



Family Law

What Is A Legal Separation?

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For parties who are uncertain whether they want to terminate or dissolve their marriage, they can file a proceeding for Legal Separation. Marital rights and financial responsibilities may be decided by the family law court in a Legal Separation without dissolving the marriage. The parties can obtain a Judgment of Legal Separation but that does not terminate their marital status, they are in law still "husband and wife" even though legally they have divided all of the community property estate and have resolved child support and spousal support.

A Legal Separation is an alternative to Divorce and is generally sought out by the parties when there is a breakdown of the marriage. Some parties file for a Legal Separation instead of Divorce for religious or other personal reasons when they do not want the legal status of the relationship severed. Some spouses

who have come to a parting of the ways often seek a legal separation instead of a Divorce in order to retain eligibility for medical insurance that would otherwise be lost by a termination of the marriage. This can be a very important consideration where a spouse has a preexisting medical condition for which new coverage would not be obtainable by them or insufficient financial resources to cover the cost of replacement coverage.

A Legal Separation has many similarities to a Divorce. A Legal Separation will determine and settle the parties property rights and financial responsibilities to one another and their minor children. A Judgment of Legal Separation finalizes the issues of child support, spousal support, custody and visitation, community property rights and obligations under the same standards and in the same manner as a Judgment for Divorce.

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