



#1 Free Legal Website

FindLaw.com is the leading and largest online resource for legal information. For basic legal issues to more complex ones, you'll find thousands of helpful articles, a legal community to get answers to your specific questions, an attorney directory, blogs, news, DIY forms, and much more.

Legal Separation

Many married couples "separate" when contemplating a permanent split or working toward eventual reconciliation. "Legal separation", however, means something specific a court approved separation which defines legally enforceable rights and obligations but does not permanently end the marriage. Legal separation differs from more informal [separation](#) because a court must approve and order legal separation. It also differs from divorce because the marriage continues to exist after a legal separation.

Benefits of Legal Separation

Legal separation appeals to couples who do not wish to divorce, but who will live separately and want matters such as child support, child custody and property division clarified legally. Legal separation typically applies to couples who foresee permanent separation, rather than a temporary trial separation. Common reasons a couple might wish to legally separate, rather than divorce, include the financial benefits of remaining married (such as tax incentives) and religious beliefs which may conflict with divorce.

Legal separation offers the benefits of legal clarity akin to divorce orders. Property rights between the two parties are divvied up, as are child custody, child support and spousal support right and obligations. While couples can simply agree to such matters without court involvement, obtaining a court approved legal separation simplifies enforcement of these rights should disputes arise.

Grounds for legal separation typically mirror a states [grounds for divorce](#) often including incompatibility, abandonment, adultery and cruelty. As in a divorce, if the legal separation includes child custody, child support, and spousal support conditions, those obligations may only be modified with court approval.

Legal Separation Versus Divorce

Legal separation does not end a marriage. Though rights and obligations of each side are clarified under a courts separation order, the marriage still legally exists. For this reason, people who are legally separated may not marry a new spouse without breaking bigamy laws.

Legal separations also allow couples to more easily return to life together should they decide to reconcile. Unlike a divorced couple, if a legally separated couple wishes to reconcile, they do not need to get married again. They simply need to submit a request to resume the marriage to the court. On the other hand, should a couple decide to permanently end the marriage, a legal separation order greatly simplifies the divorce process.

Legal Separation Versus Other Types of Separation

Many couples separate without the intention to permanently split. They may use a trial separation to work toward reconciliation, or decide to live in separate places. In these cases, legal rights and obligations regarding children, property and debts remain the same as they would in marriage. Issues such as division of marital property or what one spouse would owe in child support might be subject to agreement, but have not been resolved as they may be in a divorce or legal separation order.

Whether the situation calls for trial separation, legal separation, or divorce, a [family law attorney](#) can help clarify options and prevent uncertainty.

FINDLAW.COM EMPOWERS PEOPLE WITH TRUSTED, TIMELY AND INTELLIGENT LEGAL INFORMATION

BLOGS – FindLaw Blogs present timely news that has real-life implications, deliver important information and discuss law-related entertainment.

FINDLAW ANSWERS – A vibrant, interactive online community where everyday people can ask legal questions and get real-time answers from legal professionals and others with similar experiences.

NEWS & NEWSLETTERS – Updated throughout the day and night and covering a wide range of legal topics, FindLaw.com's News page presents current legal news, keeping people informed and educated.

FIND A LAWYER – An easy-to-search database of more than one million lawyers and law firms. It provides detailed information, enabling people to contact a qualified lawyer when they are ready.



DO-IT-YOURSELF FORMS & CONTRACTS – FindLaw.com provides accurate legal documents for common legal matters. Choose from a library of easy-to-use, low-cost, accurate legal forms for everyday legal issues.

FINDLAW VIDEO – On FindLaw.com, you'll find an online directory of more than 1,500 short videos dedicated exclusively to legal topics and attorney and law firm profiles.

Connect With Us

FindLaw.com has an entire social media team dedicated to providing our users with as many options as possible to join, participate in, and learn from the FindLaw community. Some of the social key channels are the following:



[FindLaw for Consumers on Facebook](#)

Making the law easy to access with interactive legal updates aimed at starting conversations, informing followers of their legal rights and providing a forum for questions and resources



[@FindLawConsumer on Twitter](#)

Tweeting interesting, entertaining and informative legal news everyday

HAVE A LEGAL QUESTION?
NEED TO FIND AN AFFORDABLE,
QUALIFIED ATTORNEY?

Protect yourself, your family or
your business with a legal plan
or form from LegalStreet

www.LEGALSTREET.com

Copyright © 2013 FindLaw, a Thomson Reuters business. All rights reserved. The information contained in this article is for informational purposes only and does not constitute legal advice. The use and distribution of this article is subject to the Creative Commons BY-NC-ND license, which can be viewed at <http://creativecommons.org/licenses/by-nc-nd/3.0/>. You must attribute the article by providing the title of the article, FindLaw copyright notice and link to the original work. You may not use the article for commercial purposes and you may not alter or transform this article in any way.

FindLaw[®]
A Thomson Reuters Business