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SEPARATION IN OREGON

*The content of this document is based on "Divorce in Oregon, An Overview," a pamphlet produced and distributed by the Oregon State Bar courtesy of Oregon's lawyers/Legal Editor: Theresa L. Wright.
www.osb.org*

A legal separation is a court order that states who gets custody of the children, who pay support for the children, whether spousal support is ordered, and how the property and debt will be divided. A separation is almost identical to a divorce except that the marriage is not terminated. You do not need to satisfy the residency requirement to file for a legal separation in Oregon.

Often, couples that contemplate a legal separation are doing so because they either do not satisfy the residency requirement necessary for a divorce or their religious beliefs prohibit divorce. Often couples will think about filing for a legal separation in hopes of avoiding a divorce. However, a legal separation can be a false sense of security. Couples might want to seriously think about investing in counseling rather than file for a legal separation. Often, filing for separation is simply putting off the inevitable, a divorce. A separation proceeding can be converted to a divorce proceeding as long as it is done within the applicable time frame, without having to pay an additional filing fee.

A legal separation costs about the same as a divorce as you have the same types of issues as in a divorce. The main difference between a legal separation and a divorce is that you are still married after a legal separation. Therefore, you still have the right to inherit property from your spouse if you are legally separated. If you are divorced, you lose that right.

If you need assistance regarding a legal separation or any separation issues, please do not hesitate to contact our firm at 503.693.6641.