

Temporary Separation Order in Utah

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A temporary separation order can be a good option if you're one of the many people considering divorce but want more time to be sure you're ready to make it official. It's an option many couples choose to help ensure that divorce is really the best solution before filing. Temporary separation makes it possible for the spouses to determine essential temporary arrangements regarding housing, child custody, parent time, division of marital property and debts, child support, alimony, health insurance coverage, etc.

To receive guidance from a top Utah divorce attorney for filing for a temporary separation order, contact the Law Office of David Pedrazas, Salt Lake City, UT.

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How Can I Get a Temporary Separation Order?

If you and your spouse are ready to separate during a temporary period with the intention of ultimately either reconciling or divorcing, a temporary separation can provide a beneficial legal option. Either you or your spouse can file a request with the court for a temporary separation order. The judge can make additional orders pursuant to the separation order. Those orders can include, for example, child custody, child support, property decisions, and others.

Are there Legal Requisites for Temporary Separation Orders?

To obtain a temporary separation order, the parties must be married, and both must have lived in Utah for a minimum of 90 days prior to filing the motion for temporary order with the court. If the couple has minor children, both husband and wife are required to complete the state's divorce orientation and education classes.

How Long is a Temporary Separation Order?

Under Utah Code Section 30-3-4.5, a temporary separation order is for one year unless the case is dismissed earlier. During that time, either you or your spouse can move forward with filing for divorce. If you file for divorce within that year, the filing fee for the temporary separation order is applied toward the cost of the petition for divorce. Additional orders issued by the family court judge under the temporary separation order are in force during the divorce process. Those are ultimately replaced by the permanent requirements ultimately set forth in the divorce decree.

Divorce Education Courses Required

Once the petition for a temporary separation order is filed, and the other party has been served, both spouses must complete the state's orientation class and the divorce education course. This only applies if the couple has minor children from the marriage. The petitioner is required to attend within 60 days of filing the petition, and the respondent is allowed 45 days from being served to attend.

See the Utah Court's webpage on Motion for Temporary Separation for more information about filing a request for a temporary separation or how to dispute the motion.

For Temporary Orders Utah – Contact David Pedrazas

Confusion about applicable divorce laws can naturally make issues in divorce cases more complicated, which means more stress and increased tensions. Those problems can prolong the process. The best approach is to have an experienced divorce attorney from an excellent family law firm.

For answers regarding state divorce law, call the Law Office of David Pedrazas, PLLC, at (801) 263-7078, or contact us online for an appointment.

Contact Us!