

Legal Separation

What is a legal separation?

A Separation Agreement is a legally binding agreement between you and your spouse. It covers the period of time when you separate until the time that the divorce is made final.

What does a separation agreement do?

It is a document that outlines the terms of the couple's separation. It also settles issues relating to child custody, child support, division of property, and alimony. A Separation Agreement must be in writing and signed by both parties to be valid. **A legal separation does not put an end to the marriage. It is not a divorce.**

Do I need a lawyer for a separation agreement?

The law does not require a person to have a lawyer to create a Separation Agreement. But a lawyer may help do a better job of handling matters like divorce, custody, support, and property settlement.

Separation Agreements may become very complicated, so if you decide to draft your own, it's important that you understand what can and cannot be included in the agreement. It will also help for you to be familiar with the format and language of the agreement to satisfy the judge.

Why should we use a Separation Agreement? Do we have to?

No, but if you do not have a Separation Agreement or some other kind of agreement, the judge will have to hold a hearing for your issues (property, debt, alimony, child support, child custody, visitation, insurance, tax, etc.). This can be long, involved, and time-consuming. Some judges prefer that couples enter into agreements.

An agreement can also list specific conditions that a judge can't. This means that you and your spouse may be able to better control what you want from the court proceeding.

For more information, visit Arkansas Legal Services Partnership at:

www.arlegalservices.org/divorce

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*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. **Always do what the court tells you to do.***

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