**Legal Separation or Divorce – Which Option is Suitable for You**

If you are experiencing problems with your spouse and have become uncertain about living together, you may think divorce is the only option you may have at your disposal. However, there is another option known as legal separation that allows couples to live separately and evaluate whether they really want to split their marriage. Legal separation offers the same level of protection as a divorce, and serves as a good way to resolve any conflicts with your spouse and move ahead with your life.

However, legal separation is not always a good option. It is important that you understand the difference between the two legal terms and in which circumstances each may prove to be a better option to minimize the financial and legal effects on your life.

**Legal Separation**

Legal separation is a process that allows couples to put their marriage on hold for a specified period. The couples have to sign a binding agreement to get permission from court for their changed marital relationship status. In some states, including Illinois, legal separation is mandatory before a couple can proceed to dissolve their marriage. The duration in Illinois for legal separation is 6 months, and the spouses are required to make efforts to improve their relationship. If nothing changes at the end of this duration, the court reaches a decision that their relationship has gone through an irretrievable breakdown.

**When is Legal Separation a Suitable Option?**

* When a couple is not sure whether they want to split their marriage, and needs a time out to think over their decision, legal separation is a viable option.
* People who are unable to dissolve their marriage because of religious reasons can choose to go with legal separation.
* When a spouse wants to keep availing benefits, like medical coverage, from the other partner.
* For couples to receive Social Security and military benefits, they are required to be married for at least 10 years. If spouses do not want to live together but want to avail these benefits, then legal separation is the best option.

**Divorce**

Divorce is a formal court procedure that is used for [dissolving a marriage](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2086&ChapterID=59) and to split the couples before death. It nullifies the legal responsibilities and duties of spouses towards one another and breaks down all marital bonds. It allows couples to divide property, assets, debts, and determines each parent’s responsibility and obligations toward their children.

**When is Divorce a Suitable Option?**

* If you and your spouse have irreconcilable differences in your relationship, getting a divorce after completing the legal separation period is the best option.
* If you are interested in another partner and want to remarry, then you are legally required to dissolve your first marriage.

Deciding whether you divorce or legal separation is the best option for your particular situation can be difficult for couples. It is advisable to retain legal counsel of an [experienced divorce attorney](http://www.fitzgeraldlawpc.com/family-law/divorce/) to determine the most suitable way forward. [Contact](http://www.fitzgeraldlawpc.com/contact-us/) the Fitzgerald Law Firm, P.C. to schedule a free consultation today.