



Legal Separation Fact Sheet

Introduction

A separation agreement is a legally binding agreement between you and your spouse. It covers the period of time when you separate until the time that the divorce is made final. It is a document that outlines the terms of the couple's separation. It also settles issues relating to child custody, child support, division of property, and alimony during your separation period. A Separation Agreement must be in writing and signed by both parties to be valid. A legal separation does not put an end to the marriage. It is not a divorce.

Needs

The law does not require a person to have a lawyer to create a separation agreement. However, because a legal separation can involve complicated issues such as custody, support, alimony, and property settlement, having a lawyer would be ideal. It is important that you understand what can and cannot be included in the agreement. It is helpful if you are familiar with the format and language of the agreement to satisfy the judge.

If you do not have a separation agreement or some other kind of agreement, the judge will have to hold a hearing for your issues (property, debt, alimony, child support, child custody, visitation, insurance, tax, etc.). This can be long, involved, and time-consuming. Some judges prefer that couples enter into agreements. An agreement can also list specific conditions that a judge cannot. This means that you and your spouse may be able to better control what you want from the court proceeding.

For more information, visit arlegalservices.org/divorce.

This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit arlegalservices.org. For information specific to Legal Aid of Arkansas, Inc., visit arlegalaid.org. Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).

The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

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