

Legal Separation in New Jersey

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If you think divorce may be on the horizon for you, but you are just not ready to take action, the idea of a “trial separation” may be the “right” next step for you. However, do not let the informality of a so-called “trial separation” lull you into a false sense of security. Unlike some other States, New Jersey does not recognize as a legal status “legally separated.” In the State of New Jersey, generally speaking, spouses are either “married” or “divorced.” Consequently, the financial and legal obligations resulting from the actions or inactions of your spouse during a period of marital separation can significantly and permanently effect your financial and legal obligations, duties and responsibilities. Your spouse’s accumulation of debt during a period of separation could erode your interest in the marital state should a divorce ultimately occur. Similarly, the loss of marital assets during a period of separation as a result of the conduct of your spouse could impact your future entitlement to those assets. Conversely, your post-separation accumulation of assets may very likely be subject to claims by your spouse, even though he or she had little to do with the acquisition of them during the period of separation. If there are children of the marriage, the post-separation parenting schedule may likely have a significant effect on an ultimate award of custody should the trial separation ultimately result in divorce.

A trial separation may be an appropriate, helpful and healthy alternative to the immediate commencement of divorce proceedings. In fact, a period of trial separation may result in marital reconciliation or a less acrimonious divorce. People who are hesitant to move forward with a divorce may shy away from seeking the advice of legal counsel because they feel they are - just not ready yet. However, to be forewarned is to be fore-armed. Do not put yourself at a disadvantage such that 6, 9 or 12 months after a separation you have exposed your children, your assets, your income or your support to a problematic divorce situation due to the circumstances that may arise during a trial separation. Become educated on the law and your rights and obligations during a period of marital separation. Despite the fact that New Jersey does not recognize legal separations, there are actions

that can be taken to minimize your exposure and protect your interests during a trial separation.