

Divorce vs Legal Separation in California

John James November 06, 2015



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([Newswire.net](#) -- November 6, 2015) -- When a couple can no longer continue to weather the [storm in a relationship](#), divorce is the final nail on the coffin. It means that the couple will no longer be married after the often rigorous arbitration, litigation and mediation.

Properties are usually separated and custody orders will take effect if the couple has children. The amount of time it takes and the emotional energy that goes into a divorce means couples have to think long and hard before deciding to go this route.

Couples that are not quite sure if divorce is the right decision and those that want to be sure they have explored all options to make the marriage work choose to file for legal separation. A legal separation is only similar to a divorce because the couple will be apart. During this time, they can work out different scenarios for visitation, divide assets etc. However, the legal separation decision is never considered final.

Here are some reasons why [legal separation in California](#) is different from a divorce.

- You cannot remarry while you are legally separated
- A legal separation will not change your marital status
- You can file for legal separation in California irrespective of how long you have been in California. Couples in California can only file for divorce if they have lived in the state for a minimum of 6 months.
- A divorce will kick in 6 months later or even longer but legal separation takes effect immediately.

Why do couples choose legal separation instead of Divorce?

Legal separation and divorce may be similar and can lead to dissolution of any marriage. However, there are many reasons why couples elect to go with legal separation. Some of the main reasons why couples choose legal separation over divorce include the following:

- It allows them time to meet the residency requirement of living in the country for at least three months and living in the state of California for at least 6 months.
- It allows them retain any tax or military benefits
- It allows them uphold religious beliefs if their faith frowns at divorce
- Ultimately, it allows the couple's time to see if divorce is indeed what they want. In some cases, couples reconcile after spending time apart. In such a situation, legal separation would have saved the marriage. It would have also saved the couple a good amount of money, time and emotional energy if they decided to reconcile after going through the divorce process.

In case you are considering these options but not sure which one to go for, it is important to seek legal advice. While legal separation looks a great option for many people, it may also lead to continued emotional trauma. Talking to experts in legal separation and divorce will help you make better decisions.

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