

LEGAL SEPARATION

What is a legal separation?

A legal separation is when you and your spouse want to live apart but stay married. When you ask the court for a legal separation, you are asking the court to “declare” you legally separated and to make orders about the care of your children and the division of your property. A legal separation is like a divorce but you and your spouse remain husband and wife.

Why would someone want a legal separation?

You may want to get a legal separation for several reasons. Sometimes you do not want your marriage to end (perhaps for religious reasons or because you want to work on your marriage) but you feel you need a court order regarding custody of your children and the division of your property.

Can any married person ask for a legal separation?

Yes, but it will only be granted for certain reasons. In order for a court to grant you a legal separation you must prove these reasons exist in your marriage. These reasons are called “grounds” for a legal separation. You must prove at least one of these reasons happened in your marriage. In Ohio there are ten possible grounds for a legal separation. The grounds for a legal separation are:

1. You and your spouse are not compatible;
2. Your spouse has committed adultery;
3. Your spouse has left you and lived somewhere else for more than one year;
4. Your spouse has been extremely cruel to you;
5. Your spouse is always drunk;
6. Your spouse has neglected his or her duties;
7. Your spouse was already married at the time of your marriage;
8. Your marriage was based on “fraud” or your spouse “tricked” you;
9. You and your spouse have lived apart voluntarily for at least one year without sexual relations;
10. Your spouse is currently imprisoned in a state or federal correctional institution.

What will the court decide in a legal separation?

- » How to divide all of your money;
- » How to divide all of your property;
- » Who will be responsible for your debts;
- » Who will have custody of the children;
- » Whether one of you will pay child support;
- » Whether one of you will pay spousal support; and
- » Any other issue you may have which needs to be decided

Is a legal separation quicker and cheaper than a divorce?

It depends. The cost of a legal separation and the amount of time a legal separation takes often depends upon the number of things you and your spouse disagree about. If you agree on most of the things the court must decide, it can be quick and less expensive. If you disagree on most of the things the court must decide, it can take a long time be fairly costly—just like in a divorce.