



3 Major Pitfalls of DIY Divorce

Do-It-Yourself legal work poses numerous risks. Many common mistakes require expensive, technically demanding repairs. Some mistakes can't be repaired, or if they can people don't realize the mistake in time to act. Nevertheless, Texas provides fill-in-the-blank forms encouraging people to risk major losses in DIY divorces. What are three major pitfalls of DIY divorces?

1. Enforceability & Specificity

Possessing a court order is one thing. Being able to enforce the order is something else. Many do-it-yourself divorce decrees contain unenforceable provisions. That means that if someone violates a part of the decree, the court is helpless to correct the offending behavior. Ideally, the court provides legal remedies to the innocent party when the other party violates the order. Unfortunately, defective decrees limit the court's ability to help an innocent spouse.

For a provision to be enforceable by the court, it must be specific in the decree. Many DIY divorce decrees fail in terms of specificity. For example, the decree may require delivery of a piece of property. Great! Who delivers it? When is the deadline for delivery? How must it be delivered? Without these specifics, the court cannot hold the delivering party responsible for a failure. Lack of specificity can attack anywhere in a decree from rights and duties for the children to all manner of property division. Fill-in-the-blank decrees do not account for the required specifics.

Texas may provide fill-in-the-blank forms for DIY divorces, but the forms do not guarantee success. A carefully crafted divorce decree provides specificity in all the provisions. From details about the exchange of children to requirements of property division, good decrees are enforceable. What good is a DIY decree that doesn't actually make anything happen for you?

2. Checking Incorrect Boxes

The fill-in-the-blank divorce forms contain numerous opportunities to enter the wrong information. The forms utilize a series of check boxes and blanks to fill in. Unfortunately, the forms do not explain the ramifications of the various options. Checking the wrong box might cause serious complications in the future. Beyond the likelihood of catastrophic lack of specificity, it's possible to select the wrong provision all together.

DIY divorces are risky because Texas expects parties to know the legal results of specific selections on the forms. Texas's website (<https://texaslawhelp.org/resources/divorce-forms>) offers instructions for *filling out the form*, not the merits of various options. The website does recommend having your decree reviewed by a lawyer, but that is the extent of the actual legal help available. Still, we believe it is extremely risky for non-lawyers to complete legal documents. The DIY forms assume non-lawyers can define legal terms like: community property, separate property, mixed-character property, joint managing versus sole managing conservatorship, muniment of title, and much more.

Any non-lawyer who attempts to complete the state's DIY divorce forms assumes the risks inherent to legal work. If the wrong custody schedule is selected, what happens when the divorce is over, and the parents dispute the terms? What if child support is incorrectly calculated? Who makes important decisions for the children? Imagine putting the wrong information in a blank and awarding your spouse property that was exclusively yours. Those forms do not include a do-over or undo button.

3. Avoidable but Common Mistakes

Have you ever proof-read someone else's paper? The danger with proof reading is not the inability to see errors. The risk is identifying omissions. Determining the paper should have included additional information is nearly impossible unless you possess expertise on the topic. DIY divorce forms are similar in addition to the mistakes pointed out above.

Common mistakes include the failure to include crucial information at all. We have seen where a spouse failed to award herself her fair share of her husband's 401(k). We have seen people fail to confirm their own separate property. We have seen a person change her name to "Petitioner" because she didn't realize that blank was meant for her maiden name to be restored. We have seen people award themselves property in the decree that wasn't pleaded for in the DIY petition, so the judge lined out the property; the other spouse got to keep it all.

We have even seen where one mistake leads to a second consequence! Selecting the wrong child custody provision led to the judge writing in a child support obligation the parents did not agree to. Another example of a serious mistake was an improper award of the marital residence that jeopardized the mortgage and could have led to

foreclosure. Texas's forms do not address these or many other common legal considerations.

Take-Aways

Texas provides fill-in-the-blank forms for people who want to attempt a DIY divorce. However, Texas does not also provide guidance or advice about the ins and outs of divorce law. In fact, legal advice is not available to people from the clerks at the courthouse or even the judges. To get legal advice, you must consult a Texas attorney or visit the local law library to learn the law on your own. The forms make divorce look easy, but if divorce was easy, there would be no need for divorce lawyers.

The DIY forms carry substantial risks. To add to the risks, there are deadlines for repairing mistakes in a divorce—if the mistakes can be corrected. Once the deadlines are passed, repairs to defective decrees are all but impossible. But even within the deadline, some errors and omissions cannot be repaired because the court won't allow parties to add new provisions to a defective decree previously entered.

Divorce is serious work. It is technical work for which most lawyers carry insurance to protect against lawsuits from malpractice. Why would lawyers need malpractice insurance if their work could be easily handled with DIY forms? The forms will get your divorce done, but not necessarily done right. Who will you go to when you become aware of the defect in your fill-in-the-blank decree? You certainly cannot complain to the state of Texas about how their forms allowed you to wreck your divorce.

Consider that a simple divorce is easy work for a lawyer who will make sure your decree is done right and simplify other aspects of your divorce. However, repairing defective decrees will require highly technical procedural work done under tight time constraints. That is expensive work—and the court might not allow the corrections ultimately. Better to get your divorce done right the first time.

Better Options

This video series is designed to walk people through the BASIC understandings needed to fill out the forms. At Youngblood Law, PLLC, we recognize there are folks who simply cannot afford an attorney for a simple divorce. Whether the divorce is completely uncontested, or will likely be a default, we have produced a video series that walks you through Texas's DIY forms to help you get your divorce done while minimizing mistakes.

To further help, Youngblood Law, PLLC has developed “packages” of legal services to help people get their divorce done the way they want. From getting the other spouse served, to custom possession schedules for the kids, we can provide *a la carte* services at a cost-effective price to offer extraordinary value.

Be looking in your inbox for emails from us with FREE bonus materials over the next several days. We are here to help. One final thought is for those who are considering divorce but are not yet ready to file your case. We also offer a [Strategic Divorce](#)

[Planning Session](#) that allows people to meet in person or virtually with a licensed Texas divorce attorney. Get all your pre-divorce questions answered and build a game plan for preparing for your divorce. These sessions have special pricing and are completely confidential as well as no-obligation.

Youngblood Law, PLLC

DIVORCE INNOVATION

Our Firm

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