My Husband And I Are Living Together For Financial Reasons While We Are Separating. How Can We Make It Better?

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(This week's question was originally posted on Divorce Magazine.com a few years ago but the topic has arisen many times recently for the matrimonial and family law attorneys of Einhorn Barbarito; the answer has been updated.)

Dear Ask the Attorney:

My husband and I have been living together during our separation because we cannot sell our house nor afford two properties. How can we make our situation better?

Anon.

Our guest blogger is Patricia M. Barbarito, Esq., a partner in the law firm of Einhorn, Barbarito, Frost & Botwinick, PC, located in Morris County, NJ. She is a former chair of the Family Law Section of the New Jersey State Bar Association, a member of the American Academy of Matrimonial Lawyers, and a frequent lecturer on divorce and family law topics.

Dear Anon:

The situation you find yourself in — living together during your separation — is not uncommon. Often economic realities exist, especially in the real-estate arena, forcing married couples who would otherwise live separate and apart to continue to reside together. I note your question references your mutual desire to improve your situation. Recognizing that working together toward a common goal while going through a divorce is difficult at best, I commend you both for wanting to improve your situation.

There are several ways in which you may be able to improve your situation. First of all, consider creating rules and boundaries. Perhaps a task list can be agreed upon. Tasks such as taking out the garbage, cleaning the bathroom, and washing the floor can be specifically addressed and assigned. Although money is tight, an investment in a housekeeper for one day per week might be worthwhile. This would alleviate the issue of "who's doing what" and provide you with both a clean and satisfactory living situation. Another way to improve your living situation during your separation could be to schedule time both in and out of the house. If there are no children, you can assign the house to each other on any particular weekend. For example, the house is yours on one weekend and his on another. On your alternate weekends, you can stay with a friend or family member. This will provide you with a little bit of breathing space during the period of separation.

You need to set other boundaries as well. For example, neither of you should enter the bedroom where the other is staying. Maybe you should consider installing locks on your respective bedroom doors or living space. This will give you a sense of privacy. An agreement must be reached as to the issue of "company", whether it is romantic company or friends and family. During the period of separation while residing together, friends and family should be limited to visiting you at the house only on your assigned weekends. Dating should not take place in the house. It simply creates too many issues.

If young children live in the home, an in-house schedule is critically necessary while you are living together during the separation period. For example, you could assign the morning and evening routines and the weekends to a particular parent on any given day. You can set it up that one parent does homework and bedtime chores with the children on fixed nights, such as Mondays , Tuesdays, and Wednesdays, and the other parent on Thursdays and Fridays. Even the issue as to who gets up with the children to get them off to school should be agreed upon so that there is no confusion for you and the children.

Boundaries and rules are the key to a manageable living situation after a marriage ends. The reality is that you both have the same goal — minimizing your financial exposure and maximizing the value of your property during this period. Knowing that you will both benefit from this arrangement during your separation should remain your focus.

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