

A Separation Prior to Divorce or Dissolution of Marriage Can Cause Problems in Florida

Legal Separation is not an option in Florida. The state considers couples to be married until they attain a dissolution of marriage. Know What to avoid!

COCOA, FL, UNITED STATES, February 24, 2022 /EINPresswire.com/ -- In the legal separation process, one of the spouses usually moves out of the house when the marriage begins to fall apart. Most often, the partners take some time apart (years in some cases)

to see if they can make the marriage work. If one of them concludes that they cannot save the marriage, they initiate the legal process of dissolving it. With that said, living apart is not synonymous with a legal separation.



Legal Separation in Florida

Not in Florida

In some states, a spouse might file a court case to attain an order stating that the involved parties are legally separated. In such cases, even though the parties will still be married, the court will issue a ruling on critical matters involving custody of the child, monetary support, property division, and spousal support.

However, this course of action is available in states that accept legal separation, and Florida is not one of them. One cannot petition the court for a legal [separation agreement in Florida](#). So, even if couples live apart, the state will consider them to be married until they petition for and attain a [dissolution of marriage](#) through a court recognized by the state of Florida.

Difference between Legal Separation & Temporary Relief

In Florida, do not confuse a legal separation agreement with a temporary relief agreement in a divorce matter. When one files for a divorce, the court allows for a request for temporary relief from various issues. For instance, the couple might temporarily need the court to resolve problems related to support, custody, and living arrangements. However, be mindful that

temporary relief is a short-term solution and is not the same as a legal separation agreement. Couples can only file for and benefit from this relief while a divorce is in process.

Problems Faced When Living Separately While Married

If choosing to live separately from a spouse due to complications in a marriage, keep the separation period short. Otherwise, it can unnecessarily complicate the divorce proceedings when filing for the dissolution of marriage.

Here are some common problems faced:

Pregnancy Troubles

If the separated woman becomes pregnant while living away from her partner, the court will still consider the separated husband to be the child's legal father. The mother, father, and the alleged father will need to file for a paternity test to conclude which man has paternal rights over the unborn child.

Unavoidable Move to another State

Another problem that can occur as a result of a prolonged separation is that either party might have to move to another state while living separately. It could happen because of a better career opportunity or to help an ailing parent, etc. Whatever the reason for the move, it could make the divorce process more complicated.

Monetary & Asset-Related Complications

If the separation period is stretched for years, debt and asset-related issues when petitioning for a divorce may arise. This is because if an asset is obtained after separating from a spouse, the court might still deem it a marital asset at the time of the divorce, resulting in the possible division of that asset.

Dating Problems

Florida is a no-fault divorce state, so it does not consider adultery when filing for the dissolution of marriage. However, dating other people while legally tied to a spouse can give rise to multiple complications. It might negatively affect divorce and the children shared with the other party. If there is a legally binding marital agreement, dating another individual might be against the terms of the agreement, which could make the divorce process unnecessarily complex.

With that said, depending on marital agreement terms, even without a separation agreement, can further complicate divorce proceedings.

Can One Receive Spousal Support Living Separately from a Partner?

There are some instances in which a spouse might petition the court for domestic monetary support without filing for dissolution of marriage. For instance, if they are not financially stable and can benefit from the other party's financial support, the court might order the other spouse to pay for domestic support. However, it heavily depends on whether the spouse can afford to pay for the support or not and what the court deems to be fair based on the case circumstances.

Are There Any Positives to Living Separately Before a Divorce?

Here are two instances in which it is best to leave a spouse and live separately before filing for a divorce:

Domestic Violence

If domestic violence is likely or has already occurred, a spouse will benefit from leaving the marital home or filing a petition for the abusive spouse to leave the house. It will be safer for the spouse at risk and any children to live away from the abusive partner while seeking a divorce.

Constant Arguing & Fighting

If there is constant arguing and fighting with a spouse over the tiniest of things, it is best to put some distance between both spouses and live separately before seeking a divorce. This is especially critical if children are present since it will help them escape the constant arguments and tension between parents.

Contact a [Divorce Attorney](#) before Living Separately from a Spouse

In most instances, contacting a divorce attorney before moving out of the marital home will help a case. Seeking professional advice will help make the right decision and avoid the adverse consequences of living separately. Since Florida does not recognize a separation agreement, getting all the guidance one can get from a divorce attorney will help make the right decision.

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