, we believe it is in your interest to make yourself aware of the so called alternatives to divorce as your divorce hearing could be adjourned if the Judge was not satisfied that you were sufficiently aware of the alternatives to divorce.

Q: What happens if the Respondent spouse fails to reply?

The Respondent spouse has three choices. They can send you a letter agreeing to the divorce “no contest” in which case the application and remaining procedures take a certain route. They can ignore the documentation in which case you can proceed but you will need to serve a 14 Day Warning Notice, Affidavit of Service of such notice and, depending on any subsequent response, further affidavits. Or your spouse can contest the divorce on particular grounds, in which case they will be required to serve on you similar documentation above outlining the grounds under which they are contesting.

Q: Can my spouse object to the granting of a divorce?

Your spouse cannot prevent you obtaining your divorce but the courts can, if they are not satisfied with the grounds of your divorce application or that proper provision exists or will be made to exist for the spouses and/or any dependent children.

Q: Can either spouse apply for a divorce?

Any spouse can apply for a Decree of Divorce - the person applying is the Applicant and the other spouse is referred to as the Respondent.

Q: Do I have to apply through a solicitor?

The Family Law (Divorce) Act 1996 allows consenting couples to apply for their own divorce. The same procedure could also be used in the absence of consent if there are no areas of disagreement.

Q: When can divorce be granted?

A decree of divorce can be granted when the court is satisfied that-

- At the date of the institution of proceedings, the spouses have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years
- There is no reasonable prospect of a reconciliation between the spouses, and
- Such provision as the court considers proper having regard to the circumstances exists or will be made for the spouse and any dependent members of the family.

Q: What matters should I consider before applying for divorce?

Your decision should give consideration to the level of conflict that could arise especially in relation to contentious issues that have not been settled, like the family home, maintenance, custody, property, assets, pensions etc. If the above matters have all been settled and the information you supplied is correct and your documentation and procedure is in order then you should have little difficulty. However, the completion of your documentation and procedure even with consent is no guarantee that you will be divorced. The court must be satisfied that there is proper provision for the spouses and any dependent children.

Q: Have one of the spouses to be at fault for the separation?

Ireland has adopted a “no fault” system of divorce. A reason for the break up of the marriage is not required.

Q: What if my spouse lives abroad in another EC country?

If your spouse is living abroad in another EC country you can still obtain your divorce by following our procedure, provided you know where your spouse lives. Remember Ireland will not recognise foreign divorces if either party were not domiciled in the country where the divorce was granted. For more information on domicile and foreign divorces see our website www.diydivorceireland.com

What if my spouse is living outside the EC?

A separate **Ex Parte** application and attendance with the County Registrar must be made to seek permission to serve the Family Law Civil Bill outside the EC to a known address. If difficulties arise with service out of the country then the Applicant will have to apply for an order for direction as to service of the Family Law Civil Bill. We can provide the necessary documentation.

Q: What if I do not know where my spouse is living?

You will have to make separate application to the County Registrar for permission to proceed. You will be required to outline the circumstances and efforts you have made to contact your spouse. You may be required to place advertisements in newspapers.

Q. Can I continue to use my married name after Divorce?

Wives may take their husband's names on marriage or retain their former names. A wife can retain her former husband's name after divorce provided she is not using it for the purpose of fraud or to defraud him or to invade other rights or to embarrass him, for instance, by claiming or inferring that he is not legally married to his second wife.

Q: What is a Section 6 Certificate?

Under Section 6 of the Divorce Act, 1996 any applicant, **who is represented by a solicitor**, must receive from the solicitor a certificate stating that the solicitor has complied with the section and discussed the possibility of reconciliation between the spouses, has given the names of qualified persons who could help effect a reconciliation between the spouses who have become estranged, including the names and addresses of mediators, and discussed the possibility of engaging in mediation to help effect a separation agreement. The certificate must also state that the **solicitor** has discussed with the Applicant the possibility of effecting a separation by the negotiation and conclusion of a Separation Deed or written Separation Agreement with the Respondent spouse. Finally the **solicitor** must make the Applicant aware of “Judicial Separation” as an alternative to divorce.

The Divorce Act is silent on how lay litigants (DIY Applicants) are to be made aware of alternatives to divorce.

Q. What is Section 18 (10)?

Section 18 (10) concerns the death of either spouse and empowers the court to make an order preventing **either** spouse from applying for provision from the proceeds of the deceased spouse’s estate.

Section 18 (10) protects each party’s estate on death from a claim for provision by the surviving spouse. Even if the Applicant decides not to apply for this Order it can be insisted upon by the Respondent especially if he/she seeks legal opinion.

Q: How many years must I be separated before applying for divorce?

At the date of the institution of proceedings, the spouses must have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years. For more information on “living apart” see www.diydivorceireland.com

Q: Are there other grounds required to be satisfied?

There must be no reasonable prospect of reconciliation between the spouses, and, such provision as the court considers proper having regard to the circumstances exists or will be made for the spouse and any dependent members of the family.

Q. What can we do if we are unable to agree terms?

A. If spouses are unable to resolve their marriage difficulties then they may engage in mediation to effect a separation agreement or a deed of separation.

Q. What is mediation?

Mediation is a process whereby use is made of a mediator or referee to help negotiate between spouses in dispute. Mediation and Separation should then be considered as an alternative to divorce where the issues of custody and parenting, maintenance, child-care, the family home, pensions, assets, debts etc. can then be sorted in an amiable way. This process can ensure that the interests of both parties and the children are satisfied. A Mediation Agreement can therefore be a first step in addressing the difficulties encountered in a marriage.

Q. Where can I obtain mediation?

The Department of Social Community and Family Affairs operate a **free** Family Mediation Service with Full Time Offices at various centres throughout the country.

Q. What are the benefits of a mediation agreement?

A Mediation Agreement can be a prelude to a Separation Agreement. We would recommend that you consider this route especially if both parties are finding it difficult to agree a settlement. A free information booklet on Separation and Mediation is available from the court offices, and the Citizens Information Centres throughout the country also provide information on this subject.

Q: Do I need a Separation or Divorce to solve issues in regard to access, custody of children, maintenance, the family home etc?

No. Custody and Access to children can be addressed through an application under the Guardianship of Infants Act, 1964.

Barring Orders, Safety Orders and Protection Orders can be availed of under the Domestic Violence Act, 1996.

Maintenance can be addressed under the Family Law (Maintenance of Spouses and Children) Act, 1976.

Issues in relation to the Family Home can be addressed under the Family Home Protection Act 1976, the Married Women's Status Act, 1957 and the Family Law Act, 1995. Ownership of property can be determined under Section 36 of the later Act.

Q: What if we have not sorted the Family Home?

If there is agreement on who is to obtain the family home or on its sale and division of proceeds and both parties do not want to make it an issue of their separation or divorce then you should consider consulting a solicitor and have the property transferred or sold and waiver documents signed. However, it is possible to include your terms of agreement in relation to the Family Home, Maintenance, Custody, Access etc in your consent divorce application.

Q: What if I have reservations that my spouse will not honour an agreement on maintenance after divorce?

Whether your spouse dishonours an agreement to pay maintenance based on, consent as outlined in your divorce application, a Separation Agreement, Court Orders granted under the Judicial Separation and Family Law Reform Act, 1989 or any previously attained Maintenance Order the situation is more or less the same. If your spouse fails to make provision you will have to apply to the Court to enforce the orders granted or the terms of the agreement.

Q: In what court will the divorce application be received?

The venue can be in any county where any party ordinarily resides or carries on any profession, business or occupation (Rule 4C 2 Circuit Court Rules 2001)

Q: In what court will the divorce hearing be held?

The Court shall be the Circuit Court unless, the market value of any land in which proceedings relate exceed €3m and either party or any person having an interest applies to transfer it to the High Court.

Q. What financial information must I give to the Court?

The Applicant must file an Affidavit of Means setting out details of their assets, debts, income and expenditure and pension details. The Circuit Court Rules, 2001, Rule 7 (a) declares that a Family Law Civil Bill and Affidavit of Means shall be served on the Respondent.

Q. What is the significance of providing financial information?

The filing of an Affidavit of Means will be a court record of a person's financial position and can have a bearing on the Courts decision whether to grant a divorce. There must be proper provision made for the spouses and any dependent children. If circumstances were to change with either party i.e. ill health, unemployment, a win on the lottery or evidence of assets not declared etc either party can return to the court even after divorce for relief.

Either party can make an application to the court for an Order of Discovery and request the other to vouch any or all items referred to. Before bringing a motion for discovery the information sought shall be requested in writing voluntarily at least 14 days prior to the issuing of the motion for any relief. The disclosure of full financial information can lead the other party to seek relief but in many cases it may be sufficient to satisfy the Respondent spouse or their solicitor that the financial circumstances of the Applicant are such that proper provision is made to the best of the Applicant's ability.

We take great care in ensuring that your Affidavit of Means is representative of *your* financial circumstances and will assist with expert and confidential information. If you are concerned with the disclosure of your financial circumstances we offer a consultation service by appointment.

Q. What information must I give regarding the children?

An Affidavit of Welfare is required in all cases where there are dependent children of the marriage and family. The court must be satisfied that proper provision is made for them and therefore require details on where and with whom the children live, who cares for them, their education, accommodation, health etc.

Q: If I get divorced will I lose my Deserted Wife's Allowance?

Deserted Wife's Allowance, Deserted Wife's Benefit and Lone Parent Allowance continue to be paid to those in receipt of them. Upon the granting of a divorce, that is recognised in the State, a deserted wife and a lone parent shall continue to be eligible to receive the allowance's or benefit.

Q: What about the One-Parent Family Payment after divorce?

One-Parent Family Payment is payable to a 'qualified parent' with whom a 'qualified child' normally resides. A qualified parent whether they are a widow, widower or a separated spouse will continue to be a 'qualified parent' and entitled to the above payment after obtaining a decree of divorce. Similarly obtaining a divorce does not deprive a divorced spouse of his or her public law entitlement to a Widow or Widowers Pension.

Q: Will remarriage affect eligibility for allowances or benefits?

Eligibility to receive Deserted Wife's Allowance or Benefit ends upon the wife remarrying and Lone Parents Allowance or One-Parent Family Payment also ceases to be payable on the parent remarrying.

WHAT OUR CUSTOMERS HAVE SAID

“Initial contact with your service in September – was granted my divorce in January and married in March. I would like to thank you for your professionalism and step by step guide was excellent. I never thought it would be so easy. Joe – Co Galway

“I just wanted to let you know how I got on with my divorce. I was given my decree last Tuesday 14th March. The whole process took 5 weeks and 1 day from start to finish. Your service is excellent and I would highly recommend you to anyone”.

Sonya – Co Dublin

“I just wanted to send you a big thank you for all your help. I got my divorce 4 weeks ago and 3 months after starting the process. All went very smooth and there were no hiccups. Keep up the good work”. Tracy – Co Louth

“Just a small note to say thanks you for all your help. None of this would have been possible without your expertise, you made it very easy”. Bridie – Co Sligo

“Got my Divorce today. Fantastic. I cannot believe I only went to see you six weeks ago. Brilliant Service. Many Thanks”. Des – Co Kildare

“I would like to confirm that I appeared in court yesterday with regard to my divorce which was granted. I would like to thank you for the professionalism and the guide sheet which helped me to carry out all the necessary steps which has taken me to this stage”. Suzanne – Co Limerick

(To see more testimonials visit www.diydivorceireland.ie)

TERMS AND CONDITIONS

On receipt of your payment we will forward a detailed questionnaire for the necessary information to complete the documentation. Our questionnaire has been specifically designed by us to ensure that the information you supply represents your situation and is compliant with the court rules. The documentation supplied will cover all three options available to your spouse after the documents are served. Your spouse has three choices after being served with the court accepted, processed and returned documents. He/She can consent to the divorce application, ignore your application or hire solicitors to represent them. Each option affects the nature of the application and the procedural court documents submitted thereafter. We cover all three options.

Once we have received payment and sent our questionnaire we will not grant you a refund under any circumstances.

We reserve the right to vary our prices at any time. The price of our products and services will be the price prevailing at the date of purchase.

On receipt of the returned and properly completed questionnaire we agree to provide all documentation completed to the highest standard and custom made to the Applicants particular circumstances. We agree to have the completed documentation with a detailed Step-By-Step Guide delivered to the address given, within 5 working days of the receipt of the returned and properly completed questionnaire.

If the questionnaire is incomplete and requires us to contact you we reserve the right to do so by telephone, mail or email depending on the amount of information missing or requiring amendment. In such circumstances we will not be held responsible for any subsequent delay in providing the documentation. However, we are committed to providing a good service and we will not delay in contacting you if the need arises.

The legal documents supplied by us are expected to be filed with the court within a reasonable timeframe. As legislation, court rules and procedures and your personal circumstances are changing all the time it can happen that the documents become obsolete or require amendments. If after the expiry of one month from the date of issue by us of the documentation your documents are subsequently rejected by the court for reasons beyond our control we will not grant you a refund. If the documents or any part thereof require to be amended due to a typing or other mistake on our part we will amend the documents free of charge by return post.

We reserve the right to refuse our service if we are of the opinion that the information provided to us is insufficient, is confusing or contradictory in nature so as to render the documentation defective or unrepresentative or that from the information provided the applicant should first consult with a mediator and/or a solicitor for independent legal advice and guidance.

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STANDARD DIVORCE = €600 (incl. VAT & postage)

Our standard divorce includes application for court orders for a divorce decree and a court order pursuant to Section 18 (10), explained above. We supply the Family Law Civil Bills, Affidavits of Means, Affidavits of Welfare and all procedural documents including 14 Day Warning Notices 'No Appearance' and 'Defence', Certificates of No Appearance/No Defence, Notice of Motions for 'Consent', 'No Appearance' or 'In Default of Defence' and Affidavits of Service both Registered Mail and Personal Service for Family Law Civil Bills, 14 Day Warning Notices and Notice of Motions. We also supply letter to spouse, letter of response from spouse, Affidavit Grounding Motions and Application Court Listings. And we provide a back-up service for other court documents that may be requested from time to time including 'Substituted Service' etc.

NON STANDARD DIVORCE

Some Applicants may need court orders that require extra input on documents on our behalf and consideration by us on their overall suitability. For instance each sale of, or transfer of, a property including the family home triggers a range of other orders that needs to be sought in regard to that property. Every application for a pension adjustment order includes the insertion of the data for the orders in the civil bills, Pension Adjustment Orders made out in quadruple, 'Notice to Trustees' in quadruple, cover letter to Trustees and Affidavits of Service for both Trustees and the Respondent spouse and information on the court procedures for their implementation. Some Applicants may require Custody, Access and Maintenance Orders for children, Maintenance Orders for spouse, Arrears of Maintenance, Lump Sum provision and Financial Compensation Orders etc. We may charge extra rates for these services. The solicitors in comparison charge a percentage of the value of your property which is the subject of court orders and they are quoting €1,000 for a pension adjustment order. Most other agencies do not provide these services. All prices, details and specifications are subject to change without prior notification. Please call our Consultant if it is your intention to apply for any of the above mentioned orders.

Pension Adjustment Orders €100 per pension (incl. VAT & postage)

DISCLAIMER

The content of this brochure is not intended to be the opinion of the judiciary or of the legal profession. It is an information brochure only. It does not purport to be, nor should it be relied upon as, advice, legal advice or legal opinion. If you are affected or could be affected by any issue in relation to separation and/or divorce then you should contact a professional adviser. If it is **your** intention to apply for Financial Orders to the Court such decisions are entirely of your own making and we will not be held responsible for **your** actions. The services provided by DIY DIVORCE IRELAND and DIY LAWYER are information services only and the supply of documentation and are not to be regarded as legal advice or opinion.

HOW TO OBTAIN OUR SERVICE

Simply return the enclosed **Order Request Form** with your payment or payment details, and we will send the divorce questionnaire to you with a receipt by return post.

Once we have received payment and sent our questionnaire we will not grant you a refund under any circumstances.

Note: We at DIY DIVORCE IRELAND are anxious that your divorce procedure runs smoothly and that the service we provide is of the highest standard. Consequently we would very much appreciate your comments on any aspect of our service, however critical.

For market research purposes can you please indicate how you heard of our service?

Newspaper: Please specify?

Internet:

Citizen's Information Centre:

Radio:

Other: **Please specify:**

ORDER REQUEST FORM

I enclose €600 payment for your services for a standard divorce.

I have read and understand the Terms and Conditions (must be checked)

I enclose €_____ payment for your services for a standard divorce **plus** other Orders as discussed and agreed with the Consultant.

I enclose Cheque Postal Money Order Credit Card Payment

Made payable to: DIY LAWYER Ltd, 38 Beechlawns, Dublin Road, Mullingar, Co. Westmeath

Signature: _____ Name: _____

Direct Line Telephone No: _____

Mailing Address

Card Billing Address

Card Type: VISA MasterCard Laser

Card No:

- - -

Expiry Date:

m y

Security Code

Name on Card:

Note: We request full payment up front because of our guaranteed quick return of all documents within 5 working days of the return of the completed questionnaire.