

Legal Separation or Divorce

Everyone enters a new marriage with excitement and anticipation. From the first date to the final song at the reception, the happy couple is thrilled to be together and can't wait for what the future holds. Unfortunately, sometimes that future isn't so bright.

About half of all marriages in this country fail. It's never an easy decision to end a marriage. There are friends and family that will be hurt, including children. There is potential embarrassment involved. There's even uncertainty.

For that reason, New York offers an option just shy of divorce: [legal separation](#). Instead of simply living apart or acting merely as roommates, New York offers legal separation to a couple who might not be sure divorce is the right course of action. This process is very similar to divorce in that the legal obligations of each party are clearly set forth. Division of property, child support, alimony, all of these things are accounted for. The only difference between legal separation and divorce is that, under the eyes of the law, a couple who are legally separated are still married.

Can legal separation lead to divorce?

Most definitely. But if that happens, at least you know for sure it's the right course of action. This provides the couple the opportunity to see what life would be like if the marriage was dissolved. But it doesn't have to reach that point.

You can stay legally separated forever. There are [financial benefits](#) to this approach. You can file joint taxes. You can even be covered by your spouse's health insurance. There are also religious benefits. Some couples choose legal separation instead of divorce so they can remain in good standing with their church. Some religions frown upon divorce and this is a way around that.

Keep in mind, there are also some negatives. Even if you are legally separated and you are not living together, you still remain liable for your partner's liabilities. As far as the law is concerned, you're still married so the creditors will still come after you.

In the alternative, legal separation can also lead to a rejuvenated marriage. The couple spends time apart and realizes that the problems that lead them to seek a legal separation were relatively minor and they can resolve them.

The Steps for Legal Separation

If you decide a legal separation is the best course of action for your marriage, you can separate by written agreement or by going to court. In either case, you will lay out the specific rights and responsibilities of each party. If you end up in divorce down the road, this legal separation

agreement will be the foundation for the divorce proceedings and, in some cases, can be the entirety of it.

The decision to divorce or legally separate is never easy. There are many factors to consider: living arrangements; children; assets and liabilities. Knowing your options is the first step you can take. Contact us today to have a team with years of experience in difficult family law matters on your side. We are here to help you through this difficult situation.

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