Divorce vs Separation – what's the difference?

Separation is when spouses decide that they want time away from their marriage while considering divorce or reconciliation. It can be physical, where the spouses have different residences, or spouses can choose to reside in the same household as roommates instead of spouses.

A separation agreement is highly recommended during separation, as this will ensure there are no misperceptions made about assets, debts, bills, and custody. A separation agreement can outline the following:

1. The date of the separation;
2. Whether assets acquired during the separation become marital property or not;
3. Who pays the bills;
4. Whether marital funds will be used for payment of bills or not;
5. Bank accounts and credit cards;
6. Names of the minor children (if any), and who will be the primary caregiver; and
7. How will custody be split.

The couple's voluntary trial separation is in anticipation of the couple's possible reconciliation and is meant to be for a limited period. Permanent separation is when the couple does not think there is any hope of reconciliation, but nothing stops the couple from getting back together.

These are the important difference between a separation and a divorce:

- Unlike divorce, separation does not end the marriage and is easier to reverse than divorce. Divorce formally cuts ties between the couple.
- A separation agreement often becomes the outline for a divorce decree. If parties want to reunite when legally separated, they will request the court to revoke the separation agreement to end the separation, whereas when divorced, the couple will need to re-marry.
- Spouses keep next-of-kin and medical decision-making rights when separated. When divorced, you no longer have these rights.

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