

Utah Legal Separation vs Divorce

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Is Legal Separation the Same as Divorce?

Choosing to end a marriage can be one of the most difficult decisions a couple can make. After all, when a couple has difficulties in their relationship, tensions and emotions can be high and the options available to you to make necessary decisions can be confusing. While you may have decided that your relationship is definitely not working out as you expected, take a little time to educate yourself about what your possible next steps should be.

In Utah, a number of options exist for couples seeking to end or alter their relationship. Understanding each of these options will help you make the decisions that make the most sense for you and your family. There are three avenues: annulment, divorce, and legal separation.

Know Your Options When Deciding Annulment, Divorce and Legal Separation

An annulment is a formal declaration from the court that goes beyond ending the marriage by stating that the marriage never occurred. An annulment is very difficult to obtain because you must prove that under Utah law, the marriage was never valid. There are several instances where this may be shown. For instance, your marriage is not valid if you

can show that your spouse was already married to someone else when your marriage occurred. In that case, you would need to show that your spouse lied to you or withheld information about their marital status. Demonstrating this situation would show that if you had known, you would never have married.

Divorce is the second option. *A divorce decree will terminate the marriage.* You may also have other issues addressed by the courts such as:

- Custody
- Visitation
- Child support
- Property division
- Alimony
- Pensions

A third option is a legal separation. *In Utah, this is referred to as “separate maintenance”.* *With this option, you technically will still be married but will reside in remain legally married but live independently from your spouse.* Separation can occur informally, without the intervention of the courts, or legally. In separate maintenance, a judge will issue an order granting the separation and legally changing your marital status. If you and your spouse are now living apart but have not taken the steps to file for a separate maintenance petition, you will not have this “legally separated” status. Perhaps you are not ready to take the step to file for separate maintenance or divorce but need help with issues such as child support, alimony (support for spouse), child custody and visitation. You can get help with these issues through the courts separately without filing for divorce or separate maintenance.

Differences Between Divorce and a Decree of Legal Separation in Utah

The primary difference between divorce and being legally separated in Utah, is that are still married, even though, you have a separate maintenance decree from the court. With a divorce decree, the marriage is ended. While both processes are similar, it is the outcomes that are different.

Under separate maintenance, you live separately but remain legally married to your spouse. The wife may not take her maiden or former name. Your rights and duties to one another will be laid out in a Decree of Legal Separation. Utah laws mandate that spouses care for each other and their children. This temporary order addresses issues such as custody and child support, alimony, the division of property and the repayment of any debts. These orders remain valid for one year from the date of the hearing. If you should decide later on to divorce, you will need to file a separate petition to divorce.



If you decide the legal separation is the most appropriate step for you, you will need to file a petition in your Superior or Family Division Court. However, realize that this is not necessarily the first step to getting a divorce. While processes are similar in cost and length of time (8-10 months on average), they are different.

Discuss Legal Separation Issues with Experienced Family Law Attorney David Pedrazas

The decision to end or alter a marriage is an extremely difficult one. The many issues that arise during an already difficult time can be confusing. If you decide that legal separation is the best decision for you, you will need the guidance of someone well versed in the sometimes complex process. David Pedrazas is an experience Family Law Attorney who can help you navigate this process and help you to make sound decisions for your future. He has been helping people move forward with their lives for the past 20 years. While each case is unique, he and his firm are committed to helping you make informed choices.

Contact the Law Office of David Pedrazas PLLC today for a free consultation on your legal separation matters today! He office is ready to answer any questions that you may have.



Call for a **FREE** consultation today!

