

What is the difference between a legal separation and a divorce?

I am often asked this question. Parties may feel their marriage has irretrievably broken down but they are not entirely sure. Parties are often not quite ready to take the full plunge of divorce proceedings. Religious convictions often play a part as to whether parties decide to legally separate or obtain a divorce. Therefore, a legal separation is viewed by many parties as a half-way house.

Unlike a divorce, a legal separation does not end the marriage; it enables parties to live separately yet remain legally married.

The issues that need resolution following a separation are usually similar to those involved in a divorce. These issues can be addressed in the same way as a divorce and, if agreed, can be embodied within a separation agreement. Such agreement can record the division of assets and debts, who a child is to live with, what level of maintenance will be paid and how often the child will see the parent with whom they are not living.

In time, if a decision is made to get a divorce, a separation agreement can carry over into the divorce in the form of a Financial Order.

If you have separated or are consider it you should obtain advice on what measures should be taken if a legal separation is sought and whether this solution is really the right solution for you. Delay in taking action or addressing unsatisfactory financial arrangements could prejudice your position to take early advice from our experienced solicitor, Elizabeth Miles. Call us on 01628 631051 or email family@colemans.co.uk