



## THE RISE OF THE ONLINE DIVORCE

According to the Office for National Statistics (ONS) there has been a stark rise in the number of opposite-sex couple divorces. Despite the ONS recording that 2017 saw a 2.8% decrease in opposite-sex marriages, the number of divorces rose by nearly 20% in 2019, the biggest increase since 1972 and the highest number of divorces since 2014. It is expected that 2021 will see (and 2020 will have seen) further increases as the impacts of the global pandemic are felt. It may be a small silver lining to a rather large cloud, but the increasingly efficient options offered by HM Courts & Tribunal Service's (HMCTS) online portal will at least allow many of those enduring marital breakdown to progress their divorces more quickly and efficiently.

### HMCTS ONLINE DIVORCE PORTAL

Over the course of the last few years, the HMCTS has developed and piloted an online divorce service. As with all large IT projects, it has not been without its difficulties. Having been involved in the early pilot scheme for legal advisers, our team has been able to provide feedback to the service since inception, and the service has now been rolled out to the general public.

The portal offers the option to initiate divorce proceedings online, but it also facilitates the quick approval of financial remedy orders once a couple have agreed upon a financial settlement. No system is perfect, but in our view the pros outweigh the cons. Here is our low down...

- The online options increase efficiency and progression of the majority of cases. By contrast to the alternative option of emailing paperwork to the court, the turnaround time is reduced exponentially in most cases.
- If the parties are legally represented it is generally cheaper because less work is involved.
- The portal provides a central system for the upload and retrieval of documents which is easy to navigate and, for the most part, self-intuitive.
- The portal is secure and this is important as it holds sensitive data. Recently HMCTS added further security requiring an access code which is sent to users by email. Early delays in sending these codes (which had to be used within a specific timeframe) caused some

frustration but the portal responded to feedback (including from us) to improve the delays, whilst maintaining the improved security.

- Legal representatives for respondents to divorce petitions are not permitted access to the online portal so a respondent must personally complete the paperwork. Our knowledge of the portal and its requirement means we can talk clients through the steps that the respondent must take.
- Communication with those running the portal can be a challenge when things go awry. Early cases suffering such problems were not progressed with the speed promised. We have been creative with our use of the document upload function to communicate effectively with those behind the scenes at the portal when things have gone wrong, sometimes uploading (with their consent) documents from the other party that have enabled us to unblock those log jams, and move matters on for our clients.
- Currently multiple users at one firm cannot have a personal login and centrally access their colleagues' cases. Central access would make it easier for a family team to work together to progress all of the team's matters in a time and cost-effective way. We will be trying to encourage some change in that area to enable us to better progress our clients' cases.

## OPTIONS FOR RESOLVING MATTERS

With divorces on the rise and courts struggling to cope even with the roll out of the portal, there is an even greater need for cost-effective ways for couples to settle their difference (whether in relation to the financial matters or arrangements for their children). Other options include:

- Mediation, including hybrid mediation
- Arbitration
- Collaborative law (including "collab light")
- Round-table meetings

For further information about the portal or about your family dispute resolution options, please contact us using the details below.

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