

What is a legal separation?

In Ohio, some people seek a legal separation because they do not meet the six-month residency requirement for filing a divorce action in Ohio. In those cases, the parties may later convert their legal separation action into a divorce action, or obtaining a decree of legal separation may be a preliminary step toward later obtaining a divorce decree. However, other people file an action for a legal separation instead of a divorce action because they object to divorce for personal or religious reasons, or because they want their spouse to remain fully responsible for their financial support, health insurance coverage, etc. A complaint requesting a legal separation must be filed in the domestic relations division of the local common pleas court, or if there is no domestic relations division, in the general division of the common pleas court. The parties may enter into a separation agreement that addresses issues such as spousal support, child custody and visitation, child support, property division, and/or payment of marital debts. If there is no separation agreement, the court, after hearing testimony and taking evidence, will determine child custody and visitation and, as appropriate, order spousal support, child support, and division of the marital property and debts.

For further info, use the Search This Site button on our web site with the term “legal separation” to get a list of links and documents.